

CGRF formed under the provision of IE Act 2003, sub clause 42(5) as well
Notification No.2/2019 of GERC (CGRF & Ombudsman)

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ CO LIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007

Complaint No.	MG-II-27-2024-25
Complainant	Firozkhan N Pathan, A/9 Mahi Bunglows, OPP: Samarpan Bunglows, Makrand Desai Road, Tandalja, Vadodara
Respondent	Shri S P Sagar, Dy Engineer, Akota s/dn of MGVL.
Date of hearing	24.09.2024 & 08.10.2024 both at MGVL Corporate Office, Vadodara

QUORUM	NAME
Chairperson	Shri S P Trivedi, Vadodara
Technical Member	Shri V N Rathva I/c, (RA&C) MGVL Vadodara

The complaint dated 09.09.2024 regarding repair (or) replacement of a corrosive LT line end pole located near Bungalow No. A/9 and A/8 of Mahi Bunglows, Makrand Desai Road, Tandalja, Vadodara was received from Firozkhan N Pathan & 3 others.

1.0 The Hearing of the above case was scheduled on date 24.09.24. The complainant's representative Shri Sandip O Sharma remained present on the given date, but submitted a request letter to provide another date of Hearing, stating that the Applicant is out of Station. Hence, next date of Hearing was scheduled on date 08.10.24.

2.0 On date 08.10.2024, the case of the Complainant's Grievance was heard before Consumer Grievance Redressal Forum wherein Mohsinkhan Yasinkhan Shaikh , an Advocate, appeared as a representative on behalf of complainant, whereas Shri S P Sagar, Dy Engineer, Akota s/dn appeared as respondent on behalf of MGVL before the Forum. Both the parties were heard.

3.0 The brief history of the case is as under:

3.1 The complainants, who are residents of Mahi Bunglows had approached the Deputy Engineer, Akota Sub-Division Office, MGVL with a written complaint for repair (or) replacement of a corrosive LT live line end pole located near Bungalow no. A-9 and k-8 of the said society on dated 28/05/2024. Thereafter several times the Complainant approached the Respondent as the complaint was not addressed.



3.2 Aggrieved by the delay in resolution to the complaint, the Complainant approached the CGRF vide application dtd.09.09.24.

3.3 The corroded pole was replaced by the Respondent on date 12.09.24.

3.4 The Complainant however further represented regarding deficiency in the quality of work done, during the hearing on date 08.10.24.

4.0 The representative of the complainant contended that

4.1 The customers are residents of Mahi Bungalows and have approached with a written complaint dated 28/05/2024 to the then Dept. Engineer Sh. S. M. Patel (Sub-Division) for repair (or) replacement of a corrosive LT live line end pole located near Bungalow no. A-9 and k-8 of the said society. As the End Pole has suffered serious corrosion and deterioration that might result in collapse of live LT Pole, the complaint handling staff as well as officer in-charge of sub-division were conveyed the same and the replacement (or) repair of the corroded pole must be done on urgent basis so as to risk of loss (or) severe injury to Human Life can be averted.

4.2 However, the sub-divisional officers in-charge have cited lame excuses by giving reasons that the "Cylindrical Poles" are out of stock in the store and we can only extend our help once we get a fresh lot of the same cylindrical poles in our stock. And the most urgent and life risking grievances of the customer's were dealt with by giving lame responses and not applying appropriate mind in the direction to resolve the critical issue.

4.3 Again on dated 08/08/2024 while the monsoon season and windy weather was at its peak the members of the society again approached the sub-division office with the written complaint and Sh. S.P. Sagar (DE-Tech) conveyed the same issue of not having required poles in stock and can only extend the help once it is available. All the on site photos and details of the issue have been already forwarded to Sh. S.P. Sagar for his express consideration on his What-App no 9825208269, In Addition to that on 28/05/2024 and on 08/08/2024 at both instances the members of society have suggested that some other type of pole having same technical



specifications must be erected and the issue must be resolved at instant, but sadly the then officers and technical team at sub-division office have not rendered 'any technical help neither they even bothered to do a on site physical technical survey to assess the gravity and danger of the issue.

4.4 Then on dated 26/08/2024 an email has been communicated to key office bearers of MGVCL Head Office at Race Course Vadodara mentioning all that has occurred so far necessary and urgent action upon the complaint of the customers, but even after that no one has moved even an inch to resolve the issue of the customer.

4.5 Subsequently, Vadodara City Circle Office at Navlakhi Ground and SE-Technical) both have been approached in-person at their respective offices on dated 30/08/2024. Also the complaint Email of 26/08/2024 has been forwarded to Executive Engineer city circle for their express consideration, however, there are no steps taken so far to resolve the complaint of the customers.

4.6 It is also conveyed by the customers to all the in-charge officers throughout the entire grievances handling communication channels of MGVCL that safety of society members and kids playing with-in the society premises is at stake but till date there is no resolution to that complaint of the customers and they are left on their own to live with this danger in their day today life.

4.7 FAILURES AT PART OF THE LICENSEE:-

a. Handling Grievances at all Stages:

By seeing the nature of failures at subsequent stages in handling customer grievances cited in Para 4.1 to Para 4.6, the licensee has committed gross negligence and has failed in handling the complaints of the customers at all stages. Unique Complaint Registration Number:- The licensees fail to provide a unique complaint registration number to the complaint which shall be



conveyed to the complainant electronically whose mobile number or e-mail has been registered with the Licensee.

b. Interruption in Power Supply:

In unforeseen circumstances if the corrosive pole has collapsed and power supply has cut-off until restored back to normal, since the Licensee has failed to anticipate this situation that might also occur, There has been a deliberate attempt made by the licensee to interrupt the supply of power while ignoring to resolve the complaint of customer.

c. Responding to Customer Complaints:

The Licensee has failed to respond positively to customer complaints in a time bound manner which is directly in contravention to the regulations of Standard of Performance of Distribution Licensee.

d. Safety of Personnel and Customers;

By not maintaining appropriate safety standards of electrical equipment the Licensee has also compromised the safety of their own personnel along with the customers who have to live in danger near such critical LT structures of electricity which can fail and collapse any time.

4.8 PRAY OF CUSTOMERS:

- a. To remove the cause of Complaint/Grievance in question. Since further delay will compromise the safety of life and risk of hazardous injury is Significantly affecting the life of customers residing in the vicinity of the near dying LT line Pole which can collapse uninformed;
- b. To pay such compensation, to the customer affected, as determined by the Commission under the Gujarat Electricity Regulatory Commission (Standard of Performance of Distribution Licensee)



Regulations, 2005, since the Licensee fails to meet the Standards of Performance as specified by the commission.

- c. To remove the defects / deficiencies in the services in question.*
- d. Any other order deemed appropriate in the facts and circumstances of the case.*

4.9 Additional submission by the Complainant on the day of Hearing:

During the Hearing on date 08.10.24, the complainant agreed that the deteriorated pole is replaced by MGVCL but he submitted another letter at the time of Hearing, alleging that the quality of work carried out by the Distribution Licensee is in violation of various Regulations as below.

- a) Violation of Regulation 71(2), 72 of Central Electricity Authority (measures relating to Safety and Electric Supply) Regulations, 2022.: Appropriate guarding arrangements above the street and road not done.*
- b) Violation of Regulation 58(1), 58(2) of Central Electricity Authority (measures relating to Safety and Electric Supply) Regulations, 2022.: The Licensee has created 02 (two) Nos. of Joints in a single span, and these joints are non-approved mechanical joints of the bare aluminum conductor, and thus violated the said regulation.*
- c) Violation of Regulation 14 of Central Electricity Authority (measures relating to Safety and Electric Supply) Regulations, 2022.: structural stability check and compliance of existing swaged poles (other poles too needs urgent replacement / repair); IS :2074-1979 compliance: coating of anti-rust primer on all existing poles after removing the surface corrosion that are previously installed by the Licensee.*
- d) If a Licensee failed to meet the Standards specified, the affected consumer is entitled to compensation from the Licensee as provided in GERC's Notification of SoP No. 02 of 2023, No. 10 of 2005*



5.0 The respondent contended that,

- 5.1** The pole referred by the complainant was a tubular steel pole which is replaced with a new RSJ pole on dated 12.09.24. The planning for

replacement of referred pole was on priority but same could not attended immediately due to some issues.

5.2 The pole could not be replaced immediately on receipt of the complaint due to flood like situation in Vadodara and the Akota Sub-Division was very badly affected by the flood like situation.

5.3 Power Supply of the consumer was not interrupted by the said pole referred in the complaint.

5.4 The complaint referred by the complainant is of General Maintenance in nature, which is carried out on regular basis.

5.5 For the additional submission done by the Applicant on the day of Hearing, the Respondent needed time to check the site situation.

5.6 The Respondent has informed the Complainant vide Letter No.Akota/ Tech/CGRF/288 Dtd. 05.11.24 with a copy to CGRF, wherein it is informed that with reference to their complain dtd. 8.10.24, the 11 KV Line Maintenance is completed and the work related to LT line like pole foundation, guarding, painting of poles etc shall be completed in approximately one month's time.

6.0 The Forum Members present at the hearing considered contention of both the parties and perused the records and considering them in detail, findings are as under:

6.1 The complainant had made written complain about the corroded pole & to replace the same to MGVCL, Akota Sub-Division office on date 8.5.24, again on date 8.8.24 and then by email to several office bearers of MGVCL on date 26.8.24.

6.2 The pole for which the Complainant had raised Grievance vide application dtd.9.9.24 to CGRF, was replaced by the Respondent on date 12.09.24.

6.3 There was no interruption in power supply to the complainant due to non-replacement of the said pole.



6.4 The pole referred by the complaint could not be replaced immediately on receipt of the complaint by the respondent due to various reasons including flood like situation in Vadodara.

ORDER

7.0 The Forum Members present during the hearing considered contentions of both the parties and has come to the conclusion that -

7.1 The grievance about the corroded pole is resolved by the Respondent by replacing the said pole with a new one.

7.2 The issues raised subsequently by the Complainant regarding deficiencies in the quality of work shall be attended suitably by the Respondent within one month's time of this Order.

7.3 No order regarding compensation is made as service to the consumer was not adversely affected due to the corroded pole.


(V N Rathva)
Technical Member


(S P Trivedi)
Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach Ombudsman only after payment of minimum 33% of the bill amount issued to the party in question. The Office address of the Ombudsman is : The Staff Officer, Office of the Electricity Ombudsman, Gujarat Electricity Regulatory Commission, Barrack No.3, Polytechnic Compound, Ambawadi, Ahmedabad 380 015 in accordance with Clause No.3.19 (viii) of GERC Notification No.2 of 2019.

Procedure to make representations before Ombudsman***

1. Representation should be in writing duly signed by the complainant with his name and address.
2. Representation should be supported with affidavit.
3. True copy of order of Forum and original complaint made before Forum should be attached. Enclosed documents should be certified copies of the original documents.
4. The representation before Ombudsman should be submitted within 30 days from the date of order of Forum.
5. Copy of representation should be submitted at the office of Ombudsman. Copy of representation should be submitted to all respondents.
6. If the complainant is required to pay any amount according to the order of Forum, one-third of such amount should be deposited by complainant and proofs should be attached along with the representation.
7. The matter should not be pending before the competent Forum or any other court, tribunal, arbitrator or any other authority.
8. All representations should be with a sufficient cause, reasonable diligence causing the consumer prima facie loss and damages / inconvenience.
9. Representation may be submitted in English or Gujarati language.

