

THE STATE ELECTRICITY OMBUDSMAN

D.H. Road & Offshore Road Junction, Near Gandhi Square,
Ernakulam, Kerala-682 016

Ph: 0484 2346488, Mob: 8714356488

www.keralaeo.org Email: ombudsman.electricity@gmail.com

APPEAL PETITION No. P/054/2022

(Present: A. Chandrakumaran Nair)

Dated: 21st October, 2022

Appellant	:	Sri. M. Padmanabhan, Sr. Divisional Electrical Engineer, TRD, Southern Railway, Palakkad Dist. 678 002
Respondent	:	<ol style="list-style-type: none"> 1) Deputy Chief Engineer, Transmission Circle, KSEB Ltd., Kannur Dist. 2) Special Officer (Revenue) KSEB Ltd., Pattom, Thiruvananthapuram-4. 3) Asst. Executive Engineer, Electrical Sub Division., KSEB Ltd., Uppala, Kasaragod Dist.

ORDER

Background of the case:

The appellant is Sri. M. Padmanabhan, Senior Divisional Electrical Engineer, Traction Distribution, Southern Railway, Palakkad Division. The Uppala Traction Substation bearing consumer number 30/8392 is getting power through 110 kV feeder from Kubanoor Substation of the Licensee. On 31-03-2022 at 21.22 hours, the power was disrupted and same was restored only at 10-03 hrs. on 01-04-2022. The disruption of power created major difficulties and the Licensee only responsible for the same. The appellant claiming a compensation of Rs.50.0 lakhs for the loss and damage of reputation suffered by Railways. The appellant filed the petition to Consumer Grievance Redressal Forum, Northern Region and CGRF-NR disposed the petition 'ex-party'.

Aggrieved by the order of CGRF (NR), the appellant filed the appeal petition to this Authority.

Arguments of the appellant:

Electrical Traction Distribution Department is a part of Indian Railways, catering to the power supply requirement of Electric Trains, drawing power from concerned Electricity Boards at 110/220kV at 2 phases and converting into single phase 25 kV for the Traction purpose. On following Green Energy concept, Indian Railway is on a mission for 100 electrifications of all its routes. It is a public transport organization under Govt. of India, meeting the day today transportation needs of common public.

Uppala Traction Substation is feeding electrical energy to the Railway traction towards the Mangalore area of Palakkad Division, Southern Railway. Major stations and yards of Mangalore central and Mangalore Junction come under its feeding zone. This Traction substation is feeding up to Tokur/Panambur region in the state of Karnataka.

Uppala Traction Substation was commissioned in the year 2018 with a minimum CMD of 5000 kVA. The feeding zone of this TSS was Bakel Fort to Mangalore Central initially. Later, Mangalore central to Netravati, Pahambur, Tokur lines are electrified and added to its circuit resulted in increased demand of traction energy. Presently the Konkan Railway also been electrified leading to more number of electric trains in the section.

This has increased the demand of UAA Traction Substation and Railway is forced to cut down the feeding zone of UAA TSS from Bakel Fort to Uppala Feeding post on one side and added to the feeding zone of Cheruvathur Traction Substation, the entire power (from Uppala TSS is fed from Uppala to Mangalore area due to adamant attitude of KSEBL with regards to enhancement of CMD at UAA/TSS. More over the CMD and current setting were fixed and this too was very much insufficient when compared with the actual power to be drawn from this TSS viz a viz the number of trains in the section.

As such the claim of KSEBL that, the demand to its consumers uninterrupted, in this case the Indian Railway which is directly involved in the

service of the nation, endeavours for the transportation of common public. Being the largest consumer of KSEBL, it is the responsibility of KSEBL at the interest of common public to provide supply for the Railways with top most priority.

KSEBL's version is that Railway was asked to extend the feed of Cheruvathur TSS to the feeding zone of Uppala TSS in (his situation this is practically impossible since the voltage will be considerably reduced after a certain distance in the feeding zone. This will cause trains to stall and disturb the further movements and leads to bunching of Trains: The same thing happened as two Goods Trains and several Mail/Express trains were held up in the section.

On dated 31.03.2022, at 21:22 hrs, the supply to the Uppala /TSS was abruptly failed leaving Railway and Its commuters in dark and the supply could be restored only at 10.03 hrs on 01.04.2022. Failure of the EHT line for such a long period without any justifiable reason shows the disdain with which the KSEBL treats its customers. The consequence of this was complete jeopardy in the train operation and suffering to the common public for which Railway was answerable. As per KSEBL's version the supply from Netlamandoor Substation failed and in turn Manjeswaram - Kubanoor substation also failed and Traction substation Uppala interrupted is simply a mockery of the system as the Railway Traction substation has to be fed from dedicated bay and feeders which is not being done in this case. It is the failure of infrastructure facility and lack of reliability in supply for which KSEBL is answerable. Moreover, the KSEBL states that State Load Dispatch Centre (SLDC) is to manage the grid and to maintain the reliability of the grid, shows that they are blaming themselves since SLDC is also a part and parcel of KSEBL and KSEBL's statement that they are not in the control of KSEBL indicates the gravity of the situation.

Also, the statement of KSEBL that there was no instruction from SLDC on restriction in drawing power by Railways from Kerala grid is to cover up their mistakes as the current setting at the grid substations is permanent and any extra burden on it will lead to pull out of EB supply.

Finally, it is to be mentioned here that since KSEBL is a licensee who is trading electrical energy is responsible for the up keep of its infrastructure and to take care for any augmentation necessary to maintain the supply. Hence, KSEBL is only responsible for this kind of situations. As such Railway is seeking justice from this Authority to direct KSEBL to pay a compensation for an amount of Rs. 50 lakhs for the loss and damage to reputation suffered by Railways.

It is to be mentioned here that the Railways was very well represented during the second hearing of CGRF on 16.06.2022. Proof for this is also submitted in the form of letter submitted in the CGRF office on 16.06.2022. As such, the decision of CGRF is partisan and hence, Railway is seeking the due justice from this Authority.

Arguments of the respondent:

The Traction Substation, Uppala is supplied from a dedicated feeder bay through 110 kV UG cable from 110 kV Substation, Kubanoor. 110kV Substation Kubanoor is normally fed from Karnataka (KPTCL) supply through 110 kV interstate feeders Konaje - Manjeswaram. Thus, KPTCL supply is the normal feeding arrangement to 110 kV Substation Manjeswaram & Kubanoor and Traction Substation, Uppala. Normally on failure of 110 kV supply to traction substation, M/s Railways are permitted to avail supply from adjacent traction substation by extending supply subjected to technical feasibility.

On 31/3/2022 at 21:23hrs KFTCL supply failed from 220kV Substation Netlamandodr (Karnataka) and power supply to 110 kV Substations Manjeswaram, Kubanoor and Traction Substation Uppala interrupted. On enquiry to KPTCL, it was informed that supply failed from their feeding 220kV substation and the fault is very heavy and it will take time to restore the supply. Then considering the load of 110 kV Mylatty-Vidyanagar feeder and grid condition, direction received from Load Dispatch Centre, Kalamassery to 110 kV Substation Kubanoor to avail Kerala supply and extend supply to Manjeswararn with cyclic load restriction. Information was conveyed to M/s Railways control room regarding the criticality of the grid beyond Mylatty towards Uppala and the load that is usually supplied at Uppala can be met from Cheruvathur, the next

adjacent traction substation. As per records M/s Railways had extended supply from Cheruvathur during the shutdown.

State Load Dispatch Centre is a statutory authority to manage the grid and to maintain the reliability of the grid as provided in Indian Electricity Act 2003 as amended from time to time and gives directions regarding the substation operation in consideration of the healthiness of grid. The substation operator is bound to carry out switching, operations only-as per direction from SLDC. In this case, there was no instruction from SLDC on restriction in drawing power by M/s Railways from Kerala grid. But M/s Railways were asked to avail supply from the reliable grid station Cheruvathur. The maximum short duration current drawing by traction load is not in proportion to the agreed Contract Demand. The short duration value of traction load sometimes hit nearly 170A and lasts for 3 minutes. This creates transmission corridor conjunction. In such a case, availing the traction load from Uppala would have made the grid in that area still vulnerable.

At the time of application from M/s Railways for a demand of 5MVA from 110 kV Substation Kubanoor, the power availability from KPTCL was limited to 17MW from which 110 kV Substation Kubanoor and Manjeswaram were met with. Then for providing connectivity to M/s. Railways, KPTCL granted additional 5 MVA, for which M/s Railways acted in liaison with KSEBL and KPTCL. Hence, the power supply to Traction Substation Uppala is completely dependent on KPTCL supply. As the maintenance and management of KPTCL supply is not in the control of KSEBL, the supply restoration depends upon the KPTCL authorities.

M/s Railways is having connectivity to Traction substation Uppala from 110 kV Substation Kubanoor only. KSEBL has already requested M/s Railways for strengthening of the grid of concerned traction substation by alternate feeding arrangements from stable stations, but no reply from M/s Railways has been received yet. KSEBL has put forward an option of providing a dedicated 110 kV feeder from Mylatty substation to Vidyanagar substation using underground cable for providing an alternate supply to Uppala Traction with an approximate cost around 30 crores. If M/s. Indian Railway is ready and remit

the estimate cost. It can be executed in a short period of time. As per KSERC (connectivity and open access) Regulations 2013, Regulation 6 sub clause 6, it is stated as "The cost of construction/installation of dedicated line or augmentation of the transmission or distribution system and associated facilities shall be borne by the applicant and the requisite steps to be taken in this regard shall be mentioned in State Grid Code or State Supply Code or the State distribution Code as the case may be".

In the agreement for supply of energy (EHT agreement) to Traction Substation Uppala, clause 15 (b) states that if 110 kV Supply to traction substation fails due to force majeure conditions, M/s Railways shall be permitted to avail 25kv supply from adjacent traction substation subject to technical feasibility. M/s Railways should take into consideration of this condition also while setting the feeding zone of each traction substation. In this case when KPTCL supply failed causing supply Interruption to traction substation Uppala, M/s Railways were permitted to extend the supply from the next Traction Substation Cheruvathur as it was technically feasible.

The supply was normalized by KPTCL at 9.49hrs on 1.4.2022 and the supply to Traction Substation Uppala from Kubanoor was normalized. During all these period, M/s Railway extended supply from TSS Cheruvainur to the feeding zone of TSS Uppala and there was no interruption to traction loads as the appellant is complained. This is a practice normally allowed in case of planned shutdown works also.

Also, CGRF has conducted two hearings regarding the petition on 25.05.2022 and 16.06.2022. KSEBL officials has attended the hearing both times, but there was no participation from the side of the appellant, M/s Railways both times. Due to this, the Forum prima facie assessed that the petitioner is incurious to move with the petition and the grievance is set aside. Considering the facts and as there has been no interruption to traction loads, it is requested to dismiss and dispose the OP No. PO54/2022.

Response of appellant on the statement of the Respondent

As such KSEBL as the licensee is bound to provide its largest bulk consumer i.e., Southern Railway uninterrupted quality power supply. Here the power supply was interrupted about 12 hrs without any reason. The point mentioned by KSEBL in para number one itself is contradictory, on one side KSEBL is permitting Railways to avail supply from adjacent Traction substations by extending supply/on the other, they are applying all technical restrictions. KSEBL's statement that in case of failure of 110 kV supply to traction Substations, Railway is permitted to avail-supply from the adjacent Traction Substation by extending supply "Subject-to technical feasibility". This Subject to technical feasibility creates a big question mark on the infrastructural capability of KSEBL and the freedom for the Railways to avail the Electric Energy to compensate for the Traction Substation which was out of order due to EHT supply failure.

There was no communication received from KSEBL for any change of load and there was no cooperation or assistance rendered by KSEBL in this matter. Regarding extension of supply from Cheruvathur substation the question does not arise at all as KSEBL has already prevented Southern Railway from drawing the power it genuinely needs from Cheruvathur alone and hence drawal of any additional power from Cheruvathur Traction substations is impractical and impossible as per the technical feasibility mentioned above by KSEBL.

The SLDC is only a facilitator between the KSEBL and Southern Railway, there is no agreement between KSEBL and Southern Railway to contact SLDC for any altercation/regulations of power supply to the Traction substations.

The KSEBL is unnecessarily dragging KPTCL into the Issue as the matter of supply of power to Southern Railway is-entirely KSEBLs responsibility as the party to the Connectivity Agreement No.04/2017-18 dated 19.12.2017 and Supply Agreement NO.EHT2/2017-18/CEDNM/7, dated 21.12.2017 KSEBL is dragging KPTCL into the issue only to divert the attention from the seriousness of the issue raised by Southern Railway, Palakkad Division.

Southern Railway has already shown its willingness for the strengthening of the grid of concerned Traction substation by alternate feeding arrangements from stable stations. However, KSEBL has not come forward with proposal so far. Further Southern Railway, Palakkad Division has initiated a meeting between Superintending Engineer /KPTCL/Mangalore & Dy.CEE/Transmission /Kannur. However, because of the adamant attitude from the KSEBL no solution was possible. Meanwhile KSEBL's argument of strengthening the grid is not at all related with Railway's claim of interruption in Rail-traffic and damage of reputation. Due to very long power interruption of 12 hours.

As per the claim of KSEBL this incident does not come into the force majeure clause nor they could prove with substantive evidence, as such it is untrue and unacceptable. As such Railway's claim may be upheld. KSEBL may be asked to provide the compensation of Rs. 50 Lakh as requested by Southern Railway, Palakkad Division.

KSEBL's claim that during the failure of 110kV at Uppala Traction substation Railway had extended supply from TSS/ Cheruvathur to the feeding zone of Uppala is misleading as it is untrue. Since after long consultation with the Konkan Railway, supply was extended to Mangalore area from Mulki/Traction substation supply was not extended from Cheruvathur /Traction substation as claimed by KSEBL. For which Railway had to pay extra cost. A number of Passenger Trains were held up in the section and a few more were delayed, this has dented the image of Railway for which Southern Railway Palakkad Division is claiming a compensation of Rs 50 Lakh.

After approaching the CGRF, Southern Railway had waited too long and there was no response, finally Railway was forced to approach this Authority. Considering the above facts and in the Public and National interest, it is prayed that this Authority may please advise the KSEBL to pay a compensation for the loss and damage to reputation suffered by Railways.

Analysis and findings:

The hearing of the case was conducted on 30-09-2022 in the office of the State Electricity Ombudsman, Near Gandhi Square, Ernakulam South. The

appellant Sri. Padmanabhan, Sr.DEE/Tr.D of Southern Railway, Palakkad along with the Advocate Sri. Syju. K. were attended the hearing from the appellant's side and Sri. Justin. R., Special Officer (Revenue), Trivandrum, Sri. Anil Kumar. G., Dy. Chief Engineer, Transmission Circle, Kannur and Sri. Nandakumar. P.P., Assistant Executive Engineer, Electrical Sub Division, KSEBL, Uppala, Kasaragod attended the hearing from the respondent's side. Subsequently, Dy. Chief Engineer, KSEBL has submitted the argument note vide letter dated 18-10-2022. On examining the appeal petition, the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

The Traction Uppala Substation, which was commissioned in 2018 with CMD of 5 MVA feeding the traction power from Bekkal Fort to Mangalore Central and also to Mangalore Junction, Panambar and Tokur. Again, the electrical load has increased because of electrification of Konkan Railway. The power supply to the Uppala Traction Substation was feed through 110 kV UG cable from 110 kV Substation, Kubanoor. Kubanoor Substation was fed from KPTCL supply via Manjeswaram Substation. On 31-03-2022 at 9-23 PM Karnataka supply failed and hence, the supply to Manjeswaram and Kubanoor was interrupted. During the failure, Railways is advised to avail more power from the nearby traction substation to meet the requirement. SLDC who is managing the grid directed to shut down 110 kV feeder to Uppala substation to maintain the grid reliability. SR has asked to avail supply from the reliable grid station Cheruvathur to meet the requirement.

The State Load Despatch Center has been established as per the Section 31 of Indian Electricity Act 2003.

Section 31 (1) The State Government shall establish a Centre to be known as the State Load Despatch Centre for the purposes of exercising the powers and discharging the functions under this Part.

Section 31 (2) The State Load Despatch Centre shall be operated by a Government company or any authority or corporation established or constituted by or under any State Act, as may be notified by the State Government:

Provided that until a Government company or any authority or corporation is notified by the State Government, the State Transmission Utility shall operate the State Load Despatch Centre:

Provided further that no State Load Despatch Centre shall engage in the business of trading in electricity.

The functions of the SLDC have been described in Section 32 of the Indian Electricity Act, 2003.

Section 32 (1) The State Load Despatch Centre shall be the apex body to ensure integrated operation of the power system in a State.

Section 32 (2) The State Load Despatch Centre shall -

(a) be responsible for optimum scheduling and despatch of electricity within a State, in accordance with the contracts entered into with the licensees or the generating companies operating in that State;

(b) monitor grid operations;

(c) keep accounts of the quantity of electricity transmitted through the State grid;

(d) exercise supervision and control over the intra-State transmission system; and

(e) be responsible for carrying out real time operations for grid control and despatch of electricity within the State through secure and economic operation of the State grid in accordance with the Grid Standards and the State Grid Code.

The above Sections of Indian Electricity Act 2003 is clearly spelt about the role of SLDC in maintaining the power discipline in the State.

In this case, SLDC acted as per the provision to have grid discipline and control of the power supply position accordingly they have directed to switch of the feeder. Then the Licensee has been given alternative option, maintain the power requirement of the Southern Railways. The action of Licensee is in order. Any such interruption in failure also to be well coordinated with the Southern Railway as this being a public utility source.

The respondent has already stated that the Licensee is ready to provide more reliable 110 kV feeder from Mylatty Substation to Vidyanagar Substation using 110 kV UG cable for providing alternate source to Uppala Traction Substation and the estimated cost will be around Rs.30 crores, which is to be deposited by M/s. Indian Railway. The appellant is not responded yet to this proposal.

Decision: -

From the analysis of the arguments of appellant and respondent and the hearing, the decision is taken as follows:

- (1) The Licensee very well coordinate with the consumer to avoid disturbance of the public utility services.
- (2) The compensation asked is disallowed.
- (3) The appeal is disposed.

Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/054/2022/_____ dated _____.

Delivered to:

1. Sri. M. Padmanabhan, Sr. Divisional Electrical Engineer, TRD, Southern Railway, Palakkad Dist. 678 002
2. Chief Engineer, Transmission-North, KSEB Ltd., Vydhyuthi Bhavanam, Kozhikode
3. Deputy Chief Engineer, Transmission Circle, KSEB Ltd., Kannur Dist.
4. Special Officer (Revenue), KSEB Ltd., Pattom, Thiruvananthapuram-4.
5. Asst. Executive Engineer, Electrical Sub Division., KSEB Ltd., Uppala, Kasaragod Dist.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Gandhi Road, Kozhikode