

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

Case No. CGRF(NZ)/04/2019

Applicant : Shri Bala Damadu Balpande,
Sonegaon (Khunkar),
Post Sirasgaon,
Tal.Hinganghat, Wardha

V/s

Non-applicant : Nodal Officer,
The Executive Engineer,
Hingaghat Dn. M.S.E.D.C.L.,
Hinganghat, District Wardha.

Applicant represented by : Shri B.V.Betal.

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

Quorum Present : 1) Shri Arvind Jayram Rohee,
Chairperson.
2) Mrs. V.N.Parihar,
Member Secretary
3) Mrs. Asmita Avinash Prabhune,
Member(CPO)

ORDER PASSED ON 20.04.2019

1) The applicant approached this Forum under clause 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006, since aggrieved by the order dated 01.10.2018 passed by Internal Grievance Redressal Cell (IGRC), SNDL, Nagpur, thereby rejecting his claim for grant of compensation for the

alleged delay in restoration of electric energy supply for agricultural purpose.

2) The applicant cultivates the landed property in Hinganghat Tehsil of Wardha District. It is stated that there was heavy storm followed by rains in the locality, as a result of which many electric poles were bent/uprooted/damaged thereby dislocating the electric supply on the electric pump installed in his field. This was sometime in last week of June 2018. The applicant lodged oral complaint for restoration of electric supply to his field on 25.06.2018 and 30.06.2018, followed by a written complaint to this effect on 03.08.2018. The broken/damaged electric poles were replaced on 05.08.2018 and the cable was installed on 20.08.2018. However, according to applicant the electric supply was actually restored on 04.09.2018. It is stated that on account of delay in restoration of electric supply, the applicant is entitled to get compensation as per the provisions of MERC, SOP Regulations 2014, to the extent of Rs.50/- per hour in addition to compensation of Rs.10,000/- each for causing physical and mental agony, Rs.3000/- for expenses incurred for undertaking journey & Rs.2000/- towards cost of the proceeding.

3) Initially the applicant approached the IGRC, Hinganghat Sub Dn. in Wardha Dn. vide application dated 03.08.2018. The claim was however, rejected by order dated 01.10.2018 accepting the contentions of the Non-applicant that it

was a result of natural calamity and since 750 Low Tension and 90 High Tension cable poles were uprooted and since there was standing crop in the field, supply could not be restored immediately. There being no delay as such, since the electric supply was restored on 05.08.2018 and not on 04.09.2018 as alleged by the applicant, there is no question of payment of any compensation to the applicant.

4) The applicant approached the forum in this grievance application on 11.01.2019. On notice the Non-applicant filed reply on 12.02.2019 reiterating the stand taken before IGRC.

5) The applicant is represented by Shri B.V. Betal and Non-applicant by Shri H.P. Pawade, Executive Engineer, Hinganghat Division.

6) Heard arguments of both the parties on 27.03.2019 and 15.04.2019.

7) During the course of arguments, since it was revealed that there is remarkable difference in the signature of the applicant on his grievance application and the one produced by the Non-applicant, addressed to him informing that since the electric supply is restored, now no grievance is left. The applicant was called upon by a notice to remain present before this forum for interrogation and verification of the signatures, since his representative submitted that the signature on the letter produced by

Non-applicant does not belong to the applicant and it is a forged document. The applicants representative was called upon to keep the applicant present on 15.04.2019. However, he failed to do so.

8) We have carefully perused the entire case record.

9) It is not disputed that on account of natural calamity in the region which is nothing but a "Vis-major" (Act of God) many electric poles in the region of Hinganghat tehsil were broken/ bent/damaged thereby disrupting the electric supply to the agricultural pumps of many cultivators including the applicant. Although oral complaint is lodged (which is denied by the Non-applicant), it is obvious that on written complaint made for the first time on 03.08.2018 the electric poles carrying cable upto the well in the field of the applicant were replaced and supply was restored on 05.08.2018. There is no force in the contention of the applicant that electric supply was actually restored on 04.09.2018 and not on 05.08.2018.

10) It is true that there is some delay on the part of MSEDCL for restoration of the electric supply. However, it is obvious that it was beyond the control, since number of electric poles were broken/bent/damaged due to heavy storm and rains. As such the Non-applicant cannot be blamed and held liable for payment of compensation for

“Vis-major” which cannot be stated to be done by any human agency. This being so, we do not find any substance in present grievance application.

11) Further the applicant approached IGRC on the same day, when he submitted written complaint to the Non-applicant for restoration of electric supply. Further if we compare signatures of the applicant on the grievance applications before the forum and IGRC and on the letter dated 18.02.2019 addressed to this forum with its copy to Non-applicant, there is remarkable difference. It appears that this forum is moved without the knowledge of the applicant by his representative. It was pointed out on behalf of the Non-applicant that in past this forum passed orders in few matters directing the MSEDCL not to act upon any proceedings filed by applicant’s representative for any consumer, since he was habitual in doing so. For this reason also the applicants grievance cannot be entertained, apart from dismissal of the claim on merit.

12) In the result we do not find any illegality in the order passed by IGRC. The applicant is therefore, not entitled to compensation claimed by him. Grievance application stands dismissed accordingly. However, with no order as to costs.

Sd/-
(Mrs. Asmita A. Prabhune)
MEMBER(CPO)

Sd/-
(Mrs. V.N.Parihar)
MEMBER SECRETARY

Sd/-
(Arvind J. Rohee)
CHAIRPERSON