

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

" Vidyut Bhavan" Ratanlal Plot ,Akola. Tel No 0724.2434475

ORDER

Dt:- 25.05.2018

Complaint No. :- 14/2018

In the matter pertaining to grievance of restoration of electric supply and payment of SOP Compensation for delay thereof.

Quorum

Dr.V.N.Bapat- Chairman

Shri.D.M.Deshpande, Member (CPO)

Shri. R.A.Ramteke, Member – Secretary

Shri. Dinesh Shriram Devkar :-
Complainant
At Post- Belkhed Tq- Telhara
Dist- Akola Consumer No- Ag -318881518074

....Vrs.....

Nodal officer Ex. Engineer MSEDCL, :- Respondent.
O&M Division Akot.

Appearances: -

Complainant :- Shri.Pramod Khandagale

Respondent Representative :- Shri. S.T. Kohad
Dy .EE. MSEDCL Telhara.

1) On being aggrieved by the decision of IGRC Akola issued vide IGRC/Akola/ 806 dated 22.02.2018, complainant Shri. Dinesh S . Devkar of Belkhed Tq. Telhara approached this Forum under regulation 6.4 of MERC (CGRF and Ombudsman) Regulation 2006, for resolving the grievance.

2) The complaint in brief is that complainant is Agriculture consumer of N.A.MSEDCL from 16.12.2000. According to complainant because of short circuit in service wire of MSEDCL, electric supply to Ag pump was disrupted and fire sprayed out in the Banana farm causing loss to Banana cultivation. Electrical inspector of Government of Maharashtra under powers delegated inspected the farm on 20.05.2017 and submitted his report/finding to N.A.MSEDCL on 09.06.2017, according to which claim for loss of Banana cultivation is filed and pending for adjudication with revenue authority. According to complainant it was obligatory on the part of N.A.MSEDCL to restore the power supply within 24 Hrs as per SOP regulation 2014 and N.A.MSEDCL failed in their obligation to restore the supply, hence complainant preferred complaint before IGRC Akola on 13.12.2017 and supply was restored on 14.12.2017. IGRC Akola committed error in finalizing the grievance and did not award compensation as per SOP regulation. According to complainant SOP compensation at Rs 50/- per Hour was claimed and submitted to Executive Engineer Akot by registered post acknowledgement received to N.A. on 16.11.2017. According to complainant; in response to claim for SOP date 15.11.2017 N.A.MSEDCL vide their letter No 142 dated 17.11.2017 intimated defects, which were rectified by complainant within 10 days on 13.05.2017 and insisted for test report which was submitted on 24.11.2017. According to complainant notice for inspection of installation was never given to complainant by N.A.MSEDCL after 20.05.2017, and according to complainant no inspection has been carried out by N.A.MSEDCL after 20.05.2017 and contents of letter no 142 dt. 17.11.2017 are false. According to complainant in absence of any acknowledgement by complainant on said inspection report it is liable to be cancelled by Forum as false. Complainant prays to allow SOP at Rs 50/- per Hrs from 13.05.2017 to 14.12.2018 and recover the loss from guilty officers of N.A.MSEDCL as per principle laid down in civil appeal 4450/2012 by Apex court in the matter between M/S Lucknow Development Authority Vs M.K. Gupta in 1993 4 SCC(i) 243. Complainant Annexed copy of IGRC order,

copy of complaint to IGRC with documents, and copy of Apex court order in lucknow development authority Vs M.K.Gupta.

3) Reply came to be filed by N.A.MSEDCL belatedly on 02.05.2018. According to N.A.MSEDCL supply was disrupted on 13.05.2017 and at the time of inspection by Electrical inspector on 20.05.2017 the complainant was intimated to rectify the defects in the consumers installation and submit test report orally. According to N.A.MSEDCL complainant has not lodged any complaint about disruption of supply after 20.05.2017 to 18.11.2017 with N.A.MSEDCL. According to complainant test report dated 24.11.2017 was submitted by complainant on 11.12.2017 to Distribution centre Rural 1 of MSEDCL and accordingly supply was restored on 14.12.2017. According to N.A.MSEDCL complainant has submitted false statement before Forum that defects in installation were rectified within 10 days of 20.05.2017 in absence of any intimation to N.A.MSEDCL. According to N.A.MSEDCL complainant instead of lodging fuse call complaint in register kept for the purpose levelling deliberate allegations against DY.EE. Telhara. According to N.A.MSEDCL complainant did not register fuse call complaint to any of the offices of N.A.MSEDCL after 13.05.2017. N.A.MSEDCL prays for dismissal of complaint. N.A.MSEDCL Annexed copy of energy bill, copy test report and extract of complaint register.

4) Shri. Pramod Khandagale representative for complainant and Shri. S.T. Kohad Dy.EE Telhara were present for the reschedule hearing on 08.05.2018. Shri. Khandagale representative urged that it is fact that complainant did not give fuse call complaint in writing to the office of N.A.MSEDCL as did not feel necessary as electrical inspector already inspected the spot along with installation of complainant alongwith MSEDCL officials on 20.05.2017 and finding are on record of N.A.MSEDCL intimated by electrical inspector on 09.06.2017, wherein MSEDCL were directed to replace the service connection wire meant for the installation of complainant. Shri. Khandagale representative for complainant brought to the notice of Forum that no defects were pointed out by Electrical inspector in the installation of complainant and no modifications were carried out in the installation except minor changes and submission of test report is not made compulsory by electrical inspector and N.A.MSEDCL did not intimate upto 17.11.2017 for resubmission of test report. Complainant

representative brought to the notice of Forum that insistence of test report on 17.11.2017 by N.A.MSEDCL is afterthought excuse as letter is given only after claim by complainant on 15.11.2017 for SOP. Complainant representative brought to the notice of Forum that directives of Electrical Inspector in respect of replacement of service wire are complied on 14.12.2017, hence requested Forum to allow the complaint.

5) Learned representative for respondent Shri. S.T.Kohad Dy.EE urged that electric supply to Ag pump of complainant was restored within three days of submission of test report on 11.12.2017 hence no delay in restoring the supply and SOP compensation is not admissible.

6) Having heard the parties and considering material placed on record by both the parties Forum is of the view that it is fact that supply to the Ag pump of complainant was disrupted on 13.05.2017 and restored on 14.12.2017. From the report submitted by Electrical Inspector Akola addressed to Executive Engineer Akot and copy to Dy. EE Telhara it is very clear that inspection by Electrical Inspector is carried out after submission of information about incident of fire in Format 'A' of N.A.MSEDCL. So Forum finds substance in the submission of complainant that oral complaint of fuse call was registered and on having knowledge of incident N.A.MSEDCL submitted information in format 'A' to Electrical inspector and inspection is carried out on 20.05.2017. Even if recitals of electrical inspector finding dated 20.05.2017 are pursued, no defects in the consumer installation was intimated by Electrical inspector. On the contrary N.A.MSEDCL were directed to restore the supply within seven days after rectification of defects. It is not brought on record by N.A.MSEDCL as when these defects were rectified and intimated to Electrical Inspector. Forum finds no substance in the submission of N.A.MSEDCL that fuse call complaint is not lodged with MSEDCL when in their reply it is mentioned that consumer was intimated in presence of Electrical inspector on 20.05.2017 to submit test report, for restoration of supply, the submission according to Forum is contradictory and misleading. Forum is of the view that N.A.MSEDCL came in action after submission of claim for SOP by complainant on 15.11.2017 and letter dated 17.11.2017 to complainant intimating defect is afterthought

fabrication to shirk responsibility of delay in rectifying the defects and restoration of supply, as submission of test report was not a part of findings of Electrical inspector and N.A.MSEDCL did not bring on record whether installation checking as per letter dated 17.11.2017 has been carried out with due intimation to complainant as per provisions of supply code regulation 2005. Forum is of the view that reply filed by N.A.MSEDCL and documents filed on record such as letter DY/EE/Telhara/2567 dt. 02.12.2017 are contradictory and cannot be relied on. Considering above observation Forum is convinced that complainant is harassed deliberately by the authorities of N.A.MSEDCL in restoring the power supply on 14.12.2017, as is evident from the fact that Electrical Inspector carried out inspection on 20.05.2017 after intimation from N.A.MSEDCL to them in format 'A'. Forum is of the view that N.A.MSEDCL failed in their performance to restore the supply within seven days on findings of Electrical Inspector and thus complainant is entitled for compensation at Rs 50/Hr ie 1200 per day from 21.05.2017 to 13.12.2017. As per amendment in SOP regulation 2014, since complainant claimed such **compensation on 15.11.2017, he is entitled for 1200 per day compensation** from 15.09.2017 to 13.12.2017 for 90 days amounting to Rs 108000/-. Forum is also of the view that payment of SOP compensation of Rs 1,08000/- is revenue loss to public company should be recovered from guilty officers/employee of N.A.MSEDCL after due enquiry as per principle laid down in Apex court order in the matter between M/S Lucknow development authority Vs M.K.Gupta 1993 4 SCC(i) 243. With these observation forum proceeds to pass following unanimous order.

ORDER

- 1) That complain no. 14/2018 is hereby partly allowed.
- 2) That N.A.MSEDCL is directed to compensate complainant at Rs 1200/- per day for 90 days amounting Rs 1,08000/- in the forthcoming bill payable by the complainant.
- 3) That N.A.MSEDCL is directed to recover the loss of public revenue of Rs 1,08000/- from guilty officers of N.A.MSEDCL after due enquiry as per principle laid down in Apex Court order in the matter between M/S Lucknow development authority Vs M.K.Gupta in 1993 4 SCC(i) 243.
- 4) No order as to the cost.

5) That N.A.MSEDCL is directed to give submit compliance report to Forum within one month,from receipt of this order.

S/d
Member/Secretary

S/d
Member (CPO)

S/d
Chairman

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.Phone:- 0712-2596670

No. CGRF / AKZ/ Akola/247

Dt:- 25.05.2018

To,
The Nodal Officer,
Executive Engineer
MSEDCL, O&M
Division Akot, Distt. -Akola

The order passed on 25.05.2018 in the Complaint No.14/2018 is enclosed herewith for further compliance and necessary action.

Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola.

Copy fwcs to:

1. The Superintending Engineer, MSEDCL, O&M Circle, Akola.
2. Shri. Dinesh Shriram Devkar At Post- Belkhed Tq- Telhara Dist- Akola
Consumer No- Ag.318881518074.