

**Before Maharashtra State Electricity Distribution Co. Limited Consumer  
Grievances Redressal Forum, Pune Zone, 925, Kasabapeth Building, 11nd flr.  
Pune-11**

**Case No. 25 of 2007**

**Date: 20/02/2008**

**In the matter of Shri Arun Shankar Phatak**

**- Complainant**

**V/S**

**M.S.E.D.C.L. Kothrud Division**

**- Opponent**

<b>Corum</b>	Chair Person	Mr. A.V.Bhalerao
	Member/Secretary,	Mrs. N.D.Joshi,
	Member,	Mr. T.D. Pore

- 1) Shri Arun Shankar Phatak (Complainant for short) is a consumer who gets supply of electricity to his premises situated at Swapna Mandir Housing Society, Erandawane, Pune-4. The brief facts giving rise to his case are that –

On 26/03/2007 at about 10.45 P.M. supply of electricity to his premises was cut off due to short circuit of fuse and the same was not restored within the period of 4 hours as prescribed under Maharashtra Electricity Regulatory Commission (Standard of Performance of Distribution Licensees Period for giving supply and Determination of Compensation) Regulation 2005 (MERC SOP of DL and DOC Regulations 2005). But it was restored on 27.3.2007 at 10.30 A.M. The Complainant therefore, claimed compensation at Rs.50/- per hour for the delayed period of 8 hours from Maharashtra State Electricity Distribution Co. Ltd. (Opponent for short).

- 2) The Complainant first approached Internal Grievance Redressal Cell (IGRC) by making an application dtd. 28.3.2007. The IGRC did not give any relief and

informed the complainant by its letter dtd. 4.4.07 that his application was forwarded to Consumers Grievance Redressal Forum (CGRF).

- 3) The Complainant made grievance/complaint to this Forum vide application dtd. 31.12.2007.
- 4) After the complaint was registered the Opponent was directed to file its written statement. The Opponent instead of filing written statement as prescribed under Regulation 16.12 of Maharashtra Regulatory Commission (Consumers Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 submitted its contention in the form of letters dtd. 9.1.2008 & 12.1.2008 contending that the complaint allegedly made by the Complainant on 26.3.2007 was not recorded in the complaint book. Similarly it was not recorded in the register maintained by Call Centre. It further contended that Dahanukar Sub Dn. received the said complaint from the Call Centre on 27.3.2007 during the period from 8.42 to 9.25 A.M. which was as regards Sunita Society/Swapna Mandir Society. In order to rectify the said complaint the members of the staff inspected the site and found that L.T. conductor was cut. The members of the staff immediately set right the said conductor at 10.30 A.M. and resumed the supply. The complaint allegedly made by the complainant was never received. The Opponent thereby wanted to say that as supply of electricity was resumed within the permissible time the complainant is not entitled to any compensation.
- 5) The admitted fact is that the supply of electricity to the complainant's premises was cut off and it was restored on 27.3.2007 at 10.30 A.M.
- 6) On rival contentions raised by the parties to the Complaint, following points arise for consideration :-
  - 1) Does complainant prove that the complaint about the cut off supply of electricity to his premises was made by him to the Opponent on 26..3.2007 at 10.45 P.M.?

- 2) What was the nature of work which was required to be done to resume the supply?
- 3) What shall be the quantum of compensation?

The findings to the above points are as follows:-

- 1) Yes
- 2) Overhead line breakdown
- 3) As per final Order.

#### **REASONS :**

- 7) **Point No. 1:** -The complainant contended that he made complaint on phone to the call centre on 26.3.2007 at 10.45 P.M. and he was given token number 84493. The Opponent alleged that the complaint was not received on 26.3.2007 at 10.45 P.M. from the complainant about the supply being cut off to his premises. He further contended that even the complaint made by the Complainant was not received on the subsequent date i.e. on 27.3.2007. The complaint about supply being cut off was received from other consumers on 27.3.2007 at 9.25 A.M. and to redress the said complaint the supply was resumed by repairing overhead line. The Opponent to support its case produced the complaint register maintained by Warje Malwadi Sub Dn. From the entries in the register of the said complaint it is seen that neither on 26.3.2007 nor on 27.3.2007 complaint made by the complainant was registered. The entry Sr.No.13 dtd. 27.3.2007 shows that a complaint was received from Sunita Society apartment situated near the Karnatak High School at 9.25 A.M. and the fault was removed by repairing Overhead line. Sunita Society is in the area of the Complainant's premises and by removing the said fault the supply of electricity was also resumed to the complainant's premises.
- 8) The complainant could not produce any evidence about the date and time at which he made complaint of supply being cut off to the Opponent. The complainant made complaint to the call centre on phone and, therefore, it was not possible for him to produce any documentary evidence about the date and time at which he made complaint to the Opponent. However he gave token number about his complaint that was informed to him by the call centre. The

token number as stated by the complainant given to him by the call centre is 84493. In order to ascertain whether the complainant had made a complaint to the call centre, the register maintained by the call center was brought on record. There is an entry in the said register in the the name of Complainant Mr. A.S.Phatak under totken no EN00844903. It appears that the complainant probably while recording token number made inadvertent mistake and wrongly recorded it as 84493 instead of 844903. He omitted the number '0' in between 9 and 3.

- 9) In order to appreciate the fact on what date and at what time complaint was made by the Complainant it is convenient to reproduce the entries prior and subsequent to entry in question as maintained in the register of call centre.

<b>Ticket No</b>	<b>Compl aint type</b>	<b>Date</b>	<b>Name</b>	<b>Phone no</b>	<b>Address</b>	<b>SubDivs ion</b>	<b>Status</b>
EN0844901	Power Off	26.3.07 22:28:47 PM	Mr. Umesh Patil	982293856 2	36/516 netagi nagar, vanavdi	Sent Mary	Finished
EN0844902	Power Off	26.3.07 22:45:45 PM	Mr.Chaskar Madhusudan	25441114	Ser.18 block no.1,bharatkunj colony no.1, narayani hosp.nr.ganesh nagar, mehandale garage rd.	Dahanuka r	finished
EN0844903	Phase problem	27.3.07 8:15:32 AM	Mr.patak a.s.	65201193	Sr.no.19, asmita bungalow, flat No.21/2, swapnamandir hos. Soc. Erandawane, b/c bharat kunj Socy.	Deccan	Finished
EN0844904	Trans- former burst	26.3.07 23:03:43 PM	S I mane sahib council hall chowky		Alpabachat bhavan corner bundgarden police station	Wadia 24 Hrs.	Finished
EN0844905	Phase Problem	26.3.07 23:11:22 PM	Mr. Akhilesh Dubey	982201585 3	Plot no.9 sainiketan soc. opp.madhu automobile kondhwa salunkevihar road	Sent Merry	Finished

10) It is apparent from the register that immediately above the entry of Mr. Phatak is an entry of the complaint dtd. 26.3.07 22.45 P.M. and immediately subsequent to the entry Mr. Phatak is an entry dtd. 26.3.07 23:03:43 P.M. Prior and subsequent entries to the entry of Mr. Phatak both are dtd. 26.3.07. It is difficult to appreciate that in between those two entries the entry made by the Phatak would be on 27.3.07. It must have been made on 26.3.07 the timing of it also must be in between the time of prior and subsequent entries. The prior entry is recorded at 22.45 and subsequent is 23.03 means the entry of complaint made by Phatak must be at 22.45 hrs in between the timings of those two entries. The person who recorded the date and time of the complaint made by Mr. Phatak in the register has shown utter negligence which is obvious from the record itself. There can be no conclusion other than that the complaint made by the complainant must be on 26.3.07 at 22.45 hrs. and therefore, this point is answered in the affirmative.

11) **Point No 2:-** The complainant simply alleged that the supply was cut off due to normal fuse off. The complainant did not adduce any evidence to prove that the supply was cut off due to normal fuse off. In the register maintained by Warje Malwadi Sub Dn. at Sr. No.13 against the complaint received from vicinity of the complainant premises, there is an endorsement to the nature of work done the first line of which is illegible while 2<sup>nd</sup> line is legible which reads resumed by pulling. From the said entry it can be said that the work done was O.H. line breakdown. In Appendix 'A' at Sr.No.2 to MERC SOP of the DL & DOC Regulation 2005, the permissible time for resuming supply is 6 hours and compensation to be paid is at Rs.50/- hrs or part thereof.

12) In the present case the complaint was lodged on 26.3.07 at 10.45 P.M. and the supply was resumed on 27.3.07 at 10.30 A.M. The total period required for resuming supply is 11.45 hrs, excluding therefrom the period of 6 hours permissible under the Regulation the late is by 5.45 hrs. The complainant, therefore, is entitled to compensation of Rs.300/-.

Hence the order.

**ORDER**

The Opponent to pay the amount of Rs.300/- by way of compensation to the complainant for delay caused in resuming supply by adjusting the said sum in the next bill to be raised.

Sign:

Mrs. N.D.Joshi,  
Member/Secretary

Mr. T.D.Pore,  
Member

Mr. A.V. Bhalerao  
Chair Person

Date: