

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redresses Forum  
Nagpur Zone, Nagpur**

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**Case No. CGRF(NZ)/56/2018**

Applicant : Smt. Neeta Krishnaji Dhambare,  
Mangrul, post - Magrul,  
Tah. Samudrapur, Hinghanghat.

Non-applicant : Nodal Officer,  
The Executive Engineer,  
O&M Division Hinghanghat,  
MSEDCL, Hinganghat.

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Applicant represented by : 1) Shri B.V. Betal,

Non-applicant represented by: 1) Shri H.P. Pawade, Exe.Engineer, MSEDCL.

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Quorum Present : 1) Shri Vishnu S. Bute,  
Chairman.  
2) Shri N.V.Bansod,  
Member  
3) Mrs. V.N.Parihar,  
Member Secretary.

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**ORDER PASSED ON 31.05.2018**

The applicant is an agriculturist. She is having 3 H.P. pump for irrigation. She says that the electricity supply to the pump was stopped on 27.06.2017. The supply was restored on 10.02.2018. She claims co-operation as per provisions of the SOP. The IGRC Wardha dismissed her application vide order no. SE/Wardha/Tech/IGRC/14030 dt. 22.11.2017. She presented this application as per the provisions of Regulation 6.4 of the MERC (CGRF & ED) Regulations 2006.

The respondent submitted parawise reply. Both the parties were present on 28.05.18. They were heard.

Shri B.V. Betal, a representative was present for the applicant. He argued that the applicant was given the supply on 27.03.2017. However the poles were of poor quality. Those were not erected properly. So the poles collapsed on 27.06.2017. The power supply was disrupted. The applicant pursued the matter. Finally the supply was restored on 10.02.2018. The applicant had to suffer damages. So a compensation at the rate of Rs.50/- per hour may be awarded. In addition Rs.20,000/- may be awarded for mental and physical harassment and Rs.3,000/- on account of travel expenses.

In defence Mr. Pawade, Executive Engineer, Hinganghat admitted that there was no supply to the Ag. Pump of the applicant from 28.06.2017 to 10.02.18. He stated that the poles were collapsed due to storm. The natural calamity was out of control of the non applicant. In such cases the SOP 2014 give exemption under Regulation 11. So no compensation is payable.

Further more when the non applicant tried to erect the poles, there were standing crops in the adjoining fields. So the land holders objected to work in the field. This situation was known to the applicant. In view of the above situation the applicant is not entitled for compensation. The application may be rejected.

After the hearing was over the case was discussed among the members of the Forum. The Chairperson and the Member Secretary were of the opinion that no compensation is payable to the applicant. The Member (CPO) expressed different view. He gave a dissent note. It reads as under,

Argument heard on 28-05-2018 and perused the papers on record.

(1) It is an undisputed fact that New Electric Supply to 3 HP Agriculture Pump of applicant was given in the month of April/May 2017. As per applicant due to poor quality poles & improper erection of poles as per norms, 5 LT poles with wires callapsed on 27-6-2017 and supply was off. The supply was restored on 10.02.2018. Applicant asked for SOP compensation for late restoration of supply and other compensations for physical & mental harassment amounting Rs.20000/- & Departmental enquiry against erring officials.

(2) Non applicant said due to Storm Poles Collapsed on 28.06.2017 and were lying in the field of adjoining field of Mrs. Jogve and due to crop cultivation, applicant told to keep wires in the field of aforesaid farmer. Applicant also restricted to erect the poles in the field. Non applicant also said that Mrs. Jogve objecte to erect poles on the same route and objection was registered on 04.10.2017.

Non applicant also said that applicant on 13.10.2017 requested for erection poles & restoration of supply, but due to standing crop in the field, Work of L.T. line was not possible. The supply was resotred on 10.02.2018.

(3) Non applicant further said that time to time, attempts were made to restore supply but due to obstruction by neighbor farmer they could not do the work and panchnama as well as written evidence is attached. Non applicant further requested Forum to dismiss the complaint of applicant as per MERC (SOP) Regulation 2014.

(4) the points for my consideration are –

A) Whether the 5 L.T. Poles with wire callapsed due to storm on 28.06.2017 and non applicant is entitle for exemption under SOP Regulation 11(iv).?

No

Applicant alleged that due to poor quality poles & improper erection of poles, the L.T. line 5 Poles Collapsed and not due to storm on 28.06.2017 and submission of non applicant deserves to discarded in the absence of any cogent evidence of Gram Panchayat, Tahsil Office or Metrological Department.

Secondly it is not the submission of non application that alongwith applicaction's L.T. line, the L.T. line of other adjoining farmers also collapsed due storm which proves the false submission of the non applicant and supports the contention of applicant that due to poor quality poles and improper erection, L.T. line 5 poles collapsed. It further creates suspicion about non applicant's working that only 5 poles of applicant collapsed that to within 2 months.

Reg. ii – Exemptions.

11.i - Nothing contained in these Regulations shall apply where, in the opinion of the commission, the distribution licensee is prevented from meeting his alligations under these Regulation by –

(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 failure can be attributed to negligence or deficiency or lack of preventive maintenance of the distribution system or failure to take reasonable precaution on the part of the Distribution Licensee.

11.2 - The commission may be general or special order, exempt the Distribution Licensee from any or all the standards specified in these regulations for such period as may be specified in the said order.

Firstly as per aforesaid regulation, if non applicant wasnts any exemption as per SOP Regulations 2014, it was mandatory on his part to apply to commission and to seek exemption by general or specific order of the commission. If in the opinion of commission, if they find truth in submission of non applicant, but in the absence of orders of MERC, the submission of non applicant is baseless against the provisions of Regulations. It cannot be assumed just on socalled pleading of non applicant without cogent evidence.

It is very surprising that the socalled application of applicant dated 29.06.2017 was received one day before on 28.06.2017 by non applicant as well as the signature on application form 'A' and on application dated 29.06.2017, there is no match applicant's representative denied the same as it is bogus and concocted story cooked by non applicant.

On perusal of applications dated 04.10.2017 and so called panchnama dated 04.10.2017, the L.T. line was collapsed on 26.06.2017 due to stormy rains, but non applicant in reply stated due to storm on 28.06.2017, the poles collapsed where as repeatedly applicant stated 5 poles with wire were collapsed on 27.06.2017 but application of Mrs. Jogwe & panchnama dated 04.10.2017, 4 cement poles were broken. This submission (so called) of Mrs. Jogwe & panchnama are unreliable due to lack of cogont evidence of Grampanchayat, Tahsil Office, Metrological Dept.

Secondly, Non applicant totally failed to conduct “panchanama” in the presence of the applicant. Hence entire conspiracy was cooked behind back of applicant.

Secondly no neighbour will like that the poles or wires of other's L.T. line shall remain in his field which proves the conspiracy of non applicant.

The poles were collapsed on 27.06.2017 i.e. neither on 26.06.2017 nor on 28.06.2017 and as per above SOP regulations, if non applicant would have erected the poles within 48 hours i.e. on or before 30.06.2017. the question of socalled objections or restraining to non applicant would have been out of question because crop cultivation generally starts in the last week of June or 1<sup>st</sup> & 2<sup>nd</sup> week of July after sufficient rain fall not prior to that. Hence the submission of non applicant is totally fictitious deserves to discarded.

Therefore, it will not be out of context to infer that now within 2 months of erection of poles, the poles & wire collapsed on 27.06.2017 which proves that poles were of substandard quality & erection was improper and total lack of preventive maintenance of the distribution system or failure to take reasonable precaution. Hence due failure can be attributed to negligence or deficiency of non applicant's employees.

Hence, in view of the above observations, the application deserves to be allowed and non applicant is liable to pay SOP compensation from 30.06.2017 (After 48 hours from 27.06.2017) to 10.02.2018 (date of restoration of supply) @ Rs.50/- per hour or part there of delay as per Appendix 'A' 2(i) of SOP Reg. 2014 from the salary of erring responsible employees by conducting departmental enquiry as per ratio laid down by

Supreme Court of India – in petition – bet'h Lucknow Development authority v/s M.K. Gupta” because it is not inclined to penalise the MSEDCL for no fault of them and same will ultimately burden on common consumers by way of Tariff charges.

The other prayer of applicants needs no consideration as lack of cogent evidence.

### **ORDER**

1. Non applicant is direct to pay the amount of compensation for period 30.06.2017 to 10.02.2018 (225 days) @ Rs.50/- per hour or part there of delay.
2. IGRC order is quash & set aside as without appreciation of facts and regulations.

The compliance of this order shall be done within 30 days from the date of order.

**Member (COP)**  
**Mr. Naresh Bansod**

. We have gone through the note. Ld. Member raised following points. The poles were collapsed as those were of poor quality and they were not erected properly. In absence of any cogent evidence the contention that the poles fell due to storm is not acceptable. The non applicant cannot take the shelter of the provisions of Regulation 11 as those are not applicable in this case.

We have perused the note carefully. We disagree with the Ld. Member as it is admitted fact that the supply was disrupted between 27.06.17 to 10.02.18. There is no evidence on record about the quality of the material as well as execution of the work. The contention of the non applicant that there were standing crops in the field, cannot be totally ignored. Finally there is no compliance of Regulation 12.2.

We have perused the record. We have heard the arguments carefully.

It is admitted fact that the supply stopped on 27.06.2017. The applicant wrote letters to the respondent however she used to ask to restore the supply. She claimed compensation for the first time by an application to the IGRC on 21.09.2017.

Regulation 12(2) of the SOP Code 2014 reads as under,

12.2 The distribution licensee shall be liable to pay to the affected person, such compensation as provided in Appendix A to these Regulations.

Provided that any person who is affected by the failure of Distribution Licensee to meet the standards of performance specified under these Regulations and who seek to claim compensation shall file his claim with such Distribution licensee within a maximum period of Sixty (60) days from the time such a person is affected by such failure of the Distribution licensee to meet the standard of performance.

The power supply failed on 27.06.2017. However the applicant claimed the compensation on 21.09.2017. In our opinion the applicant failed to claim the compensation within the stipulated period. So she is not entitled for compensation.

Hence the following order by minority.

### **ORDER**

The application no. 56/2018 is hereby dismissed.

Sd/-  
**N.V. Bansod**  
MEMBER

Sd/-  
**Mrs.V.N.Parihar**  
MEMBER SECRETARY

Sd/-  
**Vishnu S. Bute,**  
Chairman