

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/067/2016
(Present: V.V. Sathyarajan)
Dated: 13th February 2017

Appellant : Sri George Joseph
Kozhuvanal,
Paika, Pala,
Kottayam.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Limited
Pala, Kottayam.

ORDER

Background of the case:

The appellant, Sri George Joseph, is a consumer having service connection for conducting a computer centre with consumer number 8692 under the jurisdiction of Electrical Section, Paika. The appellant had complained many times before the KSEB authorities regarding supply interruption in his locality. Due to the power failure and the interruption caused heavy loss and damage to the computer equipments. Since the grievance of the appellant was not redressed, he approached the CGRF, Kottarakkara. The Forum disposed of the petition vide order No. 134/2016 dated 05-09-2016 directing the respondent to take necessary steps to avoid frequent supply interruption. Not satisfied with the works done by the licensee in compliance with the above order, the appellant has approached this Authority with this appeal petition.

Arguments of the appellant:

The following arguments are raised by the appellant in his appeal petition.

The appellant's complaint is regarding frequent power failure in his area and the availability of supply was often limited to 6 to 12 hours in a day. Due to this power supply interruptions, the residents of that area are facing much difficulties by causing heavy loss and damage to their business and electrical equipments. The appellant is conducting a computer centre and his business is depending on the power supply. The frequent interruptions in the power supply caused damage to the equipments like photostat machine, inverter, CPU, monitors etc and the collection from the business was reduced from Rs. 1,500.00 to Rs. 400.00 per day.

The KSEB authorities has not enquired or taken action to avoid supply interruption instead of repeated complaints given to them. The Hon'ble CGRF, in its order in OP No. 134/2016 dated 05-09-2016, ordered the respondent to take necessary steps to avoid frequent supply interruption, from the same it can be seen that frequent supply interruption is proved. The reliefs sought by the appellant is to direct the respondent to comply the order of the Hon'ble CGRF and also to award a compensation of Rs. Two Lakhs for the losses sustained by him.

Arguments of the respondent:

The respondent in his reply to the petition has submitted the following.

The supply of energy to the appellant and the area of Kozhuvanal are from the 33 kV Sub Station, Paika through Kozhuvanal feeder. This area (Meenachil Taluk) is having large number of rubber plantations and due to the uprooting of rubber trees and falling of branches of the trees will cause frequent supply interruptions. However, for minimizing supply interruptions in the feeder, measures such as clearing HT/LT touching, changing faulty insulators and repairing AB switches were carried out. But the shifting and rearrangement works of the electric lines passing through the area relating to the Muvattupuzha-Punalur state highway has also resulted power interruptions in the area. Further the respondent contended that since the works of 11 kV feeder at Vakkappulam-Kozhuvanal is progressing, and after completing the work of this feeder, the rate of interruption in that can be reduced considerably. The number of supply interruptions for all consumers under Kozhuvinal Feeder is the same and no other serious complaints were reported by any other nearby consumers like State Bank of Travancore, South Indian Bank, Registrar's office, offices of the Assistant Education Officer, Panchayath, Akshaya centre etc.

The wiring system and safety measures in the premises of the appellant are not sufficient for smooth functioning of a computer centre. He has not installed an ELCB. The firm is also lacking a UPS and battery system having sufficient capacity which essentially required for a computer firm. It is submitted that the appellant is conducting a computer centre with equipments

connected by using the energy which is higher than the registered connected load. The appellant has not taken any action to rectify the defects in the wiring and also to regularise the additional load connected in the premises.

Analysis and findings

A hearing of the case was conducted in my chamber at Edappally, Ernakulam, on 30-12-2016. Sri. George Joseph was present for the appellant's side and Sri. Babu Y., Assistant Executive Engineer, Electrical Sub Division, Pala represented the respondent's side. Both sides have presented their arguments on the lines as stated above. On examining the petition of the appellant, the statement of facts filed by the respondent, the arguments in the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

The grievance of the appellant is regarding the frequent interruption in the supply to his premises. The respondent argued that due to widening of Muvattupuzha-Punalur high way, shifting of electric lines and poles were necessitated and due to the above works interruptions were occurred in that area. However, the construction of 2.5 km of 11 kV line and installation of a 100 kVA transformer is in progress and there is a proposal for 11 kV feeder using covered conductor to reduce the interruptions in the area of appellant. The respondent's version is that after completing the above said works the interruption in the appellant's area can be reduced considerably.

Section 42 of Electricity Act, 2003 deals with the duties of distribution licensees and open access – **(1) It shall be the duty of distribution licensee to develop and maintain an efficient coordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act.** Here in this case, the record says that there are frequent interruptions in the power supply to the appellant's premises. The respondent also admits this, citing the reasons that the feeder is passing through thick vegetations, rubber plantations.

In view of the need of the appellant for an uninterrupted supply of power for the proper and effective functioning of his establishment and in the light of the Regulations extracted above, the respondent is duty bound to provide supply to the appellant to satisfy his needs. Hence the respondent is hereby directed to complete the works proposed on a war-footing basis for providing uninterrupted supply to the appellant along with similarly placed other consumers. In the case of additional load, if any, in the appellant's premises, it is the duty of the respondent to take appropriate steps either to remove or to regularize the same after issuing proper notice. The respondent shall also see that there is no violation of safety aspects on the installations in the appellant's premises.

Decision

In the result, the respondent is directed to complete the works as proposed on a war-footing basis for providing uninterrupted supply to the appellant along with similarly placed other consumers. The question of compensation of Rs. 2 Lakhs claimed by the appellant, this Authority is not empowered to take a decision as to the right of the appellant to claim compensation and to decide the amount of damage sustained by the appellant in this regard. That question is left open. The appellant is at liberty to approach the appropriate Forum for the damages if he so desires.

The order of the CGRF in order No. 134/2016 dated 05-09-2016 is upheld. No order as to costs.

ELECTRICITY OMBUDSMAN

P/067/2016/_____ /Dated:_____

Delivered to:

1. Sri George Joseph, Kozhuvanal, Paika, Pala, Kottayam.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Pala, Kottayam.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.