

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

## REPRESENTATION NO. 37 OF 2022

In the matter of interruption of power supply

Madhavrao Fulchand Dorik .....Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Dondaicha (MSEDCL) .....Respondent

Appearances:

Appellant : 1. Madhavrao Fulchand Dorik  
2. Ambadas Pawar, Representative

Respondent : 1. R. B. Joshi, Executive Engineer, Dondaicha  
2. H.E. Saidane, Asst. Engineer, Arche Section Office

**Coram: Vandana Krishna (Retd. IAS)**

Date of hearing: 4<sup>th</sup> May 2022


Date of Order : 23<sup>rd</sup> May 2022

## ORDER

This Representation is filed on 11<sup>th</sup> March 2022 under Regulation 19.22 (d) of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020).

### Preamble

The Appellant had initially filed a grievance in Consumer Grievance Redressal Forum Nashik (the Forum) on 03.09.2021. In the meantime, he also filed a complaint on 21.09.2021 with the Electricity Ombudsman (Mumbai) which was forwarded to the Forum on 27.10.2021. However, the Forum not being operational due to vacancy of Chairperson and Independent


  
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Electricity Ombudsman Mumbai



Member, the grievances could not be heard for more than 60 days. The Appellant, therefore, filed this Representation under Regulation 19.22 (d) of CGRF & EO Regulations 2020.

2. The Appellant stated in his Representation in brief as under: -

- (i) The Appellant is a Commercial consumer (No. 094070008861) from 19.03.2019 at Arthe Khurd, Tal. Shirpur, Dist. Dhule.
- (ii) The Appellant has a welding shop and solely relies on this shop for his livelihood.
- (iii) On 01.08.2021, he opened his shop around 10 a.m. to 11 a.m., however, he found that there was no electric supply. He approached the Section office of the Respondent at Arthe twice and requested the line staff to attend to his 'Off Supply' complaint. However, he noticed that they were avoiding him purposefully, hence, he gave a written complaint. The supply was disconnected from 01.08.2021 to 05.08.2021, hence, the Appellant is eligible for compensation.
- (iv) The Appellant initially filed his grievance with the Forum on 03.09.2021 by post which was returned. Subsequently, the same grievance was sent to the Electricity Ombudsman (Mumbai) on 21.09.2021. The Secretariat of this office informed that the office of the Forum is shifted and gave the new address of the Forum. Accordingly, the Appellant approached the Forum on its new address. However, the Forum not being operational due to vacancy of Chairperson and Independent Member, the grievances could not be heard for more than 60 days. The Appellant, therefore, filed this Representation under Regulation 19.22 (d) of CGRF & EO Regulations 2020.
- (v) The Respondent did not restore his supply within time, hence, the Appellant is eligible for compensation as per SOP Regulations. The supply is to be restored in urban areas within 3 hours and in rural areas within 18 hours in case of interruption. Hence, the Appellant is eligible for compensation for 77 hours at the rate of Rs.50/- per hour for the period of 01.08.2021 to 05.08.2021.
- (vi) In view of above, the Appellant prays for compensation at the rate of Rs.50/- per hour for the period of 01.08.2021 to 05.08.2021.

  
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3. The Respondent, by its email dated 25.04.2022, has submitted its reply in brief as below:

- (i) The Appellant is a Commercial consumer (No. 094070008861) from 19.03.2019 at Arthe Khurd, Tal. Shirpur, Dist. Dhule for the purpose of welding shop.
- (ii) The Arthe Section Office of the Respondent received a complaint of 'off-supply' of the Appellant on 01.08.2021.
- (iii) The Assistant Engineer, Arthe Section Office forwarded the complaint immediately to Shri M.D. Kadhare, Senior Technician, Distribution Transformer Centre Incharge, with a direction "*to solve the complaint immediately*".
- (iv) The Assistant Engineer, Shri M.D. Kadhare, Senior Technician attended to the complaint on the same day by removing the carbon deposited on the joint of service wire at LT line, which was due to atmospheric condition. The LT. Line Joint was cleaned and tightened at the overhead pole. Then the power supply was restored. After that, till date, no complaint was received from the Appellant to Section Office. Hence, the 'Off Supply' complaint was closed, being attended.

4. The hearing was held online on 04.05.2022 where both the Appellant and the Respondent submitted their arguments in line with their written submissions. The Appellant stated that there was no power supply on 01.08.2021, hence a written complaint was given. The supply was only started on 05.08.2021. Hence, the Appellant prayed for compensation as per SOP Regulations for five days.

5. The Respondent argued that the complaint for 'off supply' was received on 01.08.2021. When it was checked, it was found that there was carbon deposit at the junction of service wire and overhead line. The same was attended and thereafter the supply was restored immediately. The Respondent further argued that when the line staff visited the area of the Appellant on 05.08.2021 for the purpose of recovery drive, it was observed that there was no supply at the Appellant's premises at that moment. Hence, the line staff, on his own, checked the Appellant's electric installation on the pole and it was detected that an overhead cable of about 2 ft was found burnt due to overheat. This defective portion was cut, and the line was connected again, and the supply was restored in the said premises. The village being a small

  
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area, complaints are generally attended orally, and confirmation of restoration is also generally done orally. In this case also, confirmation of restoration was done orally. The Appellant never made any complaint after 01.08.2021 either verbally or in writing. Assuming, but not admitting, that if the supply was not restored on 01.08.2021, the Appellant would not have kept quiet but would have immediately approached the Respondent. This did not happen till date. If approached, the Respondent would have immediately taken action. Hence, the question of compensation does not arise.

### **Analysis and Ruling**

6. Heard the parties and perused the documents on record. The Appellant found that there was no power supply on 01.08.2021 in his shop, hence a written complaint was filed. According to the Respondent, supply was restored on the same day after removal of carbon on service wire. However, as per the Appellant, the supply was restored on 05.08.2021.

7. The Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 came into force from 25.02.2021. If the Distribution Licensee fails to maintain the period prescribed in SoP, the Consumer is eligible to get the compensation. The relevant portion of the Regulation is reproduced as below:


  
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<b>Annexure - II: Level of Compensation Payable to Consumer for failure to meet Standards of Performance</b>			
<b>Supply Activity/Event</b>	<b>Standard</b>	<b>Compensation Payable</b>	<b>Automatic/Manual</b>
<b>1. Provision of Supply (Including Temporary connection) .....</b>			
<b>2. Restoration of Supply</b>			
(i)	Fuse off call	Three (3) hours (Urban Areas) Eighteen (18) hours (Rural Areas)	Rs 50 per hour or part thereof of delay subject of maximum of Rs 500 for LT Consumer and Rs 100 per hour or part thereof of delay subject of maximum of Rs 1000 for HT Consumer. Provided that if cumulative interruption during the month exceeds 36 hours for Urban Areas and 96 hours for Rural Areas, the compensation cap will not be applicable thereafter for that month and the licensee will pay Rs 50 per hour or part thereof of delay for LT Consumer and Rs 100 per hour or part thereof of delay for HT Consumer.
(ii)	33kV/22kV/11kV/400 V Overhead line breakdown	Four (4) hours (Urban Areas) Twenty-four (24) hours (Rural Areas)	Manual
(iii)	Underground cable fault / Bus Riser fault	Eight (8) hours (Urban Areas) Forty-eight (48) hours (Rural Areas)	
(iv)	Distribution transformer and associated Switchgear	Eight (8) hours (Urban Areas) Forty-eight (48) hours (Rural Areas)	
(v)	Burnt Meter	Eight (8) hours (Urban Areas) Forty-eight (48) hours (Rural Areas)	
<p>1. Automatic Compensation is payable for Restoration of Supply wherever Smart Meter or Meter having at least the facility of remote meter reading are installed.</p> <p>2. Total Compensation payable in the month for Restoration of Supply shall not exceed twice the Fixed Charges for LT Residential Consumer and <b>for all other Consumers, such amount shall not exceed Fixed Charges payable for the month</b> : Provided that for Consumers having tariff based on Rs/HP/Month, Compensation amount shall not exceed 25% of the total Fixed Charges payable for the month.</p>			

(Emphasis added)

8. It is noted that the Respondent did not follow the prescribed procedure of attending to complaints of 'off supply'. When such a complaint is registered, it is necessary to confirm restoration of power with the consumer after attending to the complaint. In this case, the Respondent did not follow this basic principle. If the supply was indeed restored on 01.08.2021 as stated by the Respondent, it did not take the signature of the consumer on the complaint slip. Hence, the Appellant is entitled for compensation equivalent to maximum Rs.500/-, and such amount should not exceed Fixed charges payable for the month. In this case, the monthly Fixed charges are Rs.415/-.

  
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9. In view of the above, the Respondent is directed to pay Rs. 415/- to the Appellant towards compensation by adjusting the amount in his ensuing bill. Compliance be reported within two months from the date of this order.
10. The Representation is disposed of accordingly.

Sd/  
(Vandana Krishna)  
Electricity Ombudsman (Mumbai)



(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

