

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

Case No. 46/2018

Date of Grievance : 18.08.2018

Hearing Date : 26.09.2018

Date of Order : 02.11.2018

In the matter of utility for restoration of electricity supply to Ag. connection.

Shri.Kalokhe Sharad Sahadu, Appellant
At Post- Dehugaon,
Tal. Haveli, Near Post Office,
Pune- 412109

VS

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

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. Kalokhe Sharad Sahadu
- 2) Shri.Vivek Velankar, Representative

C] - On behalf of Respondent

- 1) Shri. Vikas M. Alhat, AEE, Bhosari Division
- 2) Shri Anil B.Hulnoorkar, Asstt.Engr. Talwade Sub/Dn.
- 3) Smt.Sujata R. Karande, DyEE, GKUC, Pune.

Consumer No.170060023819, B.U.4595, Office Dehuhgaon, Tal.Haveli, Dist.Pune on dtd.12.03.2018, Consumer gave complaint to Ex.Engineer, MSEDCL, Bhosari Dn. for claiming compensation for breach of SOP by utility by referring complaint dated 07.01.2018 to 13.01.2018. Complainant made online complaint against the utility for non-supply of electricity connection but till 12.03.2018, his complaint was not solved therefore

consumer approached to Right to Information preceding and made complaint. His complaint was heard and decided by the authority of MSEDCL. According to consumer Billing Unit mentioned on his bill was wrong, as the Billing Unit is wrongly mentioned which was and bill printing by MSEDCL no proper responsibility taken by the utility for publishing correct no. Therefore consumer made the complaint informing that his disconnection of supply was not restored between 7.1.18 to 13.01.18 he required to obtain supply of water from neighboring agricultural connection and cultivated sugar cane crop consumer submitted that on 12.3.2018 after hearing of consumer complaint. The supply was assured to restore within 24 hours. Thereafter laps of one week till date 13.1.2018 consumer made complaint on 14.1.2018 till 12.3.2018. Consumer required to use 6 shifts for supply of water during night time as neighboring agricultural connection. Farmer was not giving supply of water to his crop during day time for each shifts of supply consumer required to spent 1200 per shift according to consumer he calculated amount $1200 \times 6 = \text{Cost } 7200/-$ and which was obtain in night shift. Consumer also claimed amount of Rs.3000/- for his mental harassment and total amount claim Rs.10200/- Compensation against the utility consumer also stated that his complaint was not solved in 12.3.2018. Accordingly consumer again gave complaint on 10.7.2018 and claimed compensation for breach of SOP Rs.50/- per hours 8.1.2018 to 28.03.2018 for filing this complaint in form No. X before IGRC. The case is registered vide Case No.T-19 of 2018 IGRC authority gave opportunity of hearing to the consumer on dtd. 20.7.2018. On 9.8.2018 the IGRC passed order against the consumer at there is no intentionally breach of SOP instance occurred as the delay is caused of restoration of supply. Due to objection raised by land owner who was not allowing to take supply from existing pole and prayer of consumer breach of SOP compensation was disallowed. Being dissatisfied with the order of IGRC dated 9.8.2018 consumer approach to the Forum and made complaint in Form No. A. Consumer pray for compensation for breach of SOP against the utility Rs.50/-per hour from 8.1.2018 to 13.3.2018 and extended for further period till the supply is restored. The consumer also pray for reasonable

compensation for breach of SOP after filing the complaint on 16.8.2018. This Forum registered the case vide 46 of 2018.

This office has served the notice to the Respondent Utility for filing of reply and accordingly it was filed the reply on 4.9.2018. Thereafter this office issued notice to the Respondent Utility on 12.9.2018 and date of hearing was fixed on 26.9.2018. Respondent utility submitted that consumer No.170060023719 issued bill unit code No. instead of Pradhikaran Sub/dn. was printed Akurdi Sub/dn. The consumer has filed his complaint to the call center that, the supply was used for agricultural purpose and the supply was disconnected. The consumer not filed complaint to the proper billing unit and he made complaint online to the Call Centre. Consumer also made properly written complaint to Jr.Engineer, MSEDCL, Dehugaon/Pradhikaran Sub/dn. under Right to Information Act. The complaint was heard on 7.3.2018 according to consumer on dtd.7.3.2018 hearing was commence before Right to Information authority. It was the date of communication of consumer complaint before hearing of Right to Information Act proceeding. Thereafter authorized the person of utility visited to the premises to solve the consumer complaint and found service wire of the consumer was broken. The authority want to reconnect the service wire but owner of the land where the pole is situated objected to restore the supply and the Respondent Utility were not demanded the service wire. Thereafter consumers himself bring extended service wire required to obtain the connection from another pole. Accordingly consumer made oral request. **Therefore** the officers of the utility restore to supply of another pole on dtd. 28.3.2018 and the supply was restored. The consumer claimed compensation of Rs.1200/- per shift for 6 shifts which was earlier calculated and obtain supply from neighboring farmer according to consumer. The complaint received to Pradhikaran Sub/dn. which was registered on dated 7.3.2018 and thereafter immediate action was taken by them. The premises of the consumer was visited and found service wire was broken. The objection taken by the land owner of the field where the earlier connection was situated i.e. earlier existence pole. Consumer made request to supply from another pole which was situated at the distance of

120 to 225 ft. for earlier connection. According to Rules & Regulations the service connection can be provided only up to the distance of 100 ft and the cable supplied required by utility in spite of consumer himself brought the service cable for the distance 225 ft. considering emergency requirement at the request of consumer. Utility reconnected the supply on 18.3.2018 from the distance of 225 ft. which was against Rules and Regulations. The delay in restoration of supply was not cause at the instance of utility intentionally on the contrary utility help consumer against the Rules and Regulations. Even then consumer instead of making proper complaint to the Sub/dn. Pradhikaran approached to Right to Information and claimed compensation intentionally but not visited village Dehugaon Section Office and Pradhikaran sub/dn. office and not made any complaint to take undue advantage of wrong application of BU no. on the bill.

Respondent Utility further submitted that the consumer not paid the bill of Jan. & Feb.2018 for amount of Rs.4676/- Even consumer not paid shifting charges as required as per Regulations in the Pradhikaran Sub/dn. properly. Consumer made complaint intentionally to Right to Information proceedings which is absolutely illegal & improper as consumer not made proper complaint and breach of SOP proceedings benefit cannot be avail to the consumer. According to the utility compensation claimed by the consumer is without any sufficient ground and without any proper reasons. Therefore complaints of the consumer liable to be dismissed with cost.

Consumer filed copy of apply Right to Information proceedings earlier complaint made to the Respondent Utility official, copy of corrected bill, copy of complaint given by IGRC in Form No.X and all other relevant documents. Respondent Utility filed copy of CPL, copy of bill, for the month of Jan.2018 and Feb.2018 and all other relevant documents. I have perused copies of the documents and the consumer complaint along with annexure minutely.

After perusing rival contention consumer and respondent utility following points arose for my consideration to which I have recorded my finding to the points for the reason given below :

1. Whether consumer is entitled for compensation for breach of SOP delay in restoration of supply of agricultural connection to his premises.
2. Whether delay in restoration of supply is intentionally caused by Act of utility.
3. What relief as per final order?

Reasoning:-

On 26.9.2018 consumer was present with his representative Shri.Velankar. The Respondent Utility representative was present. The issue raised by the consumer in complaint was minutely perused initially a query was made to the representative of utility for verification of facts. It appears to me that the copy of CPL submitted by utility is perused. There are instance of disconnection of agricultural supply of nonpayment of bill. The issue raised by the consumer making complaint on 7.1.2018 according to consumer there was no supply to his premises on 8.1.2018 and he made complaint online till 12.03.2018. The consumer earlier was regularly paying the bill and where there was mistake of BU unit as occurred wrongly printed on the bill. Consumer not paid said arrears of the bill since Jan.2018 to May 2018. The copy of the bill dated 21.05.2018 placed before this Forum and Consumer paid bill for Rs.610/-. Attitude of the consumer to make proper authority for restoration of his supply which was disconnected due to breaking of service cable which was notice on visit by the utility official on 07.3.2018. Consumer knowingly made complaint under Right to Information and tried to solve his complaint. Accordingly proceeding under Right to Information consumer only authorized to copies of his proceedings earlier application made to the official utility. But it appears that consumer initiated wrong proceedings to make complaint of RTI and misuse the provisions. In adherently the officer who preside over the RTI preceding give some findings in wrong billing no. in spite of that without paying outstanding arrears of bills Consumer insisted and made complaint under form No. X on dated 02.07.2018. Therefore the instance of claiming compensation period from 08.1.2018 to 28.03.2018 intention of consumer to claim compensation

Rs.50/- per hours against the utility seems to be improper. As delay itself caused by the consumer to be claim proper relief against the utility by initiating appropriate proceedings visiting proper Section / Sub/dn. office where he was continuously paying the bill from 11.01.2013 and deposited earlier bill to the unit.

The purpose of the consumer to claimed unnecessary compensation for wrong act done by himself only to give blast to his un deposited arrears of bill and to claim to monetary benefit. Respondent utility submitted even before IGRC that the delay is not cause intentionally and there was objection raised by owner of neighboring farmer where the earlier connection was situated and the connection in the name of Amol Anil Kalkhoe and the application of Shri. Amol Kalkhoe dated 8.3.2018 clearly indicates in writing that he raised objection to restore the earlier supply from this pole due to there may be chances of short circuit and it was dangerous to his premises for his safety and security purpose. And request is made by the consumer to restore the supply without paying proper arrears before ensuring the restoration of supply mischiously and also made request to the utility official to restore the supply from neighboring pole in the hearing. And thereafter consumer raised objection that, as per Regulations he need not purchased and brought the service wire at his own cost. Whereas Respondent utility submitted that consumer was never requested or directed to bring the service wire at his cost where the distance of restoration of supply from another pole is more than 225 ft. which was against Rules and Regulations as supply can be given upto distance of 100 ft. only. It appears that consumer claimed compensation of Rs.50/- subsequently after laps of long period where as consumer earlier claimed compensation for Rs.1200 x 8 days = 7200/- + 300 mental harassment cost. The intention of consumer to extract money from the utility by creating wrong and miscalculation where the cost of wire earlier not included in the complaint dated 12.3.2018 but first time it was raised in Form No.-X.

Coming to the dispute, I come to view whether breach of SOP can be applicable to the complaint given online to the consumer Call Centre and

not attended. The Circular and the direction given by the MERC in the refer order Case No.138 of 2014 at Clause No.12

(i) Establishment of Call Centre's

MSEDCL has asked that it be exempted from setting up Call Centres in different categories of areas, since it has a centralized Call Centre for consumer complaints. The Commission clarifies that Regulation 8.1 does not require that Call Centre(s) be physically located in the different areas, but that such facility or facilities should be able to deal with complaints from such areas within the time-lines specified, regardless of their number or where they are located. If a single centralized Call Centre can do so, the requirements of Regulation 8.1 are met (provided calls by consumers are toll-free or charged only at local call rates). Hence, no amendment is required.

Clearly indicate that breach of SOP relief cannot be extended to the online complaint given to the Call Centre. The facility is provided as to attend the Fuse Call Centre benefit etc. It appears that consumer never made proper complaint to Sub/dn. or Section office for 24 x 7 where his premises was situated as required before the utility office of Pradhikaran as his residential premises as his connected service premises situated at Dehugaon Tal. Haveli, Dist. Pune. To my view without giving proper complaint in writing to the proper utility office breach of SOP provisions cannot be apply in the case of such consumer. Secondly it appears that the consumer was in arrears of unpaid bill at the time of dispute raised for the period 8.1.2018 and the earlier bill was not paid by the consumer. As per Regulations provided under this Act no restoration of connection of supply given if there are outstanding arrears of bill unpaid by consumer and therefore the relief of breach of SOP cannot be extended to this consumer. It appears that attempt made by the consumer to bring pressurize tactics of the utility to extract money at the cost of Rs.50/- per day for the period which was not prayed at earlier instance. Such attitude against the defaulter of consumer I am not inclined to grant any benefit to such consumer. Hence I do not found any substance in the consumer complaint. I come to conclusion that the consumer complaint No. 46 of 2018 deserves to be dismissed with cost.

It is necessary to mentioned that during the hearing of this case representative Shri. Velankar made some gesture and arrogant attitude aggressive to Member Secretary Shri. Anil Joshi. The incident was reported in writing by Member CPO and the complaint is made as follows.

The Consumer Representative Shri. Vivek Velankar displayed no confidence in the Forum since beginning & in tonality of arguments as also body language during his responses to the member of the Forum in general and the Chairperson & the Member CPO in particular can hardly be said befitting to the place he was present. This is the repeat incidence on the part of the Consumer Representative. Therefore I am though member CPO can't endorsed any such behavior on the part of the consumer or his representative in Public places in general & before the quasi-judicial platform in particular. Therefore there is need to examine if such type of consumer or their representatives can be prohibited from appearance before the quasi-judicial Forum in general and CGRF Pune in Particular.

I have decided to deal with this issue separately without prejudice to the rights of consumer and refer the issue to the authority to take appropriate action. Hence I come to decide finally that consumer complaint is without any merits and not deserve to grant any relief in favour of consumer.

As Member CPO made complaint in writing which was enquired and reported and hence the time limit of 60 days prescribed for disposal of the grievance could not be adhered to.

In view of the foregoing, I am inclined to pass the following order.

ORDER

- I) Consumer Complaint 46 of 2018 stands dismissed with cost.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 02.11.2018.

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~~

Sd/-
ANIL JOSHI
MEMBER
CGRF:PZ:PUNE

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

I agree / ~~Disagree~~

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