



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

**Case No.37/2016**

**Date of Grievance : 28.11.2016**

**Date of Order : 17.01.2017**

In the matter of getting compensation as per MERC (SOP) Regulations, 2014.

Eves Garden Co-Op-Hsg.Socy. Ltd.,  
Eves Garden, S.No.2/10,3/10,  
3/11/2,3/11/3, at Baner-Balewadi,  
Tal.-Haveli, Pune- 411045.

**Complainant**

(Hereinafter referred to as Consumer)

**Versus**

The Executive Engineer,  
M.S.E.D.C.L.,  
Shivajinagar 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.Vivek Velankar  
Mrs.Geeta Hosangady**

**For Respondent**

**Mr.V.B.Pawar,.Addl.E.E.Aundh S/Dn.  
Mr.Samse, AEE, Shivajinagar dn.  
Mrs.Machave, AE, Aundh S/Dn.  
Mr.D.R.Babar,AE, Baner Section**

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 by the order dated 26<sup>th</sup> Sept. -2016 passed by IGRC Ganeshkhind Urban Circle, Pune, thereby rejecting 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., Shivajinagar Dn., Pune vide letter no. EE/CGRF/PZ/Case No.37 of 2016/254 dtd.29.11.2016. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 17.12.2016.
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) Eves Garden Co-Op.Hsg.Socy.Ltd., Baner having 129 flats including 84 electric consumers had faced power outage for more than 60 hrs. from 1.00 AM on 3<sup>rd</sup> of July 2016 to 7.00 PM of 5<sup>th</sup> July 2016 due to continuous rainfall started from 2<sup>nd</sup> July 2016 in the evening and due to water clogging, heavy moisture developed in HT breaker, LT feeder pillar, main unit/RMU etc.
  - ii) List of 84 consumers in Eves Garden Co-Op.Hsg.Socy., (EGCHS) is enclosed herewith as Annexure, 'A' which is part & parcel of this judgement.
  - iii) The Licensee received number of complaints through call centers and web portal from 2<sup>nd</sup> of July 2016 about power failure at Baner-Balewadi area ( on 22KV feeder).
  - iv) The Licensee deputed Engineers ,Section Line staff, outsourcing staff & complaint vehicle & other 2 cable fault vans treating the supply failure as emergency situation for quick restoration of power supply.
  - v) Out of 35 feeders, 22KV Balewadi & 22KV Mitcon feeder, i.e. only two feeders were breakdown for more than 3 hours due to HT cable & feeder pillar faults.
  - vi) According to Licensee during said period, percentage of faulty feeder was 6 % , transformer 5.9% & the affected consumers were

7.48%. The Baner-Balewadi area was affected due to above 22KV feeders breakdown.

- vii) The Additional Ex. Engineer, of Aundh Sub-division was monitoring the team of Licensee for restoration of supply of the complaints generated chronologically.
- viii) The Licensee noticed that the power failure at the Eves Garden Co-Op. Socy.(consumers) was caused due to flashover in ring main unit which was attended by them immediately. Thereafter trial was taken but again due to flashover ID and OD-Joint failed on incomer side & GOD was damaged which was subsequently repaired but that took time for restoration.
- ix) According to Licensee due to multiple faults of ID, OD-Joint, it resulted into the stretched out of restoration process.
- x) According to Licensee in some places there were improper water drains & sanitation system which created water seepage in surrounding area and resulted into moisture problem in RMU/feeder pillar.
- xi) According to Licensee, due to frequent damages of HT/LT cables during road widening works of Municipal Corporation and less clearance between feeder pillar & RMU with road developed, it caused creation of moisture in RMU/Feeder pillar.
- xii) The consumer society had to spend amount of Rs.17800/- for diesel so as to keep the generator working for lifts & water pumps etc.
- xiii) The consumers approached to IGRC, GKUC with written complaint dated 26.8.2016 claiming SOP compensation as per rules. The IGRC rejected the grievance of the consumer vide impugned order dated 26.9.2016.
- xiv) The Licensee formed a Committee headed by Ex. Engineer, Shivainagar Division to study and ascertain the claim of compensation against the Licensee of the consumers. It submitted its report on 27.9.2016 stating that the power failure was occurred

due to heavy & continuous rainfall during the said period which caused water clogging, moisture in HT breaker, feeder pillar and due to natural calamities & it was beyond the control of the Licensee to restore the supply within limit & therefore claim of compensation cannot be considered under clause 11( 11.1) of SOP Regulations, 2014.

5. The consumer representative Mr.Vivek Velankar submitted that, the Eves Garden Co-Op. Hsg. Scoy. having 129 flats & 84 electric consumers had to face power outage for more than 60 hrs. from 3<sup>rd</sup> July 2016 to 5<sup>th</sup> July 2016 due to transformer failure. There was rainfall during the said period. They tried to lodge complaints with Licensee but there was no body to attend the consumers. Consumers could not get through on telephones therefore they had to visit the office of the Licensee but unfortunately there was no one to attend the complaints. He further submitted that due to power failure, consumers had to spend an additional amount of Rs.17,800/- for diesel to keep the generator working which was needed for lifts & water pumps. Due to said incident some of the consumers lost their electric appliances which break down due to this issue. Moreover the cost of environment due to use of diesel cannot be counted in terms of money. He further submits that as per Regulation 6 of MERC SOP Regulations consumers claim compensation for each member.
6. Mr.Velankar further submitted that the IGRC has directed the Licensee to finalize the compensation forming committee & to inform the consumers regarding their claim of compensation. The IGRC further directed that the Ex.Engineer, Shivajinagar Dn. to instruct all concerned to carry proper preventive maintenance if any, in order to avoid repetition of such incident & to take necessary action regarding the breaker maintenance and out of service transformer & to take the transformer in service as per site requirement. He further submitted that the Committee formed by the Licensee for assessment of compensation has rejected the claim of compensation of the consumer stating that power failure incidents were

occurred due to the heavy and continuous rainfall for 2 to 3 days which caused water clogging & heavy moisture in HT breaker, feeder pillar & it happened due to natural calamities which was beyond the control of MSEDCL & therefore claim of compensation cannot be considered under regulation no. 11.1 of MERC (SOP) Regulations, 2014. Mr.Velankar submits that refusing the claim of compensation by the said committee is the height of imagination. Heavy rain is not mentioned under Regulation 11 of SOP & therefore it cannot be treated as natural calamity. He submits that under Regulation 11 of SOP Regulations, Licensee shall not be excused from failure to maintain the standards of performance where such failure is attributable to negligence or deficiency or lack of preventive maintenance of the distribution system or failure to take reasonable precaution on the part of Licensee. The IGRC has instructed the Licensee to carry proper maintenance to avoid repetition and to take necessary action regarding breaker maintenance, transformer which clearly means that the said power failure happened due to improper preventive maintenance & negligence on the part of Licensee. Therefore the consumers are entitled to get compensation as per Rules & Regulations. Said compensation be paid to the each 84 consumers in the society. The consumer has produced the rainfall data during the said period provided by IMD.

7. On the other hand, Mr.Pawar, Additional Ex.Engineer, Aundh Sub-division submitted on behalf of Licensee that in Baner-Balewadi area rain started in the evening of 2<sup>nd</sup> July 2016. Thereafter due to stormy weather frost interruption was occurred on 3.7.2016 at 3.44 hours & supply failed for 22 KV outgoing feeder Balewadi due to HT cable faults in Baner Balewadi area as mentioned in the say. Though pre-monsoon proper preventive maintenance schedule was implemented, supply failure occurred due to non-stop rain fall. The rainy weather was common for entire Pune area & power supply was affected in most of the parts of the City. Out of 35 feeder at Baner-Balewadi & Sus Mhalunge , only two

feeders were breakdown for more than 3 hours due to HT cable & feeder pillar faults. 22KV Balewadi feeder was faulty only for 8 hours & 48 minutes. The fault percentage of feeder was 6%, transformer- 5.95% & affected consumers- 7.48%.

8. Mr. Pawar further submitted that during the above mentioned period number of complaints from consumers were generated through call centers and web portal. The Licensee formed the team at the Section office consisting of Executive Engineer & Additional Executive Engineer of Shivajinagar Division & Sub-division Aundh to supervise and satisfy the fuse off call complaints and restoration of supply work progress communicated time to time to the affected societies and consumers. He further submitted that the power failure at the consumer's society (EGCHS) was caused due to flashover in Ring Main Unit (RMU) which was attended immediately by the working team. The trial was taken but again due to flashover, ID & OD joint failed incomer side, GOD was damaged which was repaired but it took substantial time for restoration of supply. He further submits that treating the said supply failure as emergency situation, the other section line staffs and complaint vehicle was diverted & another two cable fault vans & jointer agency were arranged for quick restoration of supply. Team was working hard due to multiple faults of ID, OD joint failures resulted into the stretched out restoration process. Due to stormy weather & continuous rain fall, moisture developed in the LT feeder & RMU therefore eventually disturbed the restoration of supply work.
9. Mr.Pawar further submits that due to frequent damages of HT/LT cables during road widening works of Municipal Corporation & less clearance between feeder pillar & RMU with the roads, it developed moisture in RMU, feeder pillar. In some places there were improper water drains and sanitation system which created water seepage in the surrounding areas and therefore there was moisture problem in RMU & feeder pillar. The said power failure was attended by the team on day & night basis taking

all possible efforts for quick restoration of supply. The said power failure happened mainly due to natural calamities & due to less contribution of technical reasons. Mr.Pawar lastly submitted that the said power failure was beyond the control of the Licensee. Therefore delay was caused for restoration of supply and it may be exempted under Clause 11 of SOP Regulations. The Licensee has produced photographs showing water clogging, seepage, feeder pillar cable faults etc.

10. The Licensee has formed committee to ascertain the cause of said incidents & amount of compensation as claimed by the consumers. The said committee headed by Executive Engineer, Shivajinagar Dn. submitted its report on 27.09.2016 stating that the said power failure incident were occurred due to heavy & continuous rainfall for 2-3 days during 2<sup>nd</sup> July to 5<sup>th</sup> July 2016 which caused water clogging & heavy moisture in HT breaker, feeder pillar which resulted in power failure. It happened due to natural calamities which was beyond the control of MSEDCL so considering clause 11.1 of MERC (SOP) Regulations, 2014 demand for compensation cannot be considered. As per said report the Licensee rejected the claim of compensation of the consumers.
11. Admittedly, there was rainfall in Pune City during the period 2<sup>nd</sup> July 2016 to 5<sup>th</sup> July 2016. According to the Licensee the said power outage was occurred due to heavy & continuous rainfall & it was natural calamity and beyond the control, therefore the Licensee is not liable to pay any compensation to the consumers under MERC SOP Regulations. Regulation 11.1 of MERC (SOP period for giving supply & Determination of Compensation ) Reglations, 2014 reads as under :

**11. . Exemptions**

*11.1 Nothing contained in these Regulations shall apply where, in the opinion of the Commission, the Distribution Licensee is prevented from meeting his obligations under these Regulations by-*

*(i) Force majeure events such as cyclone, floods, storms, war, mutiny, civil commotion, riots, lightning, earthquake, lockout, fire affecting licensee's installations and activities.*

(ii) Outages due to generation failure or transmission network failure.

(iii) Outages that are initiated by the National Load Dispatch Centre/ Regional Load Dispatch Centre/State Load Dispatch Centre during the occurrence of failure of their facilities.

(iv) or other occurrences beyond the control of the Distribution Licensee:

*Provided that the distribution licensee shall not be excused from failure to maintain the standards of performance under these regulations, where such failures can be attributed to negligence or deficiency or lack of preventive maintenance of the distribution system or failure to take reasonable precautions on the part of the distribution licensee.*

12. According to consumer there was no heavy rainfall during the said period. Moreover rain is not considered under Regulation 11.1 of SOP Regulations. Therefore the Licensee cannot get exemption from meeting his obligation to pay compensation to the consumers on the ground of natural calamity.

The consumer has produced the data of daily rainfall for the period 1.7.2016 to 5.7.2016 provided by India meteorological department (IMD), Pune OBSY ( located at GAGMO, Shivajinagar), it reads as under :

Date	Total recorded rainfall (in mm)	Average Rainfall (In mm)	Expected in Pune
1.7.2016	0.2	140.9	
2.7.2016	12	147.5	
3.7.2016	73.5	154.1	
4.7.2016	42.9	162.4	
5.7.2016	10.1	168.2	

Thus it is seen that the rainfall recorded during the said period is less than average as per the information provided by IMD, Pune. Taking into consideration amount of rainfall during the said period as mentioned above it cannot be treated as heavy rainfall. Moreover the MERC has not considered the rain as ground of exemption under Regulation 11.1 of SOP Regulations for meeting obligation to pay compensation.

13. It is seen from the record that power failure at Eves Garden Co-Op. Hsg. Socy. has occurred due to flashover in Ring Main Unit which was attended immediately by the Licensee. The Licensee further taken a trial



but again due to flashover ID & OD joint failed at incomer side & GOD was damaged. Though it was repaired, it took substantial time for restoration. It is further seen that due to multiple faults of ID-OD joint failures it resulted into the stretched out of restoration process. It is further seen that due to continuous rainfall during the said period moisture developed in the LT feeder pillar & RMU which disturbed further, time for restoration of supply. It is also seen that Municipal Corporation had undertaken road widening works in that area due to which there were frequent damages of HT/LT cables & since there was less clearance between feeder pillar and RMU & road developed, it caused creation of moisture in RMU & feeder pillar. The Licensee's work of restoration of supply was further affected due to improper water drains in some places & improper sanitation system of corporation due to which it created water seepage in surrounding area and created moisture problem in RMU & feeder pillar. It is further seen that the Licensee has attended power failure as emergency situation by deputing additional staff, vehicles, equipments etc. The team of Licensee was working hard on day & night basis. But due to repeated flashover ID-OD and GOD damage problem was aggravated which took substantial time for restoration of supply. According to the consumer they suffered power outage for more than 60 hrs. but MRI data provided by the Licensee for the period 3.7.2016 to 5.7.2016 (disputed period) discloses that total power failure duration was about 45 hours.

14. As per Regulation No.6.3 of MERC SOP Regulations, 2014 the distribution Licensee shall restore the power supply caused by underground cable faults including service connection within eight (8) hours in Class I cities, within Eighteen (18) hours in the Urban Area and within forty eight (48 ) hours of the receipt of a complaint in the Rural area. The Baner-Balewadi area is the urban area & power failure was relating to underground cable faults and due to flashover in RMU ID-OD. Therefore the Licensee should have been restored the power supply within 18 hours. But Licensee required 45 hours for restoration of

supply. The Licensee has given reasonable grounds as to why such delay was caused for restoration of supply. Said power failure was occurred due to continuous rainfall for 2-3 days. During the said period it caused water clogging & heavy moisture in HT breaker, feeder pillar multiple cable faults and repeated flashover which resulted into power failure. The Licensee tried its level best but due to repeated flashover in RMU, ID-OD joint & Income side GOD damage, performance of Licensee was disturbed. It caused disturbance as well as delay for restoration of supply. Therefore more time was required for restoration of supply. The said occurrences are beyond the control of the Licensee. The said delay to restore supply within prescribed limit is not attributable to the negligence or deficiency or lack of preventive maintenance on the part of Licensee. Therefore we find that the consumers are not entitled to get compensation as claimed for.

Date : 17.01.2017

I agree,

Sd/-

**B.S.Savant**  
Member/Secretary  
CGRF:PZ: PUNE

Sd/-

**S.N.Shelke**  
Chairperson  
CGRF:PZ:PUNE

### **Member (S.S.Pathak)**

I humbly differ with the conclusion above the reasons put forth for the reasons as stated below:

- a) Heavy rainfall did not occur only near the transformer centre, HT breaker, Feeder pillar etc. supplying electrical supply to the complainants. There are many other such installations nearby and all over Pune.
- b) Stagnation/clogging of rain water does not increase the moisture. Para 4(xi)- MSEDCL field staff should have taken due care during pre monsoon maintenance, which is a must, to increase the high of RMU and feeder pillar so as to keep safe clearance from ground.

- c) MSEDCL might not have laid cables underground at proper depth and protected by bricks, sand etc. as prescribed in BIS to protect the cables from pick axes or by any other digging instruments.

With kind and high regards,

Sd/-  
**S.S.Pathak**  
Member  
CGRF:PZ:PUNE

Hence the order by majority

## ORDER

1. Grievance of the consumer stands dismissed with cost.

Sd/-  
**B.S.Savant**  
Member/Secretary  
CGRF:PZ:PUNE

Sd/-  
**S.N.Shelke**  
Chairperson  
CGRF:PZ:PUNE

Delivered on: - 17.01.2017

Encl:- Annexure 'A'

Note :- The consumer if not satisfied may file 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.



Attachment No. 2

EVES GARDEN CO-OPERATIVE HOUSING SOCIETY LIMITED  
 Regd. No. PANA/PANA/(4)/HSG/(TC)/7722/2005-2006 dt. 07.02.2006  
 Email:evesgarden72@gmail.com

Building 'C'

FLAT No.	NAME	Consumer No.
C-111 / C-112	Mr. Atul V. Devasthali	160220690676
C-12	Mr. Pandharipande	160220690595
C-131 / C-132	Mr. Vinay Kumar	160220690684
C-211 / C-212	Mr. Anil M. Pradhan	160220690692
C-22	Dr. Ravikumar V.	160220691524
C-231 / C-232	Mr. Anil G. Pandit	160220690706
C-311 / C-312	Mr. Adeesh R. Telang	160220690714
C-32	Dr. Ravikumar V.	160220856558
C-331 / C-332	Ms. Anjali Morris	160220690722
C-411 / C-412	Mr. Amit R. Ketkar	160220690731
C-42	Mr. Bipin Deo	160220690609
C-431 / C-432	Mr. S. D. Chitgopkar	160220690749
C-511 / C-512	Mr. Anil V. Pradhan	160220690757
C-52	Mrs. Mala Sharma	160220690619
C-531 / C-532	Mr. Vivek Punit	160220690765
C-611 / C-612	Mr. Yagnesh Buch	160220690773
C-62	Mr. Kedar A. Deo	160220690625
C-631 / C-632	Mr. Sanjeev V. Jagtap	160220690781
C-711 / C-712	Mr. Kumar A. Mahboobani	160220690790
C-72	Mr. Bhushan Shinde	160220690633
C-731 / C-732	Mr. Anirban Mookherjee	160220690803
C-811 / C-812 / C-91	Ms. Tejindar K. Kandhari	160220693438
C-82 / C-92	M/s. Generic Health Care Pvt. Ltd.	160220690650



Attachment No. 2

EVES GARDEN CO-OPERATIVE HOUSING SOCIETY LIMITED  
 Regd. No. PANA/PANA/(4)/HSG/(TC)/7722/2005-2006 dt. 07.02.2006  
 Email:evesgarden72@gmail.com

**Building 'B'**

FLAT No.	NAME	Consumer No.
B-111 / B-112	Mr. Manojeeet Chowdhary	160220681961
B-12	Mrs. Mangala Kataria	160220683955
B-131 / B-132	Mrs. Supriya V. Ghotge	160220681944
B-211 / B-212	Mr. Kishore Hosangady	160220681952
B-22	Mr. S. Patil	160220683947
B-231 / B-232	Dr. Sacchidanand Gupta	160220681815
B-311 / B-312	Mr. Rajesh Barnabas	160220861071
B-32	Mr. Mangal Murkute	160220693489
B-331 / B-332	Mr. Devan V. Bagwe	160220681910
B-411 / B-412	Mr. Sunil V. Shaligram	160220881928
B-42	Mr. V. Meherotra	160220693462
B-431 / B-432	Mr. Vikas S. Kokate	160220681936
B-511 / B-512	Ms. Rani S. Ahluwalia	160220681880
B-52	M/s Wisteria Trdg. Co. Pvt. Ltd.	160220683939.
B-531 / B-532	Dr. Bharat G. Kalambe	160220681871
B-611 / B-612	Dr. Prajnya P. Pathare	160220681804
B-62	Mr. Biyani Sachin	160220681812
B-631 / B-632	Mr. Ritesh Kulkarni	160220681821
B-711 / B-712	Mr. K Balasubramanian	160220681839.
B-72	Mrs. Tara Mehta	160220683929
B-731 / B-732	Ms. Mayura A. Dafle	160220681847
B-811 / B-812 / B-91	Mr. Dilip M. Naik	160220681855
B-82 / B-92	Mr. Harshad Sardesai	160220693411
B-831 / B-832 / B-93	Mr. Kamal Jain	160220681863

Society common meter numbers



Attachment No-2

EVES GARDEN CO-OPERATIVE HOUSING SOCIETY LIMITED  
 Regd. No. PANA/PANA/(4)/HSG/(TC)/7722/2005-2006 dt. 07.02.2006  
 Email:evesgarden72@gmail.com

**Building 'A'**

FLAT No.	NAME	Consumer No.
A-111 / A-112	Mrs. Vinita A. Daffle	160220681979
A-12	Mrs. Saroj Kewalramani	160220693471
A-131 / A-132	Ms. Anushhka Bora	160220681987
A-211 / A-212	Mr. Ved P. Leekha	160220681995
A-22	Mr. Ravi K. Vora	16022068312
A-231 / A-232	M/s. Generic Health Care Pvt. Ltd.	160220682002
A-311 / A-312	Mr. Pankaj. S Borole	160220682011
A-32	Ms Mitual Foster	160220683904
A-331 / A-332	Mr. R. Jayakrishnan	160220682029
A-411 / A-412	Mr. Ravindra C. Gavandi	160220682037
A-42	Mr. & Mrs. M. Rao	160220683891
A-431 / A-432	Mrs. Meenakshi Gupta	160220682045
A-511 / A-512	Mrs Deepali U. Damle	160220682053
A-52	Mrs. Abha Chordiya	1602206893454
A-531 / A-532	Mr. Shirish M. Uplenchwar	160220682061
A-611 / A-612	Mr. Ramesh Bijlani	160220682070
A-62	Mr. Mangesh Pandharipande	160220681791
A-631 / A-632	Mrs. Sangeeta S. Patil	160220682088
A-711 / A-712	Mr. B. D. Singh	160220682096
A-72	Mr. Harshad Sardesai	160220681782
A-731 / A-732	Mrs. Ankita Gulati	160220693446
A-811 / A-812 / A-91	Mr. Vilas Shettigar	160220693420
A-82 / A-92	Mr. Sanjiv K. Sirohi	160220681774
A-831 / A-832 / A-93	Mr. Akhilesh Bhandari	160220682100

Society # miter Numbers.

① 160220683840

