

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 198 OF 2019

In the matter of power supply interruptions

Shri. A. P. Shivdasan Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Kalyan (R) (MSEDCL)..... Respondent

Appearances

For Appellant : Mrs. Priya Arampalli
: Mrs. Preeti Arampalli

For Respondent : Mr. Suresh Suradkar, Dy. Ex. Engineer.
: Mr. Sandip Sonawane, Asstt. Engineer.

Coram: Mr. Deepak Lad

Date of Order: 22nd January 2020

ORDER

This Representation is filed on 13th November 2019 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the order dated 27th September 2019 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone (the Forum).

2. The Forum, by its order dated 27.09.2019 has partly allowed the grievance application in Case No. 1928 of 2019-20. The operative part of the order is as below: -


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“2) Licensee is also directed to pay on amount of Rs.500/- towards compensation towards mental agony. This amount will be adjusted in the ensuing bill.”

3. Aggrieved by the order of the Forum, the Appellant has filed this representation as under: -

- (i) The Appellant is Residential Consumer (No.018110015743) from 23.05.2016 at Plot No. 35, Periwinkle Bungalows Society, Mhasa, Murbad.
- (ii) The Appellant residing at Phase 2 of Periwinkle Society has been facing daily power interruption as well as low voltage power supply since December 2017, which cause tremendous mental agony. Even using home appliances has become a difficult task due to low voltage and Appellant has to depend on the mercy of lineman for restoring power supply each time.
- (iii) Further, since the construction activities of Phase 2 commenced, the Appellant has faced consistent voltage fluctuations on daily basis and frequent power failures. In order to resolve the power failures / low voltage issues, the complaint was lodged through the App of MSEDCL considering it as beneficial tool for harassed consumers.
- (iv) The Appellant has raised the voice against the issues like construction sites were using power without meter, against illegal activities and uninterrupted power supply, therefore, Appellant and his family started facing harassment from lineman of the licensee as well as society support staff.
- (v) The Appellant and Society Members are consistently facing power failure for 5 to 10 minutes for number of times in a day. The power failure is not due to the planned shutdown from the Mhasa or Murbad substation. This high frequency of power failures in a day, the electrical appliances get damaged.
- (vi) On the night of 26.09.2019 at about 10.00 p.m., the LT line connection from pole to the feeder pillar in the second phase got burnt due to which it snapped into two. Thereafter, on 27.09.2019, after uploading the complaint on the App, the lineman conveyed his helplessness by saying that it's not possible to connect the cable and in order to mitigate the problem gave a temporary connection at around 06.00 pm from the three phase connection of the nearby construction site, which had connection directly from the pole and temporary arrangement for power supply was made. The lineman has gone ahead and cut the cable laid


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by the Appellant midway from first feeder pillar near the pole, the cable from the house has been connected to the black box of the construction site without seeking the permission of the Appellant. This needs to be taken cognizance of.

- (vii) It is observed from 27.10.2019 (Laxmi Puja) onwards that the issue of power failure exclusively to their residence has cropped up again. During the CGRF hearing the issue was under control. It is observed that, the higher officials are not interested to look into or resolve the issues. The cut cable is yet not replaced and premises is yet on temporary connection.
- (viii) On the hindsight the proposed transformer to install as promised in the Forum is around 3KM away from the plot. As long as the damaged phase is not replaced nor corrected the situation will continue to remain same.
- (ix) In absence of the capable infrastructure, the power supply situation is unlikely to improve.
- (x) Whenever, none of the official responded nor attended to redress grievance until case came up at the Forum. The Respondent officials also went on to say no matter what our situation will never change. Some of them gave a technical reason attributing the problem to our internal wiring and get it technically evaluated checked by an electrician. Whenever power failure is there in first phase it's attended immediately. When it comes to the second phase the MSEDCL officials don't respond e.g. ten day's 24/7 continuous power failure when pole was uprooted due to heavy rain from 17.04.2018 till 28.04.2018. Even today the cut cable has not been replaced.
- (xi) During the Forum hearing the officials responding to MSEDCL said that all construction related work was done by DG set which is far from truth when in fact they were using the hook to draw extra power from the mainline. It was also said that since connection was from the last LT pole hence the area facing low voltage, but the fact remains that the said pole in the society is common and the only pole for entire second phase then how come two different plots have differential power voltage is the moot question.
- (xii) The developer has been sending messages to the Appellant through society staff for disconnecting temporary connection provided by the lineman from the black box of the construction site.


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- (xiii) Based on all the mentioned facts the Appellant wants to seek an answer to their problems, to fix responsibilities on erring officials and to initiate permanent mitigation of problem and proven solution and lastly but the most important to address for compensation claim for the loss and damage to equipment, mental agony, trauma and harassment.
- (xiv) The Respondent was requested to resolve the grievance; however, the Respondent did not resolve the grievance till date.
- (xv) The Appellant filed a grievance application in Internal Grievance Redressal Cell (IGRC) on 15.06.2019 and then the Forum. The Forum by its order dated 27.09.2019 has not given enough relief.
- (xvi) The Appellant prayed for grant of compensation for the loss and damage to equipment, mental agony, trauma and harassment faced for over two years of Rs.2,00,000/- (Rs.Two lakhs only) under the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 (SOP Regulations). The compensation of Rs.500/- as given in the order by the Forum is not acceptable.

4. The Respondent, by its letter dated 05.12.2019 in brief stated as below: -

- (i) The Appellant is a residential consumer (No.018110015743) from 23.05.2016 at Plot No. 35. Periwinkle, Mhasa, Murbad.
- (ii) The Appellant has filed representation against the order of the Forum dated 27.09.2019. In the order it is mentioned that as per Regulation No.5.4 (c) of SOP Regulation 2014 which reads as under:

“(c) resolve the complaint within 120 days, provided that if up-gradation of the distribution system is required.”

- (iii) As per Forum order, it is directed to complete above work within 120 days, from the date of the order. It is therefore mentioned that Forum order is passed on 27.09.2019 and as per the order, the work for extending reliable power supply, has already been taken and supply to the complainant is extended through another circuit.


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- (iv) The estimate for erection for new 100 kVA DTC is sanctioned in the DPDC scheme and further approval from collector office is awaited for further process.
- (v) As every possible effort has been taken by the Respondent in order to satisfy the complaint of the Appellant, it is prayed to reject the representation filed by the Appellant.

5. The hearing in the matter was held on 11.12.2019. During the hearing, the Appellant and the Respondent reiterated their say as per written submissions. The Appellant's argued that they are at the receiving end for all problems related to power supply. The quality of power supply is extremely poor and they suffered heavy interruptions almost daily. The response from the Respondent is abysmally low. Senior officials are least bothered about their suffering. It is only when the grievance application was lodged with the Forum, the officials tried to reconcile the things and made some interim arrangement for power supply. However, this arrangement also did not help much in resolving the core issue. The submission of the Respondent is nothing but bunch of lies and nothing less than rubbish. The compensation granted by the Forum is highly inappropriate as the suffering due to consistent poor quality of supply has been totally ignored. The Appellant prayed for compensation towards agony withdrawal of the wrong bill, grant of compensation as per SOP Regulations and award of Rs.50000/-.

6. The Respondent argued that it is seized with the problem and a plan of action for resolving the issues has been chalked out. The estimate has been approved under DPDC on 03.12.2019 and the DPDC funds for the said work has been requested. After receipt of the funds, the work will be taken up. However, in the meantime, the Respondent is doing its best to mitigate the issues and minimize the interruptions. The Respondent has vehemently denied the allegations of the Appellant about illegal activities for drawing power. It further submitted that the premises being at the far end of the line, there are some issues with the power supply. However, the Respondent is taking all due precautions to maintain uninterrupted power supply.


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Analysis and Ruling

7. Heard both the parties and perused the documents on record. It is an admitted position that the Appellant is not getting consistently healthy power supply. Similarly, mental trauma of the Appellant can be understood particularly when the domestic life is almost fully depended on the quality power supply. The licensee is under obligation to provide quality and reliable power supply. Section 42 of the Act is reproduced below:-

Section 42. (Duties of distribution licensee and open access): --- (1) It shall be the duty of a distribution licensee to develop and maintain an efficient, co-ordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act.

Similarly, as per Regulation 17 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005, the Distribution Licensee shall take all reasonable measures to maintain continuous, quality power supply. The same is reproduced as below:-

17 Failure of Supply

17.1 The Distribution Licensee shall take all reasonable measures to ensure continuity, quality and reliability of supply of power to the consumer, except where he is prevented from doing so by cyclone, floods, storms or other occurrences beyond his control.

17.2 The Distribution Licensee shall be entitled, for reasons of testing or maintenance or any other sufficient cause for its efficient working, to temporarily discontinue the supply for such periods, as may be necessary, subject to providing advance public notice in this behalf.

17.3 The Distribution Licensee shall not be liable for any claims attributable to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity, whether arising in contract, tort, warranty, strict liability or any legal principle which may become available, as a result of any curtailment of supply under the circumstances or conditions mentioned in this Regulation 17.


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From the above provisions, it is clear that the licensee is under obligation to maintain quality power supply. I noted that the Respondent has sanctioned the estimate as a corrective measure to reinforce the infrastructure so as to provide quality supply to the consumers in the vicinity including the Appellant. The Respondent has cited the observations of the Forum about Regulation 5.4 (c) of the SOP Regulations which is quoted above at para 4(ii). The Appellant has initially complained on 17.04.2018 and 29.03.2019 till November 2019. Even on the date of hearing, the problem was not resolved. It means that the licensee ought to have acted at its own under Regulation 5.4 (C) which it is itself taking help of. Even after passing of the Forum's order dated 27.09.2019, the issue has not been completely resolved. I am therefore of the opinion that the compensation granted by the Forum is not just and fair therefore, I pass the following order:

The Respondent is directed

- (a) to comply the order of the Forum within one month from the date of issue of this order as far as infrastructure erection is concerned.
- (b) to pay Rs.3000/- in addition to what has been granted by the Forum, to the Appellant towards mental agony and harassment.
- (c) to pay Rs.500/- towards the cost of litigation
- (d) The amount of Rs. 3000 + Rs.500 shall be adjusted against the ensuing monthly bills of the Appellant

8. The order of the Forum is modified to the extent above.

9. The representation is disposed of accordingly.

10. The Compliance to be reported with respect to infrastructure erection within two months and compliance, with respect to adjustment of Rs.3500/- to be done within one month after the date of receipt of this order.

Sd/-
(Deepak Lad)
Electricity Ombudsman (Mumbai)


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Secretary
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