



**CONSUMER GRIEVANCE REDRESSAL FORUM**  
**M.S.E.D.C.L., PUNE ZONE, PUNE**

**Case No.36/2016**

**Date of Grievance : 24.11.2016**

**Date of Order : 18.01.2017**

In the matter of getting compensation as per MERC (SOP) Regulations.

Mr.Sandip Madhukar Kulkarni,  
S.No.148, Rajeshwari Terraces,  
Flat No.15, L.No.A/20, Dhayari,  
Pune- 411030.

**Complainant**  
(Hereinafter referred to as Consumer)

**Versus**

The Executive Engineer,  
M.S.E.D.C.L.,  
Parvati Division,  
Pune.

**Respondent**  
(Hereinafter referred to as Licensee)

**Quorum**

**Chairperson**  
**Member Secretary**  
**Member**

**Mr. S.N.Shelke**  
**Smt.B.S.Savant**  
**Mr.S.S.Pathak**

**Appearance**

**For Consumer**

**Mr.Sandip M.Kulkarni**

**For Respondent**

**Mr.G.M.Latpate,Ex.Engr.,Parvati Dn.**  
**Mr.D.D.Kokane, AEE, Wadgaon S/dn.**

1. The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations, 2006.
2. Being aggrieved and dissatisfied since the IGRC, RPUC did not entertain the grievance, the consumer above named prefers present grievance application on the following amongst other grounds.
3. The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Parvati Dn., Pune vide letter no.

EE/CGRF/PZ/Notice/36 of 2016/253 dtd.29.11.2016. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 23.12.2016.

4. We heard both sides at length and gone through the contentions of the consumer and reply of the licensee and the documents placed on record by the parties. On its basis following factual aspects were disclosed.

- i) The above named consumer having consumer no. 170488779195 with connected load 3 KW in the tariff category LT-1 Resi. Single phase was connected on 27.11.2003.
- ii) On 25.5.2016 the consumer made complaint to Wadgaon-Dhayari sub/dn. office about voltage fluctuation problem, at Wadgaon Dhayari, Pune. However the concerned office did not take any cognizance. Thereafter on 26.5.2016 at about 10.30 a.m. consumer made complaint to call centre about voltage fluctuation. However, he did not receive any reply. He again made telephonic call about voltage fluctuation to call centre on 27.5.2016 & 28.5.2016. Thereafter on 29.5.2016 supply became regular. After making enquiry about the said problem, consumer realised that LT neutral wire was cut from the transformer & therefore voltage fluctuation problem was caused. The Licensee did not repair the problem of voltage fluctuation for four days. The consumer had to switch off his freeze, TV etc. and suffered monetary loss & mental harassment. The consumer made complaint to IGRC on 8.6.2016 by registered post and claimed SOP compensation for not keeping the voltage level within permissible limits. But IGRC did not take any cognizance of the said complaint. Thereafter waiting for two months he sent reminder to IGRC on 8.8.2016 by registered post. But the IGRC again did not take any cognizance. Therefore the consumer approached to the Forum with the said grievance seeking SOP Compensation against the Licensee for both the reasons i.e. non Redressal of complaint regarding voltage fluctuation and non taking of cognizance of complaint lodged at CRM, Pune.

- iii) The Licensee verified CRM complaint record and found that the said consumer had lodged complaint through call centre on 26.5.2016 at about 10.30 am. However, on 26.5.2016 no any other consumer has entered any complaint in the, "complaint register" maintained at the Section office. The Licensee found that no any other consumer from the said building or any consumer connected on the said transformer has lodged any complaint about voltage fluctuation.
- iv) The consumer Mr. Sandip Kulkarni submitted that he suffered problem of high voltage fluctuation at his residence on 25.5.2016. He made complaint about the same to the sub-division office of Licensee but the said office did not take any action. Thereafter on 26.5.2016 at about 10. 30 Am., he made complaint about voltage fluctuation to the call centre of the Licensee. The said complaint was registered vide no.4057780 dated 26.5.2016 at about 10.30 a.m. However the Licensee did not give any reply about the satisfaction of the said complaint. Thereafter consumer supply was regularized on 29.5.2016. Thereafter he tried to ascertain the reason for said voltage fluctuation. He realised that the said voltage fluctuation was occurred due to neutral wire cut in the transformer. He had to switch off his TV, Freeze & other electric appliances due to voltage fluctuation for about 4 days during the said period. The Licensee did not immediately take cognizance of the complaint made by the consumer. Thereafter he filed complaint before IGRC, Rastapeth on 8.6.2016 however the IGRC did not take any cognizance of the said complaint. Mr. Kulkarni further submits that since he did not get any reply from IGRC for 2 months, he sent reminder to the IGRC on 8.8.2016 through registered post. But even sending the reminder, the IGRC did not give any response or take any cognizance of the complaints dated 8.6.2016 & 8.8.2016. Thereafter he approached to the Forum. He claims SOP compensation as per rules.

- v) On the other hand Mr. Dilip Kokane, Addl. Ex. Engineer, Wadgaon-Dhayari Sub/dn. submitted that after verification of CRM complaint record it is seen that the said consumer had made complaint on 26.5.2016 at above 10.30 a.m. through call centre. The Licensee has maintained, "complaint register" at the section office but no any complaint was entered in the said register on 26.5.2016. Similarly there is no any complaint from any other consumer in that building or from the consumers connected on the said transformer.
- vi) According to the consumer he suffered high voltage fluctuation at his residence from 25.5.2016 to 29.5.2016. Consumer informed about the said voltage fluctuation to Sub-division office but he did not get any response. Thereafter on 26.5.2016 at about 10.30 a.m. consumer had made complaint to the Licensee through call centre at about 10.30 a.m. The said complaint was registered vide no. 4057780 dtd.26.5.2016. But the consumer did not get any reply about the satisfaction of the said complaint till 29.5.2016. Thereafter on 29.5.2016 supply in the building of the consumer was regularized. According to consumer he had to face problem of high voltage fluctuation from 25.5.2016 to 29.5.2016. Due to said problem he had to keep his electric appliances including freeze and TV switched off. He suffered financial losses as well as mental harassment. Therefore consumer claims SOP compensation for failure to meet the standards of performance in respect of maintenance of voltage within the specified range. He also claims SOP compensation for not taking cognizance of his complaints by the Licensee.
5. On perusal of record it is seen that on 8.6.2016 the consumer made complaint in writing to about voltage fluctuation and failure to meet standards of performance in respect of maintenance of voltage during the period from 25.5.2016 to 29.5.2016. Consumer sent above mentioned complaint to IGRC by registered post. The consumer produced postal receipt dated 10.6.2016 of the letter dated 8.6.2016. However consumer

did not get any reply from the IGRC within two months. Thereafter he sent reminder to IGRC on 8.8.2016. Consumer produced postal receipt dated 11.8.2016 of the said letter. Consumer has produced copies of complaint dated 8.6.2016 & 8.8.2016 sent to IGRC. The address mentioned in the said letters is as under :

कार्यकारी अभियंता (मंडल कार्यालय),  
म.रा.वि.वि.कंपनी मर्यादित,  
अंतर्गत ग्राहक तक्रार निवारण कक्ष,  
सं व सु मंडल कार्यालय, रास्तापेठ शहर, पुणे.

It is seen that the consumer has sent the above mentioned letter at the proper address to the IGRC Rastapeth Urban Circle, Pune. Therefore both the said letters have deemed to be received by the IGRC Rastapeth. It is further seen that the IGRC Rastapeth i.e. Executive Engineer, Rastapeth Urban Circle, Pune instead of sending reply to the consumer about entertaining of the said grievance, sent letter vide no.6510 dtd. 24.8.2016 to Executive Engineer, Parvati Division, regarding to ascertain the fact in respect of application dated 8.8.2016 of the consumer & to inform him about the delay. Therefore it is clear that the IGRC Rastapeth though received the grievance of the consumer, failed to entertain the same as per MERC CGRF Regulations. The IGRC should have entertained the grievance of the consumer under Regulation No. 6.2 & should have issued acknowledgement of the receipt of the grievance to the consumer within 5 working days from the date of receipt of the grievance as per Regulation No.6.3 (a) & should have decided the said grievance within a period of 2 months from the date of receipt of said grievance as per Regulation No. 6.4 of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation, 2006. The IGRC Rastapeth did not deal with the grievance of the consumer as per the MERC Regulations and contravened the above mentioned provisions of MERC CGRF Regulations. Therefore the Licensee should obtain explanation from IGRC Rastapeth and to take necessary action against the delinquent for gross negligence.

6. The Licensee in its say dated 23.12.2016 admitted that on verification of CRM complaint record, the consumer's complaint was received on 26.5.2016 at 10.30 a.m. As per the system, complaint is sent to the concerned office for implementation. It is further mentioned that on 26.5.2016 no any complaint was entered in the "complaint register" maintained at the Section Office. Similarly no any consumer from the said building or from the said transformer has made any complaint above voltage fluctuation. It is difficult to accept said contention of the Licensee Even a single complaint is received about any fault, imperfection, shortcomings or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by distribution Licensee amounts to grievance as per Regulations No.2.1 ( c ) of MERC CGRF Regulations,2006. Moreover it is seen from the letter sent by Executive Engineer, Rastapeth to Executive Engineer, Parvati Division dated 24.8.2016 it was directed to ascertain the fact of voltage fluctuation and to inform the consumer about delay. However there is nothing on record as to any action taken by division office Parvati as to whether there was voltage fluctuation during that period. Therefore the consumers complaint dated 8.6.2016 & 8.8.2016 have been unattended. Hence it is deficiency in service on the part of Licensee. Under the circumstances there is no reason to disbelieve the grievance made by consumer. It is clear consumer suffered high voltage fluctuation during the said period. The Licensee is liable to pay SOP compensation in respect of failure to meet standards of performance for maintenance of voltage within the specified range of the declared voltage i.e. in case of low or medium voltage, within 6% of the declared voltage. In the present case consumer suffered high voltage fluctuation during the period from 25.5.2016 to 29.5.2016 i.e. for 4 days. Therefore SOP compensation is amounting to Rs.100/- per week for part thereof. Hence Licensee is liable to pay SOP compensation of Rs.100/- to the consumer.

Lastly, we proceed to pass following order:

**ORDER**

1. Grievance of the consumer is allowed with cost.
2. The Licensee to pay Rs.100/- as SOP compensation to the consumer.
3. The Chief Engineer, Pune Zone to obtain explanation from IGRC, Rastapeth Urban Circle and take necessary action against the defaulter for not entertaining the grievance of the consumer as per MERC (CGRF & E.O.) Regulations 2006 and to submit compliance to CGRF.
4. The Licensee to report compliance within one month from the receipt of this order.
5. Copy of this order be sent to Chief Engineer, Pune Zone for necessary action.

Delivered on: - 18.01.2017

Sd/-	Sd/-	Sd/-
<b>S.S.Pathak</b>	<b>B.S.Savant</b>	<b>S.N.Shelke</b>
Member	Member/Secretary	Chairperson
CGRF:PZ: PUNE	CGRF:PZ:PUNE	CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.' ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Bldg., Bandra Kurla Complex, Bandra (E), Mumbai-51.