

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Zone, Nagpur**

Case No. CGRF(NZ)/168/2016

Applicant : Shri Ganesh G.Kalvade
At.Po.Shekapur
Tq.Hinganghat
Dist.Wardha.

Non-applicant : Nodal Officer,
The Executive Engineer,
O&M Division,MSEDCL, Hinganghat.

Applicant's Representative :- Shri Betal,

Respondent by:- 1) Shri Pawade, E.E.,Hinganghat Dn.
2) Shri Awachat, Dy.E.E., Hinganghat(R) S/Dn.

Quorum Present : 1) Shri Shivajirao S.Patil
CHAIRMAN

2) Mrs.V.N.Parihar
Member/Secretary

3) Shri N.V.Bansod,
Member

ORDER PASSED ON 23.11.2016.

1. The applicant filed present grievance application before this Forum on 21.10.2016 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that contract of erection of the poles for agricultural purpose during the year 2012-2013 was given to Rudrani Infrastructure Aurangabad who erected the poles. At that time cement poles of LT line were kept in small pit having insufficient depth and proper material was not utilized. Therefore 5 poles

were broken and electricity wires were cut. Electricity supply was disconnected on 08-10-2015. Applicant filed an application to Sub-divisional Engineer Hinganghat Rural on 12-06-2015 and requested to restore the supply. As per MERC's SOP Regulation it was necessary to restore the supply within 24 hours but supply was restored on 30-11-2015. Therefore applicant approached to learned IGRC and claimed compensation. Learned IGRC passed order dated 20-07-2016 in case No.1053/2016 and rejected grievance application of the applicant. Being agreed said order of the IGRC applicant approached to this forum and claimed compensation as per SOP.

3. Non applicant, denied applicant's case by filing reply dated 08.11.2016. It is submitted that applicant complaint about disconnection of supply. On 10-06-2015 there was heavy rain and storms and therefore electricity wire was broken due to this natural calamities 125 electricity poles fell down and were broken. There was obstruction in the work of re-erection of the poles and therefore work could not be completed earlier. Poles were re-erected and supply was restored on 05-08-2015. Heavy raining and storms are the reasons which are beyond the control of Distribution Licensee and therefore compensation can not be granted.

4. Forum heard arguments of both the sides and perused record.

5. As per complaint of the applicant supply was disconnected on 08-06-2015 due to breakdown on electric poles and wires. Therefore since the beginning it is contention of the applicant that supply was disconnected on 08-06-2015. However in reply of MSEDCL date of breakdown of the poles and wire due to storms is given as 10-06-2015. It is no where mentioned in reply of MSEDCL that there was raining, storms or any other thing which was beyond control Distribution Licensee

on **08-06-2015**. We are concerned only with the date of disconnection of the supply i.e. on 08-06-2015. Therefore it is clear that there was no raining, storm or any other natural calamities due to which supply was disconnected on 08-06-2015. Therefore we find sufficient force in the contention of the applicant that poles were erected in small pit having insufficient dept therefore only 125 electricity poles failed down and wires were broken. It is negligence on the part of the Distribution Licensee.

6. Non-applicant did not produce any documentary evidence on record to show that there was storm or heavy rain on 08-06-2015. MSEDCL produced one certificate of Tahasildar Hinganghat dated 11-08-2016. In this certificate it is mentioned that ***the average raining in the month of June-2015 in Wadner Circle and in this column also it is no where mentioned that on 08-06-2015 or at least on 10-06-2015 there was storm and heavy rain.*** Therefore this certificate of Tahasildar is not helpful to MSEDCL. It only shows normal rain in rainy season.

7. According to applicant supply was restored on 30-11-2015 however applicant did not produce any evidence on record to prove the date of restoration of supply on 30-11-2015. Therefore we find no force in the contention of the applicant that supply was restored on 30-11-2015.

8. On the contrary according to non-applicant supply was restored on 05-08-2015. Non-applicant produced letter dated 02-09-2015 issued by Assistant Engineer, MSEDCL Wadner Distribution Centre addressed to the applicant and in this letter it is specifically informed to applicant that supply is restored on 05-08-2015. Considering evidence on record we hold that supply was restored on 05-08-2015.

9. Therefore it is clear that since 08-06-2015 till 05-08-2015 there was no electricity supply. Even if, it is presumed that supply was disconnected on 08-06-

2015 even then Distribution Licensee did not take immediate steps for re-erection of these poles within short and stipulated period. Restoration of supply was on 05-08-2015 it means after about 1 month and 27 days. In fact it is 57 days. That much time was not necessary even for re-erection of the poles and restoration of the supply and therefore there was negligence on the part of officers of the MSEDCL. There was delay in restoration of supply. There is no evidence on the record to shows that there was storms, heavy rain or any other thing which was beyond the control of Distribution Licensee. Therefore provision of Regulation 11.1(i) & (iv) of MERC's SOP Regulation are not applicable to the present case.

10. Therefore since the date of application for restoration of supply dated 12-06-2015 it was necessary to restore the supply within 24 hours according to MERC's SOP Regulation Appendix A to 2011(ii) of MERC's SOP Regulation. Therefore it is necessary to restore the supply on or before 05-08-2015. Therefore applicant is entitled for compensation since 14-06-2015 till 05-08-2015 @ Rs.50/- per hour according to MERC's SOP Regulation.

11. Hence forum proceed to pass the following order.

ORDER

1. Application is allowed.
2. Non-applicant is directed to pay compensation to the applicant for delay in restoration of supply since 14-06-2015 till 05-08-2015 @ Rs.50/- per hour according to MERC's SOP Regulation 2014.
3. Non-applicant is directed to comply within 30 days from the date of this order.

Sd/-
(N.V.Bansod)
MEMBER

sd/-
(Mrs.V.N.Parihar)
MEMBER/SECRETARY

sd/-
(Shivajirao S. Patil),
CHAIRMAN

