

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

Case No. 14/2018

Date of Grievance : 07.04.2018

Hearing Date : **06.06.2018**

20.06.2018

Date of Order : 10.07.2018

In the matter of complaint of compensation for loss sustained to the Sugar cane crop.

Mr.Sabale Sudhakar Balasaheb, ---- Complainant

At Post- Bahul, Tal. Khed,

Dist.Pune-410501

VS

The Executive Engineer, ---- Respondent

M.S.E.D.C.L.

Rajgurunagar Division,

Present during the hearing:

A] - On behalf of CGRF, Pune Zone,Pune.

- 1) Shri. A.P.Bhavathankar, Chairman, CGRF,PZ,Pune
- 2) Mrs.B.S.Savant, Member Secretary, CGRF, PZ, Pune
- 3) Mr.Anil Joshi, Member, CGRF, PZ. Pune.

B] - On behalf of Appellant

- 1) Shri.Vilas Dagdu Wadekar5, Consumer Representative.
- 2) Shri.Sable Sudhakar Balasaheb, Consumer

C] - On behalf of Respondent

- 1) Shri. Rahul A.Dere, Dy.Ex.Engr., Chakan Sub/ dn.

Mr.Sabale Sudhakar Balasaheb, Consumer No. - 176551532471, Billing Unit- 4700
Chakan Sub/ dn. Connected Load- 10 HP , Sanctioned load - 10 HP, date of supply
- 14.09.1992. (Agriculture Connection of 10 HP)

The present dispute is about the claim for compensation against the loss sustained to Sugar Cane crop of the consumer burnt due to delay in reconnection of supply. The above named consumer was made 'PD' during June, 2015 for non-payment of electricity bills / arrears amounting to Rs.87,388/-. Of this the consumer paid Rs.46,080/- on 19.4.2017 under PD Amnesty Scheme.

It is submitted by the consumer that in fact he received meter on 4.10.2017 which was kept in his custody, but the meter was not actually installed within the stipulated time, thereby causing the delay of about a month for reconnection of his supply. The consumer further claimed that because of delayed supply of the electricity, he had sustained financial loss due to burning of the standing sugar cane crop in his field. The consumer has, therefore, claimed compensation for the loss sustained by him for no fault attributable to him. The consumer has also further prayed for action against the concerned Chakan Sub dn. office for delay for breach of SOP in installation of reconnection of meter to his premises. Initially the consumer lodged the complaint before IGRC, PRC, Pune under the case No.28 of 2017-18. An opportunity was given for hearing to both the parties on 20.12.2017. On 12.01.2018 the IGRC decided the case directing the Respondent utility to release the Agri. reconnection of the consumer under PD Amnesty scheme immediately after following Rules and Regulations framed under the scheme. The IGRC also further directed the Respondent utility to revise the said bill of the consumer by removing alleged arrears appearing against the consumer.

Being aggrieved by the said order of IGRC, the consumer approached the Forum on 07.04.2018 and filed his grievance against the Respondent utility Zone, Dn. office, Rajgurunagar, claiming that there was delay in reconnection of his supply which led to burning of his standing sugarcane crop. The consumer had, therefore, prayed for compensation from the Respondent Utility against the alleged loss sustained by him for which no fault could be attributed to him. After filing the said dispute, notice was issued to the Respondent utility. Accordingly, the Respondent utility filed its reply as also appeared before the Forum on **21.5.2018**. The Respondent utility submitted that the said connection was PD on June-2015.

Consumer filed reconnection for application, the bill was and revised by preparing 'B-80' - i.e. "Bill Revision" on 19.5.2018 and the said connection was restored as reported by Lineman Shri.U.B.Tanpure. The reading was recorded on 19.4.2018 as 0001897 units on installation of the new meter No.6383405. Thus, the IGRC order is complied with. This is report of compliance of IGRC order along with copy of statement of Lineman Shri.Tanpure recorded on 16.5.2018. Thereafter Respondent utility filed para-wise reply on 29.6.18, informing that the connection was earlier "agriculture connection" since 14.9.1992 of 10 HP load. The said connection was permanently disconnected in the month of June - 2015. Consumer paid PD arrears under the Amnesty scheme availing the benefit of amount of Rs.46080/- against outstanding bill of Rs.87,388/- on 19.4.2017. After the connection was made 'PD', the consumer took about twenty seven (27) months after payment of the electricity bill, assuming that the consumer was not in urgent to get the supply released for agriculture purpose.

Respondent utility submitted that on **22.8.2017**, this consumer visited Section Office Bhoose and asked for reconnection of PD and also submitted an application for the same. The Consumer demanded three-phase meter at his premises. His request was forwarded to Higher Office which informed non-availability of the 3-Phase meter immediately. The said meter was accordingly provided by higher office on 19.9.2017. As per the extracts from the zerox copy of meter movement register that the meter was supplied by higher office on 19.9.2017. It is further informed that the sanctioned load of the transformer was 103 HP. However due to activities of the adjoining farmers - i.e. theft of the electricity on this transformer - resulted in aggregate load of the said transformer to about 170 HP. This often led to the transformers getting burnt and/or frequent failure of the transformer. The Respondent utility had provided the details of the dates on which failure of the transformer took place, date of transformer lifted from the Division Office/repairing agency etc. and the actual date of installation of the said transformer at site. It is also further informed by utility that distribution box also used to get rusted and it had to carry out some infrastructure work to ensure that installation of the transformer was completed on or before 19.09.2017. The infrastructure work

in this regard included, among others, cable replacement, replacement of LT conductor, repairs of lines due to rainy season, maintenance activity etc. As there was frequent loss of transformer due to heavy rainy season, the transformer again failed on during the period from 12.10.17 to 30.10.17. However, the Respondent utility took corrective steps, changed / replaced the failed transformer again on 01.11.2017. Thus, it took about four months' period to carry out and complete the required infrastructure work for the reasons and circumstances beyond the control of the Respondent Utility. Again during Nov.2017, the maintenance work of the Respondent was required to undertake the work of re-earthing of DTC with tree cutting work which caused interruptions for smooth supply of the electricity to the consumers in the area. Perusal of the "Meter Movement Register" reveals that on 4/10/17 the meter was issued to the consumer. However, due to the attendant work of infrastructure and replacement of conductor was in progress, followed by failing of the transformer on 12.10.2017, which was replaced on 30.10.17 and installed on 01.11.2017, coupled with certain minor infrastructure work, the meter of the consumer was installed on 04.11.2017. As such no delay is caused intentionally by the staff of the Respondent Utility, but whatever delay is claimed by the consumer is purely on technical grounds and for valid reasons. Under these circumstances the Respondent utility submitted that Rules and Regulations mentioned in SOP may not be applicable for the alleged delay, as the delay was unintentional and also beyond the control and circumstances and scope of utility. The consumer did not give detail off losses suffered by him in the process and that and his complaint is based on assumptions and also on unrealistic basis. The complaint of the consumer, therefore, is liable to be dismissed with cost. The Respondent utility also filed a copy of 'Meter Movement Register', copy of photo reading of the meter, bill revision report of 19.5.2018 and all other relevant documents. I have perused all the documents filed by consumer and the Respondent utility. I have also carefully gone through the judgment after perusing the contention of the consumer and the Respondent utility, following points have emerged for my consideration to which I have recorded my findings as also the reasons given below :-

1. Whether Respondent utility liable for action, if any, for breach of SOP for causing alleged delay in installation of the meter?.
2. Whether the consumer is entitled for compensation, if any, for reportedly having sustained loss of due to burning of standing crop of sugar cane?
3. Whether the consumer is entitled for any relief.
4. What order?

Reasoning :-

In the present case the consumer was given liberal approach considering his connection being under agriculture. The record revealed that the connection of the consumer was PD since last 3 years on June-2015. Consumer had taken benefits of PD amnesty scheme and had deposited of Rs.46,080/- against the aggregate outstanding bill of Rs.87,388/- According to the contention of the Respondent utility, the consumer approached it and filed an application for restoration of his connection on 4.10.2017. The electric meter for 3-phase connection was demanded by the consumer. The required meter by the consumer was not readily available which had caused the delay. The Respondent utility further submitted extracts of the movement register of the meters. It appears from the entries in the said Register that the 3-Phase meter was provided to the consumer on 4.10.2017. But the said meter could be actually installed at the site of the consumer on 04.11.2017. The concerned Lineman had, however, given the statement that the supply to the meter was restored on 4.11.2017. The reason for the meter installation and reconnection of the supply admittedly had taken about 3-4 months. Therefore I have assessed the reason and the grounds for delay as informed by the utility in its reply in detail which is filed subsequently on 29.6.2018. The main reason, as provided by the Utility for the delay, was that there were instances of frequent failure of the transformer at the site village Bhahul and also reported incidences of theft of electricity by the farmers from the adjoining areas which used to result in additional load burden on the transformer which take same to about 170 HP, well beyond the capacity of the installed transformer having sanctioned connected load in 103 HP.

The Respondent utility had provided the details of dates of failure of transformer and date of supply of new transformer from office. The transformer installation work also in addition required to other work such as Infra structure at the site of transformer and which was actually replaced on the site 3-4 times during the span of 5 months. Therefore the actual purpose of installation of meter immediately would not have been of much help to the consumer as the supply was getting frequently interrupted due to frequent failure of transformer. In this circumstance the reason of delay which is satisfactorily explained by the Respondent utility giving periodical data of failure of transformer and actual date of replacement. In this circumstances I come to conclusion that there is no intentional delay on the part of the Respondent utility and their officials but the delay is solely on technical grounds and valid. I am satisfied with the reasons and the cause of delay submitted by utility. Hence the allegation of the consumer for delay, as also his prayer for imposing penalty and punishment for breach of SOP does not arise.

In addition, under the provisions of MERC Regulations 8.3, Sub Clause 2/3 prevent this Forum to grant any such compensation which is unliquidated. The provision is reproduced here under -

During the course of hearing, to create aware among the consumers, the Respondent Utility was directed to conduct awareness programmes for the consumers at the place of village Bhahul and to take special drive to prevent incidents of theft by the farmers from adjoining areas causing unnecessary burden of the transformer leading to frequent failure. The load of transformer which causes frequent failure at large and prevent from continuous supply. The action shall be taken by the Respondent utility officers immediately in the light of this fact and circumstances. I found that the consumer complaint for penalty and punishment to breach of SOP could not be sustained.

Consumer was given the opportunity to substantiate his claim and accordingly examination of relevant reports of the Respondent utility has submitted in detailed with reasons and hence time limit of sixty day could not required to be observed strictly.

Hence I proceed to pass the following order.

ORDER

1. The consumer complaint of Case No.14 of 2018 stands dismissed.
2. No order as to cost.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 10th July - 2018.

Note:

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree/~~Disagree~~—

I agree/~~Disagree~~

I agree/~~Disagree~~

Sd/-
ANIL JOSHI
MEMBER
CGRF:PZ:PUNE

Sd/-
A.P.BHAVTHANKAR
CHAIRPERSON
CGRF: PZ:PUNE

Sd/-
BEENA SAVANT
MEMBER- SECRETARY
CGRF:PZ:PUNE