

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/016/2021

(Present: A.S. Dasappan)

Dated: 23rd July 2021

Appellant : Sri. C.T. Thomas
Chellethu Sampreethi Bhavan,
Kadapra P.O., Kumbanad,
Pathanamthitta Dist.

Respondent : Asst. Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Thiruvalla, Pathanamthitta Dist.

ORDER

The appellant is a consumer of Electrical Section, Kumbanad with consumer number 114619305422 under LT I(a) tariff having a connected load of 4500 watts in the premises.

The argument of the appellant is as follows: -

A lot of damages occurred to the electrical equipments connected in the appellant's premises on 07-06-2020 following voltage fluctuation. The appellant furnished a list of equipments, which were got damaged. The revenue loss sustained to the appellant is Rs.1,03,223/- and demands compensation for the pain and sufferings due to above damage Rs.15,000/-. The appellant's immediate neighbour is also got affected and electrical equipments were damaged and a written complaint was given to the Assistant Engineer. On the same incident time KSEB main power supply was interrupted for two hours and took two hours to remove HT line short due to the falling of broken tree branch. The requirement of the appellant is to allow compensation for the revenue loss and also for the pain and sufferings. The appellant filed a petition before Consumer Grievance Redressal Forum (CGRF), Southern Region for the above, but the

Forum in its order vide OP No.83/2020 dated 27-02-2021 dismissed the petition stating the Forum has no jurisdiction to entertain any petition seeking compensation. Aggrieved by the decision of the Forum, the appellant filed this appeal petition.

The argument of the respondent is as follows: -

The appellant is seeking compensation for the alleged damages to the electrical appliances in use at the appellant's premises. There is no reason or cause to evidence that the voltage level of supply went up beyond the permissible limits as alleged, that too at the premises of the appellant alone, and that too at a point of time specified by this appellant.

As per the regulation 2 (25) of the Kerala Electricity Supply Code 2014, "Consumer Installation" or "installation of the consumer" means any composite portable or stationary electrical unit including electric wires, fittings, motors and apparatus erected and wired by or on behalf of the consumer at the premises of the consumer starting from the point of supply. In contrast, the point of supply is defined in the regulation 2 (64) as the point at the incoming terminal of the cut out installed by the consumer in the case of the Low Tension consumer. Thus, when there is no traces of issues related to high voltage in the distribution system maintained by the Licensee in the respective area, though for argument sake if there were any damages to the electrical / electronic appliances in use within the appellant's premises, it might be because of any defects in wiring or whatsoever other issues of the appellant's installation. It is unfair on the part of the appellant to attribute the damages, if any, caused to the electrical/electronic appliances installed with the premises of the appellant, evidently when the distribution system maintained by this Licensee up to the point of supply to this appellant is ever intact.

Consequent on receipt of a complaint from this appellant at Electrical Circle, Pathanamthitta, containing the same set of allegations, the same had been routed to the field office and the matter was enquired into the meantime and found baseless. This appellant is fed from the Thymukku Transformer point, located at Kareelamukku, aside Kumbanad-Arattupuzha Road. Consumers

hovering around 250 in numbers located in that vicinity are fed from this same transformer. If there is any occurrence of exceeding of voltage level beyond the threshold limit or any other instantaneous issues, certainly there would have been influx of complaints/grievances from this particular distribution area. Whereas, no such complaints were seen registered at the field office during the point of time in question. Hence, it is amply clear that the damages if any caused, as alleged by the appellant, were solely due to the defects or deficiencies of the appellant's installation or appliances. The energy meter of L&T make bearing serial number 18264722, at the premises found to be intact and no apparent changes in the pattern of consumption witnessed.

Regulation 15 (5) of the Kerala Electricity Supply Code 2014 insists that all consumers irrespective of the connected load, shall install a suitable device approved by the Electrical Inspector, for earth leakage protection. Even for the argument's sake, no proof to substantiate that any such devices with due approval from the Electrical Inspector was installed at the premises, as envisaged in the statute.

Without prejudice to whatsoever facts and reasons furnished above, it is also brought before this Authority that from mid May to mid September, the State of Kerala is under the clutches of South-West Monsoon. It is a matter of fact that because of the climate change, massive down pour accompanied with heavy lightning and thunder in isolated areas are very common in this season, causing force majeure conditions locally or covering a wide area, leading to unforeseen events outside the control of the parties that delay performance or prevent performance entirely. The alleged date of occurrence of the event appears to be on 7th June 2020, and this time coupled with the situation of COVID 19 pandemic and preventive protocols, in such situation this Licensee also could claim exemptions from the timelines and standards of performance as extended under the Regulation 63 of the Kerala Electricity Supply Code 2014, though there is no such reason or cause to pose against the Licensee.

The respondent requested to dismiss the appeal petition.

Analysis and findings:

An online hearing of the case was conducted at 12-00 Noon on 20-05-2021 with prior intimation to the appellant and the respondent. Sri. C.T. Thomas, the appellant and Sri. R. Shaji, Assistant Executive Engineer, Electrical Subdivision, Thiruvalla from the respondent's side attended the hearing. On examining the petition, the counter statement of the respondent, the documents attached and the arguments made during the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

It is stated by the appellant that almost all the equipments in the premises like Refrigerator, Washing machine, Inverter, Electric Kettle, Ceiling Fan, Mobile Charger, Tube lights, Mixer/Grinder, Stabilizer etc. were got damaged on 07-06-2020 following a voltage fluctuation and supply was interrupted in the premises. Electrical supply was restored after two hours and found the electrical equipments became defective. Reason for the interruption was falling of tree branches on the High Tension (HT) line. The appellant wants compensation for the damages to the electrical equipments in the premises. Some equipments were repaired and others are un-repairable.

It is stated by the respondent that there was no reason or cause to evidence that the voltage level of supply went up beyond the permissible limits as alleged. The appellant shall install a suitable device approved by the Electrical Inspector for each leakage protection as per Regulation 15 (5) of Kerala Electricity Supply Code 2014. The date of occurrence of the damages is in the period of South-West Monsoon and because of the climatic change, massive down pour accompanied with heavy lightning and thunder in isolated areas are very common in this season. There were no damages in the electrical wiring system of the premises.

In the hearing, it is revealed that the circuit breakers provided in the premises were not tripped, safety fuses were not failed and there was no defect occurred to the three-phase energy meter. Moreover, there was no defect reported in the electric circuit from the electric pole to the energy meter.

The guaranteed standard of performance to be maintained by the Licensee are explained in Regulation 4 of Kerala State Electricity Regulatory Commission (KSERC) (Standards of Performance of Distribution Licensees) Regulations 2015, which are connected with the performance of service to be provided by the Licensee to the consumers. Also, performance for awarding compensation for breach of guaranteed standard of performance is explained in the Regulation 16 of KSERC (Standards of Performance of Distribution Licensees) Regulations 2015.

As such this Authority is not empowered to award any compensation of the damages occurred to the electrical equipments in the premises of the appellant and hence, no need to enter the merit of the case.

Decision: -

From the analysis done above and the conclusions arrived at, this Authority upheld of the decision taken by the CGRF, Southern Region in OP No. 83/2020 dated 27-02-2021. Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/016/2021/_____ dated _____.

Delivered to:

1. Sri. C.T. Thomas, Chellathu Sampreethi Bhavan, Kadapra P.O., Kumbanad, Pathanamthitta Dist.
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Thiruvalla, Pathanamthitta 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, Kottarakkara - 691 506.