

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

Case No. 31/2019

Date of Grievance : 03.05.19

Hearing Date : 11.06.19

Date of Order : 16.08.19

In the matter of delay in restoration of power supply of consumers due to distribution transformer failure and breach of SOP 2014.

Shri. Genu Ahilaji Hande, ---- APPELLANT

Laxminagar, At Post - Umbraj,

Tal.- Junnar ,

Dist. Pune - 412412.

(Consumer No. 17473173091)

VS

The Executive Engineer, ---- RESPONDENT

M.S.E.D.C.Ltd.,

Manchar 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) Mr.Jairam Genuji Hande, Consumer Representative

C] - On behalf of Respondent

- 1) Mr. Prakash S.Khandekar, EE, Manchar Dn.

Tariff Category' LT IV 3 phase Agricultural connection.

The above named consumer was filed the complaint to Dy.Ex.Engineer, Narayangaon Sub/dn. office, informing that he is the consumer and distribution transformers door shall be repaired as the door is not fixed

properly & leakage the oil from the Transformer. According to the consumer the supply provided to agricultural connection original stands in the name of Shri. Genu Ahilaji Hande , he is a father. Since the death of his father he is using the said supply for his agricultural connection at the same premises. The said 3 phase supply was disconnected due to failure of transformer. Accordingly he wrote the complaint to the Dy.E.E., Narayangaon Sub/dn. on 24.4.2018, informing that the transformers cable, fuses & door cover of the transformer in the said premises was not maintained properly. He apparition of unworthy accident at the premises due to not maintaining the said transformer, periodical maintenance etc. by the Respondent Utility. The Respondent Utility has not taken care of transformer within proper timing therefore transformer was failed. Thereafter he was made complaint of failure of transformer and in writing prayed for replacement of the said transformer immediately. According to consumer from the date 09.10.2018, the transformer was not replaced within proper time and hence it was applicable for SOP Regulation 2014 due delay in installation of repaired transformer and it was replaced actually on dtd. 19.10.2018, at 4.00 p.m. & as per SOP Regulation 3 phase supply was restored after 240 Hrs. and total 240-48 = 192 hrs. delay is caused due to delay in restoration of power of supply. Therefore consumer prays for compensation for breach of SOP for amounting Rs.9600/- for 13 persons. He made complaint at Narayangaon Sub/dn. on 24.04.2018. The consumer alleged that no action was taken properly after filing his complaint & nor the transformer was repaired. Therefore he made complaint to IGRC & the IGRC registered the complaint Case No.41/2018-19. The IGRC gave the date of receiving application dated 14.12.2018. Thereafter the notice was given to Utility & the opportunity of hearing kept on 25.01.2019. The Respondent Utility was not appeared at the time of hearing. However the reply filed by Utility stating that applicant stands in the name of Mr. Jairam Genuji Hande and present complainant is not the MSEDCL's consumer. According to the Utility, the said transformer after failure, the report was immediately reported to the Ex. Engineer, Manchar Division for replacement of faulty transformer. After

availability of the transformer, they have immediately replaced the said transformer as per the Utility's submission. The Utility was replied that periodical maintenance of Section Officer of Pimpalwadi Section was carried out. The Utility prayed for dismissal of the complaint as consumer is not having connection in his name. Even the application submitted by consumer is not signed by consumer and his representative. However the IGRC was not passed to any order and hence dismissed the complaint on 13.2.2019.

After receiving the copy of the said order of the IGRC the present consumer approached to this Forum alongwith copy of bills, copy of IGRC orders, copy of notice and correspondence made with Utility by him. The consumer was also filed the copy of transformer failure report alongwith relevant reports. The consumer was prayed for delay in replacing the transformer and breach of SOP compensation of Rs.9600/- payable to him. The said application is signed by consumer Mr. Jairam Genuji Hande alongwith 13 other agricultural occupants. On dtd. 03.05.2019 this office has registered the case in Case No. 31/2019 and issued the notice to the Respondent Utility on dt. 4.5.2019 giving direction to Utility that, to file the reply on or before dtd. 20.5.2019. After serving of this notice, the Utility appeared and filed reply on dated 23.5.2019.

The Utility replied that as per Regulations Ombudsman and supply Code the present applicant is not the consumer. The said application is not filed by proper process. The premises situated at Section office Mouje Umbraj No.1 (Laxminagar) three phase transformer was failure, the application was received on 12.10.2018 to Division Office. Thereafter the Respondent Utility official was visited the premises to check that whether the said technical fault can be repaired at site or not & it is verified at the spot. Thereafter it is observed that there was fault in the transformer winding but the said fault was not repaired at the site and hence it was sent for repair. The Respondent Utility gives the list of consumers which was feeding the supply through Laxminagar transformer and there are 27 no. of consumers feeding the supply from this transformer. The Respondent Utility submitted that, due to failure of this transformer the power was not totally failure. The

supply was continued from other single phasing transformer & single phase supply was available but three phase supply was not available to all these consumers & they were not in dark totally. The 25 KVA transformer was issued on 16.10.2018 as per gate pass No.514 and it was repaired and replaced on the same date. The Respondent Utility prayed that Mr. Jairam Genuji Hande cannot be an applicant and therefore his consumer complaint is liable to be dismissed with cost.

After perusing rival contention of consumer and Respondent Utility following point arose for my consideration to which I have given by findings to the issues for the reason given below :-

1. Whether transformer of consumer premises was failure cause delay in repair, reinstallation & taken into circuit for restoration of supply?
2. Whether there is violation of breach of SOP Regulations intentionally and without satisfactory reason for 10 days?
3. Whether consumer is entitled for compensation as breach?

Reasoning :-

I have given an opportunity to the consumer and his representative and the issue was heard minutely on 11.6.2019. It appears that, the complaint was given for failure of transformer of the premises of consumer on dt.09.10.2018. However the consumer was filed this complaint on 14.12.2018 & thereafter the IGRC gave the decision on 13.2.2019. However the present dispute raised by the consumer in CGRF in Schedule No. A on 03.05.2019. Whereas the date of complaint showing on 09.10.2018 & transformer replaced on 19.10.2018 & the same incident happened again i.e. failure of distribution transformer on second occasions on 31.10.2018 also. The failure report was filed by the Utility peruse which given the same date which is clarified by the consumer. The consumer was filed the copy of photograph for poor maintenance of transformer DP and shown his apparition of accident. The consumer was reported delay of 10 days for repairing the said transformer. The attempt made by the consumer of reporting of failure of transformer as

per record available on 9.10.2018. The said report is received to Narayangaon from Pimpalwadi section office apparently the record indicates that the Gatepass No. 514 placed by the Respondent Utility official on dtd. 16.10.2018.

The consumer was replied that even the said DP was brought to the place but no any person was available till the date of actual installation and replacement of the said DP and the said DP was again reinstalled and the supply was restored on 19.10.2018. During the said period the consumer was alleged that there is delay in restoration of power supply by installing the repaired distribution transformer & it is applicable for SOP of Rs.9600/-. The said compliant is given in writing but no supporting document is filed by the consumer. So far as the allegation of breach of SOP, the failure of supply due to transformer failure at the rural place should be repaired within 48 hrs. Thereafter for the breach of SOP at every hour Rs.50/- provided as per Regulation of SOP 2014.

For this assessment of compensation for breach of SOP the modification order passed by MERC in case of 6 of 2019 which reviews the power of Forum which direction to consider the dispute for grant of breach of SOP compensation which was define as under : *

In view of the said provision apparently the delay is found for replacing and restoration of power supply since the failure incident reported to the Respondent Utility official & responsible person. The reason of non availability of transformer cannot be a good ground for delay in restoration of supply neither it is considered by supporting any substantial documents which was not filed by the Utility. I hold consumer is justified in claiming the compensation for breach of SOP regarding delay in replacing the transformer and restoration of supply to his premises. In view of the direction and modification order by MERC in Case No. 6 of 2019 I am inclined to allow the consumer complaint and give direction to the Utility to pass the SOP against the distribution transformer failure. The SOP amount is calculated from the date of transformer failure report to till the date of restoration of actual supply of the consumer after Distribution Transformer was taken in the circuit. The consumer shall be given SOP as per following calculation.

1. The distribution transformer fail for the period 9.10.2018 to 19.10.2018 = total 10 days.
2. Standard limit for distribution transformer failure = 48 hrs. to rural areas i.e. 2 days.
3. SOP applicable days = 10-2= 8 days x 24 hrs.= 192 hrs. (As per consumers say)
4. The Respondent Utility stated that, three phase power availability of 8 hrs. during day time and 10 hrs. during night time to AG LM Scheme on rotational basis as per Direction of Commercial Circular No.53 of 9.10.2018.

5. Hence considering the circular base, the no. of hrs. calculated as per follow :

4 days x 8 hrs. = 32 hrs.

4 days x 10 hrs. = 40 hrs.

Total ---- = 72 hrs.

The 3 phase supply to Ag. Pumps were not available for 72 hrs. as per AG.LM Scheme & single phase supply is available to all the consumers by managing the load as per MSEDCL's submission.

6. Compensation payable = 72 Hrs. x Rs.50/- = Rs.3600/-.

The concept of joint application by other consumers were applied for SOP & they have signed the application but they did not remain present neither before IGRC nor before this Forum. Therefore the applicant who is legal heirs of Mr.Genu Ahilaji Hande entitled to raise the dispute, as he is legal representative and beneficiary of receiving power supply to the premises as his agricultural land extracts from 7/12 abstract & it reflects his name which was shown at the time of hearing. The objection was raised by the Utility objecting that, his status was not entitled to file the complaint is absolutely illegal and not tenable. Therefore the compensation and the consumer complaint is legally and properly and the consumer Mr. Jairam Genuji Hande entitled to receive the compensation for delay and losses sustained to him towards cost already avoided.

The time limit of 60 days prescribed for disposal of the grievance could not be adhered due to submission of Licensee made during the instructions given at the time of hearing by the Forum.

Hence I proceed to pass the following order:

ORDER

1. The Consumer Complaint of Case No.31 of 2019 is partly allowed.
2. The Respondent Utility shall pay compensation for breach of SOP from the date of receiving failure report of transformer 9.10.2018 and till the supply is restored by replacing the transformer 19.10.2018 as per the norms fixed in the Case No.6 of 2019 by MERC considering the premises situated in rural place.
3. The SOP amount of Rs.3600/- shall be given to the consumer or adjusted in the next bill in the said consumer only i.e. Shri. Genuji Ahilaji Hande.
4. The Licensee is directed to report the compliance within one month from the date of this order.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 16th Aug. - 2019.

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

Sd/-

ANIL JOSHI
MEMBER
CGRF:PZ:PUNE

Sd/-

A.P.BHAVTHANKAR
CHAIRPERSON
CGRF: PZ:PUNE

Sd/-

BEENA SAVANT
MEMBER- SECRETARY
CGRF:PZ:PUNE