

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

**Case No.20 of 2008**

**Date: 17/12/2008**

**In the matter of Mr.M.S.Damale**

**- 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) Shri.Madhav Hari Damale (Consumer for short) is a consumer getting supply of electricity to his premises situated at Vadgaon Maval from the licensee Maharashtra State Electricity Distribution Co. Ltd. (Opponent for short).Supply of electricity was disrupted to the premises from 2.00 PM on 3/06/08 and it was restored at 5.00 PM. On 10/06/08. The complainant first made a grievance about supply of electricity being cut off on 05/06/08 to the opponent at it's office Vadgaon Maval. The complainant gave reminders repeatedly about not restoring the supply on 06,07,09 June-2008, however supply of electricity was resumed only at 5.00 PM on 10/06/08. The complainant has filed his grievance for compensation at the rate as provide in Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, period

for Giving Supply and Determination of compensation) Regulation 2005 (MERC SOP Reg.2005). The complainant also claimed compensation of Rs. 896/- by way of cost as his case was not heard on 9th July-08

- 2) The IGRC did not give any relief to the complainant on the ground that the opponent could not restore the supply within the time prescribed in Appendix "A" to MERC SOP Reg.2005 as it was prevented from doing so due to storm and heavy rain.
- 3) The opponent filed its written statement of defense on 03/11/08 contending that due to heavy rain and storm on 03/06/08 L.T. line poles supplying power to the complainant's premises and simultaneously poles of 22KV Kamsheth feeder H.T. feeder lines were uprooted or Broken down or over head lines were cut off. No. of consumers were without supply of electricity. The priority had to be given to resume supply of power to the important installations like industry, water supply, Hospitals etc. Most of the time was consumed in restoring H.T. supply line. As there was incessant rain it took long time in restoring the poles of the L.T. line giving supply of power to the complainant's premises. There was large-scale damage to the entire distribution system and to restore the same was beyond control and therefore the provision of compensation as provided in MERC SOP Reg.2005 is not applicable.
- 4) For not taking of the case of the complainant for hearing on 9<sup>th</sup> July-08 by IGRC it was contented that the Officer of IGRC the E.E. had to attend the important meeting convened by the Chief Engineer.

- 5) On the date of the hearing the complainant argued his case. On behalf of the opponent its officer Shri. H.A.Pise, Ex.Engr. argued the case and produced zerox copies of the various documents in support of the opponent's case.
- 6) The complainant at the time of argument did not press the relief of compensation claimed by him on the ground that his case was not heard on 9<sup>th</sup> July-08 due to which he had to attend the office of the opponent for the same purpose over again. However, he vehemently claimed compensation for not restoring the supply of electricity to his premises within 24 Hours has provided in Appendix-"A" to MERC SOP Reg.2005. On behalf of the opponent it was contended that disruption of supply of power to the complainant's premises was because of the damage caused by storm and heavy rain which was on such a large scale that to restore the supply within stipulated time was beyond its control in spite of working undertaken round the clock.
- 7) On rival contentions following points arise for consideration:
- 1) Does opponent prove that it was prevented from meeting its obligation under the regulations by storm and heavy rains and damage caused to the system was on such a large scale that to restore the supply within prescribed time was beyond its control?
  - 2) Does complainant prove that failure on the part of the opponent in maintaining the standard of performance was due to negligence or deficiency or lack of preventive maintenance of the distribution system

or failure to take reasonable precaution?

Point No. 1 is answered in the affirmative and point No.2 in the negative for the reasons given below.

### **REASONS**

- 8) Point No.1: - The complainant contended that in Vadgaon Maval where his house is situated there was no storm with heavy rain on 03/06/08 the ground on which the opponent is claiming exemption from obligations. As against that opponent contended that there was a storm with heavy rains on 03/06/08. Wide spread over entire district due to which there was large scale damage to the supply line to restore which was beyond its control further frequent rains caused obstacles in restoring the supply and therefore it is exempt from obligation of restoration of supply within prescribed period as provided in Appendix-"A" to MERC SOP Reg.2005.
- 9) The complainant in his grievance did not aver the event due to which supply of power was disrupted. The opponent in support of its case that entire distribution system was damaged due to storm with heavy rain has produced the statement of No.of consumers residing at Vadgaon maval where complainant's premises is situated. The opponent has produced the statement of 7 such consumers all of them in their statements have made it clear that on 03/06/08 there was a cyclone with heavy rains on 03/06/08 in their area due to which poles of the line were uprooted and over head lines were broken. The complainant has also produced a certificate given by Sarpanch & Gramvikas Adhikari of group

Grampanchayat Vadgaon maval certifying that within the area of Vadgaon Maval at different places nearly 19 electric poles were uprooted. The certificate given by Tahasildar Maval also shows that dt.03/06/08 there was a heavy rain about 44 mm. There is a Panchnama dt. 04/06/08 which is signed by two of residents of Vadgaon maval in which it is mentioned that due to storm and heavy rains on 03/06/08 about 60 poles were fallen besides these documents, the opponent has produced the relevant cuttings of the news paper dt. 04/06/08 & 06/06/08 in which news has appeared that in the area near to Vadgaon Maval such as Pimpari, Narayangaon there was heavy damage to the power distribution system due to cyclone and heavy rains. There is also a newspaper cutting dt. 08/06/08 produced by the opponent where in a news of disruption of power within area of Vadgaon maval due to cyclone and heavy rains is reported. All this evidence taken together clearly established that there was a disruption of supply due to storm with heavy rains. It is also established that the damage caused to the distribution system was on such a huge scale that it was beyond control of the opponent to restore the supply within the time prescribed in Appendix-"A". After the damage caused to the distribution system in the storm, the opponent took immediate steps to restore the power supply as early as possible as it could be done by it. The help was sought from the private concerns, which is clear from requisition letters sent by the opponent to the concerns. The copies of those letters have been produced by the opponent . The entire supply line was broken down. The opponent had to

give priority first to restore H.T.Line and there after to L.T.Line. While repairing the lines there was an accident in which a lineman from the pole fell on the ground on 08/06/08 and he was injured and therefore he was required to be shifted at Talegaon Hospital. Shri. Databhau Sandbhor & Nathu Dadu Vaje who are the consumers residing at Vadgaon Maval have deposed to this accident in their statements. The report made by Asstt.Engr. of Vadgaon Maval also reveals the said accident in which worker was injured due to fall from a pole on 08/06/08 at Vadgaon Phata. All the consumers in their statements have stated that in spite of odds the opponent repaired the supply line. It is thus established that there was no negligence on the part of the opponent in restoring the supply as early as possible. The Reg.11.1 of MERC SOP Reg.2005 relieves the opponent from meeting the obligations as prescribed in Appendix-"A" of restoration of supply within the prescribed time.

- 10) The complainant in his complaint did not disclose the event due to which power supply was cut off. The root cause in the instant case for disruption of supply is storm with heavy rains which is not any one of the event mentioned at Sr.No.2 in Appendix-"A" such as normal fuse off call, over head line break down, distribution transmission failure and under ground cable fault. In the instant case the disruption of power supply was due to storm with heavy rains an unpredictable event, which has not been provided as a ground to claim compensation at Sr.No.2 in Appendix-"A" of MERC SOP Reg.2005. Further the damage caused to the distribution line was on such a large scale that in spite of the hard work undertaken by the

opponent to restore it as early as possible it was beyond its control to resume it within the time as prescribed in Appendix-"A". In addition, the opponent had first to repair the H.T.Line and give priority to restore the power supply to the important installations such as industry, water supply scheme, hospitals as there was urgency to have power to resume normal life. It cannot be ignored that incident like accident in which worker was injured had given a set back to the progress. Under such circumstances the licensee the opponent is absolved from obligation as provided under regulation 11.1 of MERC SOP Reg.2005

11) The complainant has rightly not pressed the compensation for adjourning his case on 09/07/08 due to the absence of the Executive Engineer who was to hear it. The Ex.Engr. Was required to attend the important meeting due to which he could not hear the case in spite of fixing it for hearing. The case was not adjourned so has to cause harassment to the complainant. It was due to unavoidable circumstances, however the opponent should take care in future to keep up the date so that consumer is not required to attend the office repeatedly from the same cause.

12) POINT NO.2: - The complainant in his grievance did not specifically aver that there was any negligence or deficiency on the part of the opponent in restoring the supply or the opponent lack in preventive maintenance. The compliant only referred to the proviso to Reg.11.1 of MERC SOP Reg. 2005 and alleged that the IGRC did not take in to consideration the said proviso. Merely referring to the provision contended

in Regulation is not sufficient. The complainant has to make out a specific case of negligence or deficiency in service or lack of preventive maintenance. The damage caused to the dist. System due to which power supply was cut cannot be attributed to any lack of preventive measure or negligence or deficiency in service. It was solely due to storm with heavy rains, which is a natural calamity. The opponent took immediate steps in restoring the supply in the shortest possible time. The endeavors were even applauded by the complainant himself which is clear from the certificate given by him under his own signature. No specific instance has been stated much less proved by the complainant to show that damage caused could have been averted in spite of storm & heavy rain and the said damage could be attributed to negligence or deficiency or lack of preventive measures in maintenance.

ORDER

The claim of compensation made by the complainant by this grievance stands dismissed.

Sign:

Mr. D.K.Mane,  
Member/Secretary

Mr. T.D.Pore,  
Member

Mr. A.V. Bhalerao  
Chair Person

Date: **17/12/2008**