

BEFORE THE ELECTRICITY OMBUDSMAN, NAGPUR.

REPRESENTATION NO. 41/2016.

Filed on: 28.6.2016
Decided on: 30.9.2016

Namdeo Shrawan Chavan,
Tadgaon, Post Mangrul, Tahsil
Samudrapur, District Wardha.

..Appellant.

..VS..

The Executive Engineer,
O & M Division, MSEDCL,
Hinganghat, District Wardha.

.. Respondent.

Appellant by Shri B. V. Betal, Authorized Representative.

Respondent by Shri V. M. Hedau, Deputy Executive Engineer, MSEDCL,
Samudrapur, District Wardha.

Present: Shri K. P. Bhagat, Secretary to Electricity Ombudsman, Nagpur.

CORAM: JUSTICE K. J. ROHEE

ORDER

(Passed on this 30th day of September, 2016)

The appellant filed this Representation on 28.6.2016 challenging the order dated 23.9.2015 passed by the Consumer Grievance Redressal Forum, Nagpur Zone, Nagpur (hereinafter referred to as Forum for short) dismissing the appellant's Grievance bearing Complaint No. 83/2015. The delay in preferring the Representation has already been condoned.

2. The appellant is the agricultural consumer of the respondent. The electric connection was released to the appellant on 15.7.2014 for motor pump situated in his agricultural land. Within 15 days of the release of the electric connection, five poles were bent, electric wires were broken and electricity supply of the appellant was disrupted. The appellant made oral complaints to the concerned Officials. However, no heed was paid to his complaints.

3. The appellant approached IGRC, Wardha on 2.7.2015 and claimed compensation under SOP Regulations for neglecting to restore electric supply to his motor pump. The respondent by its reply dated 14.7.2015 submitted that due to storm and heavy rains, three electric poles were broken which resulted in disruption of electricity supply to the appellant. Electric supply could not be restored because electricity poles were not available. Now new poles have been received. Hence poles would be erected and electricity supply would be restored at the earliest. The IGRC, however, by its order dated 7.8.2015 dismissed the appellant's prayer for compensation.

4. The appellant filed Grievance before the Forum on 19.6.2015 claiming the same relief. The respondent opposed the Grievance by its reply dated 11.9.2015 raising the same plea. The Forum by its order dated 23.9.2015 dismissed the appellant's Grievance by holding that the request of the appellant does not fall within the four corners of "fuse of call" given under SOP Regulations.

5. The appellant challenged the said order of the Forum by filing this Representation on 28.6.2016 with the same prayers alongwith an application for condonation of delay. The delay was condoned. The matter was heard on merits. The respondent raised same plea by its reply dated 15.9.2016.

6. I have heard Shri B. V. Betal, Authorized Representative for the appellant and Shri V. M. Hedau, Deputy Executive Engineer, MSEDCL, Samudrapur, District Wardha for the respondent. I have also gone through the documents produced by the parties on record.

7. It is not disputed that the electric connection was released to the appellant on 15.7.2014 for his agricultural motor pump. It is also not disputed that within a fortnight, due to storm and heavy rains, the electric poles were bent and wires were broken because of which electric supply to the appellant's motor pump was disrupted. It is also not disputed that the appellant immediately made oral complaints to various Officers of the respondent.

8. From the incident of disruption of electric supply to the appellant, a period of almost more than two years has elapsed. In the meanwhile, two summers have passed. The reply filed by the respondent shows that poles were available, but the reason shown by the respondent again and again is that during rainy season, the adjoining cultivators obstructed the laying of the poles. This reason is apparently false to say the least. From the circumstances, it appears that the concerned Officials have deliberately neglected restoration of the electric supply to the appellant. The respondent is, therefore, liable to pay compensation under SOP Regulations to the appellant.

9. The Forum dismissed the Grievance of the appellant on the ground that the complaint of the appellant does not fall within the definition of "Fuse of Call." This clearly shows that the Forum has failed to go through Appendix A Item 2 Restoration of Supply (ii) 33 kV/22 kV/11 kV/400 V Overhead line breakdown. There is no question of "Fuse off call" in the present case. It is a case of Overhead line breakdown described in Item (ii) of Appendix A. Under the said provision, 24 hours period is given in rural areas to attend breakdown and restore electric supply. In the present case, this has not been done for long period of more than two years. As such, the respondent is liable to pay compensation to the appellant at Rs. 50/- per hour for the period from 1.8.2014 till restoration of electric supply.

10. In the circumstances of the case, I feel it necessary that inquiry into the negligence of the concerned Officials should be made so as to fix liability on the erring Officers and to impose appropriate punishment on those found guilty. In the result, I pass the following **order:-**

- (a) The Representation is partly allowed.
- (b) The order of the Forum dated 23.9.2015 is hereby set aside.
- (c) The respondent is directed to pay compensation at Rs. 50/- per hour to the appellant for the period from 1.9.2014 till this date i.e. 30.9.2016 i.e. for 25 months which comes to Rs. 9,12,000/-.
- (d) The respondent shall continue to pay compensation to the appellant till the date of restoration of supply to the appellant.
- (e) Compliance be reported within one month.
- (f) No order as to costs.

**Electricity Ombudsman,
Nagpur.**