

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

Case No. 9 of 2008

Date: 01/09/2008

In the matter of V.V.Sahasrabudhe,

- Complainant

V/S

M.S.E.D.C.L. Rajgurunagar Division

- Opponent

Corum

Chair Person

Mr. A.V.Bhalerao

Member/Secretary,

Mr. D.K.Mane,

Member,

Mr. T.D. Pore

- 1 Mr.Vaman Vireshawar Sahasrabudhe** (Consumer for short) obtained the supply of electricity under Con. No. 181570124247 from Maharashtra State Electricity Distribution Co. Ltd. (Opponent for short) for his Ag. pump installed in his agricultural land situated at village Karanj he made a grievance to this forum on 25/07/08 for getting compensation as provided in Appendix "A" to Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations,2005,(MERC SOP Regulation 2005) contending that supply of electricity to his agricultural pump was cut off from the period of 10/07/07 till 10/10/07 he contended that he had made a complaint to the opponent about the supply of electricity being cut off from 10/07/07 however, no step was taken to resume it and therefore he made an application on 07/08/07, however, inspite of that application supply of electricity was not resumed therefore he made 2nd application dt. 01/10/07 and that application was also ignored therefore he made an application on 06/10/07 and there after supply was resumed on 10/10/07

- 2 Before coming to this forum the consumer had made a grievance to Internal Grievance Redressal Cell (IGRC) on 15/11/07. The IGRC instead of giving any relief to the consumer gave direction to Executive Engineer Rajgurunagar to make enquiry in to the grievance and pay compensation to the consumer if he finds that the consumer is entitled to such compensation. The Executive Engineer Rajgurunagar made enquiry and found that supply of electricity to the consumers Ag.pump was not continuously cut off from 10/07/07 till 10/10/07. During enquiry the Executive Engineer Rajgurunagar found that no complaint was made by the consumer as alleged by him on 10/07/07 . The complaint of supply of electricity being cut off was made on 07/08/07 but the same was rectified on 08/08/07. The complaint was also made about supply being cut off on 01/10/07 however it was promptly resumed within stipulated time on 02/10/07. The Executive Engineer on enquiry found that on 06/10/07 the consumer had made a complaint about supply being cut off. The said supply was not cut off due to any deficiency in service, but it was cut off due to force load shedding. The Executive Engineer concluded that the supply of electricity was restored within the stipulated time as provided in **Appendix "A"**, to (MERC SOP Regulation 2005) and the supply was never continuously remained disconnected from 10/07/07 till 10/10/07 as alleged by the consumer and therefore no compensation was payable to him. The consumer alleged that the opponent has not maintained any register for recording complaints and therefore he did not get an opportunity to register his complaint with the opponent. He further alleged, subsequently he made complaint in writing on 07/08/07, 1/10/07 and 06/10/07 but no steps were taken to rectify the deficiency by restoring the supply within 48 hours. The consumer claimed, compensation as provided in Appendix "A" and waiver of electric bill for the period from 10/07/07 to 10/10/07.
- 3 The opponent through its Executive Engineer Rajgurunagar submitted its written statement and contended that there was no complaint made

by consumer for supply of electricity being cut off on 10/07/07. On 07/08/07 a complaint was made by the consumer that supply of electricity to his Ag.pump was cut off but the same was promptly attended and supply was restored on 08/08/07 by changing cable of the transformer. It was further contended that on 1/10/07, complaint was made by the consumer, but it was redressed on 02/10/07 by restoring the supply. The opponent admitted that on 06/10/07 the consumer had made a complaint, that supply of electricity was cut off, however on inspection of the consumer's connection it was found that the supply was cut off for limited period due to load shedding except that limited period the supply of electricity was continuous. The opponent further contended that there are about 15 other consumers who are getting supply of electricity from the transformer in question but no one of them lodged any complaint for the non supply of electricity continuously for period more than 24 hours. The opponent alleged in its written statement that the consumer is not entitled to any compensation. On the date of the hearing, the consumer's son argued his case and submitted the written note of it along with number of documents which will be referred to in the course of giving reasons.

4 On behalf of the opponent its employees, A.Es. & J.Es. argued the case and submitted the written note of the argument alongwith some documents in support of it. On rival contentions, raised, following points arise for consideration.

1- Does consumer prove that supply of electricity to his Ag.pump was cut off continuously from 10/07/07 till 10/10/07 as alleged by him in his grievance.

2- Whether the claim of compensation made by the consumers can be entertained in view of 3rd proviso to Reg.12.2 of MERC SOP Regulation 2005.

The above points are answered in the negative for the reasons given below.

- 5 Point No. 1:** The consumer has produced copies of the complaint applications made by him on 7/08/07, 1/10/07 and 6/10/07 on which there are endorsements about the receipts. However, there is no complaint application dt. 10/07/07 made by the consumer alleging that supply of electricity to his Ag.Pump was cut off. If the consumer had made a complaint on 10/07/07 he would have made it in writing as was made by him on subsequent dates. His contention that opponent has not maintained a complaint register is not correct. The opponent has produced a complaint register in which the other consumers had made entries about there complaints. There is no entry in the complaint book on 10/07/07 made by the consumer. It is surprising to note that though supply of electricity was cut off on 10/07/07 the consumer did not take any step to register his complaint for about 27 days till he made an application on 07/08/07. The fact that there is no proof of lodging complaint about disconnection of supply from 10/07/07 impels us to reject the consumer's case that supply of electricity to his Ag.pump was cut off during the period from 10/07/07 till 07/08/07 the day on which he had made a complaint in writing.
- 6** The opponent admitted that on 07/08/07 a complaint made by the consumer about disconnection of supply of electricity was received, however the said grievance was redressed by resuming the supply immediately on 08/08/07 by changing the burned cable through which supply of electricity was made to the transformer, where from the consumer and many others get the supply. The opponent in support of his case has produced the statement made by Mr. K. C. Walunj, Asstt.Lineman (A.L.M.) & Shri.Ravaji Thakar the worker employed by consumer. Shri.K.C.Walunj who is present before us supported the said statement. Shri.K.C.Walunj, A.L.M. in his recorded statement stated that on 07/08/07the consumers electric motor was not working

like many others. He therefore fixed a new cable of 70mm brought from office and restored the supply of electricity to the electric motor of Shri. Sahashtrabudhe and others in presence of consumers worker Shri. Khemji Ravaji Thakar. The opponent also produced a statement signed by other consumers who are getting supply of electricity from the same transformer to prove the fact that on 08/08/07 Mr. Walunj, A.L.M. resumed the supply of electricity to their electric motor and that of present consumer. The consumer contended that the story set up by the opponent that supply of electricity was resumed on 08/08/07 by changing a cable is false. In support of it he invited our attention to the information that was supplied to him by A.E. under letter dt.21/02/08 in which it was mentioned that during the period from 01/07/07 to 31/08/07 no L.T. cable was supplied from division office to sub division offices. He further contended that at present the transformer cable is 95mm while Mr. Walunj, A.L.M. in his statement stated that he used a new cable of 70mm. At the time of hearing the arguments Shri. K. C. Walunj A.L.M. was present and he stated that new brand cable was not used to resume supply but the cable which he had used was a cable which was removed from Karanj water scheme supply which was not operational. From where cable was brought and of what mm in size it was is not material. The question is whether by changing the burned cable a supply was resumed. As per the information supplied to the consumers by letter dt.21/02/08 there might not be any entry about the supply of cable from 01/07/07 to 31/08/07 as the cable which was used to resume the supply of electricity to the consumer's electric motor was the one which was obtained from Karanj Water supply scheme that was not in operation. The cable fixed at the transformer might be of 95mm and not of 70mm as mentioned by A.L.M. but there from a conclusion can not be drawn that the A.L.M. did not change the cable. A.L.M. is not an expert who is expected to give a correct measurement of a cable used. It is possible that lineman might have made a vague statement about the size of

the cable used. Supply cable to the transformer was burned. There are as many as 13 other consumers getting supply of electricity from the said transformer. It is difficult to believe that the transformer would remain shut from 10/07/07 till 10/10/07. It is not the case of present consumer that other consumers had made a complaint about non supply of electricity from 10/07/07 till 10/10/07 . The allegation made by the consumer that supply of electricity was not resumed on 08/08/07 in the circumstances of the case is not believable

- 7** The opponent admitted that on 1/10/07 the consumer had made an application about supply of electricity being cut off but it contended that, it was promptly attended by A.L.M. connecting the fuse. The statement made by A.L.M. is produced in addition, the A.L.M. himself was present at the time of argument and he stated that he resumed the supply of the consumer by setting the fuse in order. When the A.L.M. says that only by setting the fuse the supply was resumed to the consumer's electric motor then there must be supply to the transformer and therefore the consumers allegation that supply was resumed only on 10/10/07 by changing the cable, which makes supply of power to the transformer is unacceptable.
- 8** The opponent admitted that the complaint made by the consumer on 06/10/07 was received however, when the lineman inspected the site it was noticed by him that supply of electricity on 06/10/07 for limited period was held up due to forced load shedding. The opponent has produced a chart of interruption which shows how the supply of electricity was interrupted on 06/10/07 From the contents of the said chart it is seen that during the period from 11.50 to 12, from 13.10 to 14.50 and from 17.45 to 20.30 the supply of electricity to the transformer was cut off due to forced circumstances.
- 9** If the supply of electricity had been cut off continuously from 10/07/07 to 10/10/07 the consumer would not have kept quite his conduct of making complaints at intervals gives rise to the presumption that as

and when supply of electricity was cut off he was making complaints and continuously for the said period supply was never discontinued or remained cut off.

10 If the supply had been cut off then consumer would have made a grievance either to the Civil Court or to the Dist. Cons. Forum under the Consumers Protection Act or to this forum under Regulation, however he did not make grievance to claim the relief to restoration of supply to any one of the authorities referred to above. His conduct in not seeking the relief of restoration of supply from any one of the authorities available, makes his allegation un believable unacceptable and improvable. It is pertinent to note that there are as many as 12 other consumers who are receiving supply of electricity to their Ag. pumps besides present consumer but no one of them had made any grievance like the present consumer about the non availability of the supply continuously from 10/07/07 till 10/10/07 the consumer has miserably failed to prove that there was no supply of electricity to his Ag. pump continuously from 10/07/07 till 10/10/07 and as and when complaints were made by him they were not promptly attended to.

11 POINT NO.2 According to the consumer rectification of deficiency in performance standard was made on 10/10/07 by resuming the supply of electricity to his Ag. pump. It is established that consumer though alleged that the supply of electricity was cut off on 10/07/07 he did not make any application to the opponent to resume the supply till 07/08/07. On 07/08/07 when consumer made an application to restore the supply of electricity, the same was restored within stipulated period on 08/08/07. The consumer again made an application that supply of electricity to his Ag. pump was cut off on 01/10/07 the same was again restored within stipulated time on 2/10/07 . The supply was cut twice as discussed above but the same was restored within the stipulated period and therefore consumer is not entitled to any compensation under Appendix "A" to the Regulation.

The consumer on 3rd occasion made an application on 06/10/07 , however on inspection it was noticed that the supply was temporarily cut off due to forced load shedding and except that limited period of load shedding the supply of electricity was continuous and no special effort was required to be taken to resume the supply to the consumer's Ag.pump. Even though for the sake of argument it is assumed that rectification of deficiency was made by restoring the supply on 10/10/07 the grievance made by the consumer to this forum on 25/07/08 to claim compensation under Appendix "A" to MERC SOP Regulation 2005 is not within 60 days from the date of rectification of deficiency which is 10/10/07 as laid down in 3rd proviso to Reg.12.2 of (MERC SOP Regulation 2005) and therefore grievance made by the consumer can not be entertained.

ORDER

The Complaint/Grievance is dismissed.

Sign:

Mr. D.K.Mane,
Member/Secretary

Mr. T.D.Pore,
Member

Mr. A.V. Bhalerao
Chair Person

Date: 01/09/2008