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APPEAL PETITION No. P/065/2017  
(Present: A.S. Dasappan)  
Dated: 28<sup>th</sup> September 2017

Appellant : Sri. Joseph Thomas,  
Kappil, Anthinad P.O.,  
Pala, Kottayam

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd, Ramapuram,  
Kottayam

### **ORDER**

#### **Background of the case:**

The appellant, Sri Joseph Thomas, is a consumer having a domestic service connection with consumer number 7113 under the jurisdiction of Electrical Section, Kollapally. The appellant had complained many times before the KSEB authorities regarding supply fluctuation in his house. Due to the frequent power variation caused heavy loss and damage to the equipments. The appellant had submitted a written complaint to the Assistant Engineer on 27-04-2016. Since the grievance of the appellant was not redressed, he further submitted complaints to Executive Engineer and Deputy Chief Engineer and thereafter the problem settled on 03-09-2016. Due to the damage of household equipments, the appellant claimed loss amounting to Rs. 35,000/-. He approached the CGRF, Kottarakkara requesting compensation for an amount of Rs. 35,000/- and for taking disciplinary action against the concerned officers for the lapses. The Forum disposed of the petition vide order No. 340/2017 dated 27-05-2017 directing the respondent to pay three days compensation at the rate of Rs. 25/- per day to the petitioner. Not satisfied with the decision taken by the CGRF, 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 voltage variation in his house and the damage occurred to the equipments. Due to this power supply variations, the appellant was facing much difficulties by causing heavy loss and damage to his electrical equipments. The KSEB authorities has not enquired or taken action to avoid the frequent supply variations instead of repeated complaints given to them. The appellant had submitted complaint to the Assistant Engineer on 27-04-2016 and another complaint on 15-06-2016. The Assistant Engineer inspected the premises on 15-07-2016 at 7.15 pm, but not taken any action to solve the problem. Thereafter the appellant had submitted petitions to the Assistant Executive Engineer on 03-08-2016, the Executive Engineer, Pala on 25-08-2016 and the Deputy Chief Engineer, Pala on 26-08-2016. The problem of voltage variation was rectified only on 03-09-2016 i.e., after a period of 136 days. The appellant stated that he has incurred a loss of Rs. 35,000/-. The Hon'ble CGRF, in its order in OP No. 340/2017 dated 27-05-2017, sanctioned compensation amounting to Rs. 75/- only. This amount is quite insufficient and not justifiable as the voltage variation pertained for a period of 136 days. The Deputy Chief Engineer, in his letter, has admitted that the voltage variation was occurred due to the functioning of a tyre re-trading unit near the premises of the consumer, from the same it can be seen that frequent voltage variation is proved. The reliefs sought by the appellant are to award a compensation for the losses sustained by him and to take disciplinary action against the concerned officers.

**Arguments of the respondent:**

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

The appellant has filed complaint regarding voltage fluctuation in his house. Though the Section authorities inspected the site, but have not convinced the voltage variation as alleged by the appellant. In the complaint of the appellant regarding this voltage variation, he raised the allegation that it was due to the working of the compressor of the 'PJ Treads' industry. Hence 25 numbers of consumers including appellant was transferred to Pravithanam Kurusuppally transformer from Allappa transformer where the industry was working. The respondent's contention is that the cause of the complaints is the dispute between the appellant and the PJ Treads. The appellant has submitted the same complaint voltage variation after solving the issue. No complaints

were received from any other consumers in that area regarding the voltage fluctuations. The allegations raised by the appellant are baseless and false.

### **Analysis and findings**

A hearing of the case was conducted in my chamber at Edappally, Ernakulam, on 22-08-2017. Sri. Joseph Thomas was present for the appellant's side and Sri. Rajmohan P, Assistant Executive Engineer, Electrical Sub Division, Ramapuram 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 complaint is regarding the frequent voltage variation in the supply to the appellant's premises. The CGRF has observed that "the appellant submitted complaint regarding the voltage fluctuation before the KSEB on 25-08-2016 and it was rectified on 04-09-2016. Hence 10 days of delay was occurred on the part of the respondent in rectifying the complaint. As per standards of performance, the complaint regarding the voltage fluctuation will be rectified within seven days. Hence the respondent is liable to pay three days of compensation at the rate of Rs. 25/- per day to the petitioner as per standards of performance". But the appellant's version is that he had filed complaint to the Assistant Engineer on 27-04-2016, but the problem solved only on 04-09-2016. Hence he is eligible for compensation for 136 days. Further the appellant claimed that he sustained loss due to the damage of electrical equipments, TV, Fridge etc. To substantiate his arguments, the appellant has submitted copies of the complaints filed by him before the KSEB and copies of purchase and repair bills. The respondent has denied all this allegations and stated the basis of the allegations is the enmity between the appellant and the owner of PJ Treads. According to the respondent, on verifying the connected load and capacitor of PJ Treads, it was found that the voltage variation in the firm was within the limits.

It is revealed that the grievance of the appellant regarding the voltage fluctuation is redressed by transferring 25 numbers of consumers including appellant to Pravithanam Kurusuppally transformer from Allappa transformer where the industry was working. The Deputy Chief Engineer, Pala, in his letter dated 14-10-2016, has admitted that the voltage variation was due the functioning of the 'Air Compressor' in the PJ Treads and a notice dated 08-08-2016 was issued to the firm to remove the equipment from the electric circuit. The complaint was rectified by carrying out realignment in the lines. In short,

this Authority feels that there was voltage fluctuation in the area and it was rectified by transferring 25 numbers of house connections from the Allapra transformer where the firm's connection exists.

It is noted that the appellant had not filed any application for compensation payable to him under Regulation 16 (1) Kerala State Electricity Regulatory Commission (Standard of Performance of Distribution Licensees) Regulations, 2015. But CGRF, Southern Region awarded a compensation for three days @ Rs. 25/- per day as per Regulation 16(2) of the above Regulations. Guaranteed Standard of Performance in Regulation 4(8) of Kerala State Electricity Regulatory Commission (Standard of Performance of Distribution Licensees) Regulations, 2015 deals with voltage levels for LT, HT, and EHT supply permissible variations and the time allowed to rectify the defects. Compensation of breach of guaranteed Standard of Performance fixed in accordance with Regulation 4(8) in schedule 1 Kerala State Electricity Regulatory Commission (Standard of Performance of Distribution Licensees) Regulations, 2015. It is concluded that the reason of voltage fluctuation in the premises of the appellant was not because of the defects of the distribution network, but only the delay in detecting and rectifying fluctuation which can be treated as "service".

Regarding the compensation for loss occurred due to damage of equipments, the appellant has furnished some details like copies of purchase bills of a Fridge, Stabilizer and CFL bulbs and a repair bill of TV to prove his claims of compensation. From this it cannot be conclusively proved whether any damage occurred to the appellant's equipments due to the voltage fluctuations. Moreover, the appellant had not furnished any details of the damaged equipments while submitting petitions before the Executive Engineer and Deputy Chief Engineer. Hence the only remedy available to the appellant is to claim compensation for violation of Standard of Performance applicable under Kerala State Electricity Regulatory Commission (Standard of Performance of Distribution Licensees) Regulations, 2015 for the delay to rectify his complaint on voltage fluctuation. It is left open to the appellant to approach the appropriate authority of licensee for compensation as per rules, if he desires so. This Authority is not empowered with the jurisdiction of taking disciplinary action against the licensee's officials and is not competent to award compensation in first instance, as per rules. Since the reliefs requested on the above items not come under the purview of this Authority, these are not considered and not admitted.

**Decision:**

With regard to the matter of compensation, the appellant is free to approach the licensee, as per regulations Kerala State Electricity Regulatory Commission (Standards of Performance of Distribution Licensees) Regulations 2015, if he desires so.

Having concluded and decided as above it is ordered accordingly. The Appeal Petition filed by the Consumer stands disposed of as such. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/065/2017/ \_\_\_\_\_ /Dated: \_\_\_\_\_

Delivered to:

1. Sri Joseph Thomas, Kappil, Anthinad P.O., Pala, Kottayam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Ramapuram, 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.