

STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION NO. P/324/2012.

(Present: T.P. Vivekanandan)

APPELLANT : Sri. F.Benedict Chrisostom
Arescheril House,
Kandakadavu P.O., Kochi-682008.

RESPONDENT : The Assistant Executive Engineer,
Electrical Sub Division, KSE Board, Palluruthy.

ORDER.

Background of the case: -

The appellant alleges that, the KSEB staff has deliberately delayed restoration of electricity supply to his premises for two consecutive nights even after registering a complaint by him at the Electrical section office, regarding failure of supply. The appellant is a domestic consumer with Con. No. 4644 under Electrical Section, Kannamaly. The complaint was said to be lodged at the section office on 12th regarding non availability of supply, but the supply was restored only on 14th of June 2012. Aggrieved by this, the consumer filed a petition before the CGRF, Ernakulam seeking compensation. The CGRF disposed of the petition by awarding a token compensation of Rs.200/-, vide Order No. CGRF-CR/Comp.70/2012-13 dated 22-10-2012. Still not satisfied with the decision, the appellant has filed this Appeal Petition before this Forum.

Arguments of the Appellant: -

The appellant has adduced the following contention in the appeal petition.

(1). The amount of Rs.200/- awarded against the request of Rs.5000/- is very meager when compared with the quantum of agony undergone for non-supply of electricity for two consecutive nights. This amount is too low as he had to incur travelling expenses to visit the consumer Forum and also incurred expenses like postage, typing and expenses to obtain information under RTI Act.

(2).By awarding a meager amount of Rs.200/-, it is indirectly encourage its employees to repeat such deliberate dereliction of duty. It may also give wrong signals to other employees as this small amount may not be any botheration to them.

(3). The appellant requests to review the matter and to award Rs.5000/- as compensation.

Arguments of the Respondent: -

The respondent has made the following submissions in the statement of facts filed by him.

(1). On 12-6-2012, at around 6.05 PM a complaint was registered at Electrical Section office, Kannamaly by the appellant that 'no power supply' at his residence. One lineman from the section office went to the site at around 6.30 PM on the same day. The problem was identified as snapping of the WP service wire due to dashing of some unidentified vehicle. The house of the appellant is situated on the southern side of Chellanam-Pandikkudi road and the existing line passes through the northern side of the road and the WP service wire was drawn crossing the road to provide supply to the above consumer. Since this road is having heavy traffic and the service of at least three persons (one for climbing on the pole, one for assisting from the ground and one for controlling the traffic) was required for rectifying the complaint, the lineman could not rectify the complaint on that day and the broken wire was kept safe by wrapping on the pole.

(2). Due to heavy rain in the night of 12-6-2012, the supply was highly interrupted due to failing of trees and conductor snapping at several locations. On 13-6-12, all the staff was fully engaged in rectifying major breakdown affecting large number of consumers. Hence the complaint of the appellant could not be attended on that day. On the next day three staff was engaged for rectifying this complaint and the supply was restored at around 11 AM.

(3).There was no deliberate negligence from the part of KSEB for rectifying the complaint. As per the standard of Performance prescribed by KSERC, the maximum time for rectifying the supply interruption is 24 working hours in rural areas and this limit has not exceeded here.

(4). Eventhough the time limit for rectifying the complaint has not exceeded, the CGRF, Ernakulam vide order dated 22-10-12 has granted a token compensation of Rs.200/- to the complainant and the Board has already paid the amount to the consumer.

(5). The demand of the consumer to get additional compensation is without any basis and the appeal may be rejected.

Analysis and Findings: -

The Hearing of the case was conducted on 11/4/2013, in my chamber at Edappally, and Mr. F Benedict Chrysostem represented the appellant's side and Mr. Sunil K.W., Assistant Executive Engineer, Electrical Sub Division, Palluruthy, represented the Respondent's side. On perusing the Petition, the counter of the Respondent, the documents submitted and considering all the facts and circumstances of the case, this Authority comes to the following conclusions leading to the decisions there of.

Both parties presented their arguments on the lines stated above. On verifying the relevant portion of the complaint book, it is revealed that a delay has occurred in rectifying the fault or complaint of the consumer. But the respondent's contention is that the delay occurred is not deliberate, but due to some major interruptions by falling trees and conductor snapping due to heavy rain in the night of 12-6-2012 which necessitated the service of complete staff to rectify the problems. The respondent also argues that as per the standard of Performance prescribed by KSERC, the maximum time for rectifying the supply interruption is 24 working hours in rural areas and this limit has not been exceeded in this case.

The respondent's argument that due to total interruption of supply, in the Electrical Section jurisdictional area, due to heavy rain on the previous night, it was not possible to attend the fault in the consumer premises is not a valid ground to restore the supply of the consumer. Similarly, if the Lineman was interested to restore supply, he could have achieved this with the help of some one and joint the service wire and provided the supply on the evening of 12.6. 2012 itself. In the KSERC (Licensees Standard of Performance) Regulations, 2006, the maximum time limit for rendering service is specified that "within 24 hours of recording of complaints" in rural areas. The compensation prescribed is Rs.25/- per day and so here the maximum amount as compensation allowable is Rs. 50/- only for deficiency of service.

The CGRF has awarded compensation of Rs. 200/- to the consumer. But the consumer claims that he has incurred more than Rs. 5000/- towards the legal expenses and had suffered much mental agony due to the non supply of electricity. The appellant has not submitted any bills or detailed statement of expenses incurred by him. The claims of expenses said to be met by the appellant as travelling expenses, typing charges and the RTI expenses will not exceed Rs.250/-

The argument of the appellant that a high compensation should be awarded to deter the KSEB officials from repeating the deficiency of service is not fully correct as the compensation can be fixed, as per the rate envisaged in the Law only.

DECISION :-

From the analysis done above, it is established that there is clearly deficiency of service from the KSEB side in restoring the supply. It is to be noted that, when there is total failure of electric supply due to some calamities or accidents, it is the usual practice is to restore the HT supply as early as possible, by engaging maximum staff and restore electricity to the essential services like Water supply, Hospitals etc. Thereafter the individual complaints of consumers are attended. This is because, without restoring the HT supply, it is not possible to verify defects in the LT supply and ensure the complete rectification. Hence the delay occurred to restore the LT supply to the appellant's house cannot be termed as deliberate but the things so happened.

Even then, the total compensation payable for the deficiency of service, as per the KSERC (Licensees Standard of Performance) Regulations, 2006, is calculated as Rs. 50/- plus Rs. 250/- towards other expenses in connection with the conducting of the Case i.e. the litigation cost. The appellant has not produced any document before this authority to substantiate his claim for a higher amount. As being the case, the total amount payable to consumer is assessed as Rs. 300/-, in the present case. The KSEB states that an amount of Rs. 200/- has already been issued to the consumer. Hence the respondent is directed to pay the balance sum of Rs. 100/-, (Rs.one hundred only) by way of adjustment in his future bills, with in 90 days of this order.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is disposed off accordingly. Dated the 29th of July, 2013,

Electricity Ombudsman

Ref. No. P/ 324/ 2012/ 1876/ Dated 29.07.2013.

Forwarded to

- 1). Sri.F.Benedict Chrisostom
Arescheril House,
Kandakadavu P.O., Kochi-682008.
- 2). The Assistant Executive Engineer,
Electrical Sub Division, KSE Board, Palluruthy

Copy to: -

- 1). The Secretary, Kerala State Electricity Regulatory Commission,
KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
- 2). The Secretary, KSEB,
Vydhyuthi bhavanam, Pattom, Thiruvananthapuram-4
- 3). The Chairperson, Consumer Grievance Redressal Forum,
KSEB, Power House Building, Cemetery mukku, Ernakulam-682018.