

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Sudhir Kumar
S/o Late Shri Radharaman
Ward No. 6, Station Road,
Khatima, Distt. Udham Singh Nagar,
Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Khatima, Distt. Udham Singh Nagar,
Uttarakhand

Representation No. 21/2019

Order

Dated: 31.07.2019

The petitioner, Shri Sudhir Kumar S/o Late Shri Radha Raman, Ward No. 6, Station Road, Khatima, Distt. Udham Singh Nagar, a consumer of Uttarakhand Power Corporation Ltd. for 3 phase domestic connection no. KH2 K231 084786, being aggrieved with Consumer Grievance Redressal Forum, Udham Singh Nagar zone (hereinafter referred to as Forum) order dated 29.03.2019 in his complaint no. 283/2018-19 before the said Forum against the respondent UPCL through Executive Engineer, Electricity Distribution Division, Khatima (hereinafter referred to as respondent) has filed this representation before the Ombudsman with the request that his appeal be admitted and erring staff be penalized for delay in attending his complaint regarding failure/disturbance in his supply due to a fault in the service cable at the LT pole.

2. The petitioner in his representation dated 23.04.2019, which was admitted on 14.05.2019 after removal of certain shortcomings in the representation, has stated that information regarding defect in his 3 phase connection was conveyed to the lineman in the month of January 2019 repeatedly on phone, but no action was taken, where after

complaint on department s toll free no. 1800419045 was lodged on 07.02.2019 and again on 14.02.2019.

3. He further states that on 18.02.2019 in his absence the lineman came at his residence and told that the cable from pole to his meter was defective and has to be got replaced so he arranged the cable next day and informed the lineman that he has arranged the cable and requested lineman to get the cable replaced but the lineman did not replace the cable.
4. The petitioner on 05.03.2019 informed the Haldwani (Kathgodam) Forum that the fault on the line has not been attended. It is also stated by him that on 28.03.2019 two staff members from the department came to attend the complaint and after tightening the existing cable at pole, the supply was normalized, while earlier the lineman had told him that the existing cable was defective and had got to be replaced and he asked him to get a new cable purchased. He has also asserted that on 29.03.2019 the Forum enquired on phone whether the line has been set right. The Forum was informed by him that existing cable was tightened at pole at 4 pm on 28.03.2019 and supply was got normalized. It is further stated that the Forum did not inform him about any hearing date on his complaint, but sent him a copy of order dated 29.03.2019. The Forum dismissed his complaint without directing any punitive action against the staff. He has requested that his appeal be admitted and necessary punishment to the erring staff be awarded.
5. Forum in their order dated 28.03.2019 in the complaint no. 283/2019 have mentioned that the complainant have lodged the complaint before the Forum mentioning that one phase of the service cable of his 3 phase domestic connection at his residence is defective for last 2 months. The department was requested to get the defect removed, but no action was taken by the department for a long time. The Forum have also observed that the opposite party have informed the Forum vide their letter dated 28.03.2019 that complaint of the consumer has since been attended to. After hearing both parties the Forum have observed that since the complaint has duly been attended to so there is no necessacity of passing any order in the matter and they accordingly dismissed the complaint.

6. The respondent, Executive Engineer has submitted point wise reply to the representation in his written statement dated 10.06.2019. He has denied complaint by the petitioner in the month of January 2019 as no such complaint has been registered in consumer s complaint register of 33 KV substation Khatima. While he has admitted that a complaint regarding defect in service cable was lodged by the petitioner online on 07.02.2019 and again on 14.02.2019. He has also mentioned that complaints received on customer care are used to be disposed off expeditiously and accordingly his complaint was also attended to. It is further stated that the lineman has confirmed in writing that the service cable of the petitioner was set right and supply was normalized. It is further stated that the complaint was attended on 28.03.2019 wherein the carbon on the joint of the service cable was removed, cable was tightened at the joint and supply was normalized. He has denied any misbehavior or abuse with the family members of the petitioner by the lineman and as such the lineman concerned appears not to be at any fault. Respondent requested that in view of the above facts no action against the lineman be taken.
7. In his rejoinder dated 17.06.2019 he has reiterated his averments made in his representation.
8. In a reply to RTI the Executive Engineer R.A.P.D.R.P (Hkkx v) has informed that the complaint under reference was lodged on 07.02.2019 and again on 14.02.2019.
9. The documents available on file have been perused and arguments from both the parties have been heard. It is undisputed that complaint regarding fault in his service cable was lodged by the petitioner on toll free no. of the department on 07.02.2019 and 14.02.2019 and the complaint was attended by the line staff on 28.03.2019 whereby carbon on the joint of the service cable was removed and the existing cable joint at pole was tightened and supply was normalized, so it is established that the department took 48 days (from 07.02.2019 to 28.03.2019) in attending such a minor fault on the service cable of a domestic consumer and therefore his supply remained disturbed for such a long period due to carelessness and inaction by the staff of the respondent. Although the petitioner has only requested for action against the erring staff but it would be in the interest of justice to examine the case regarding admissibility of compensation to the petitioner for this inordinate delay in attending the complaint and normalizing his supply. It would

be appropriate to refer to the provisions regarding compensation for such delay in UERC (Standard of Performance) Regulations, 2007, relevant abstract of which are reproduced hereunder:

a) Schedule I

7 Guaranteed Standards of Performance

7.1 Restoration of Power Supply

Nature of cause of power supply failure Maximum Time Limit for restoration

1.2 Service line broken/ within 6 hours for Urban area and

Service line snapped from the pole within 12 hours for rural area

Schedule III

9 Guaranteed Standard of Performance and Compensation to Consumers in case of

Default

Service line broken/ Compensation @ Rs. 10 for each hour of

Service line snapped from the pole default

10. In view of the facts of the case as described above it is ordered that

1. The erring staff responsible for inordinate delay of 48 days in attending the complaint and setting the supply normal; be identified and necessary administrative/punitive action against such staff be taken within 60 days from the date of this order.
2. Compensation for delay of 48 days i.e. about 1152 hours of delay @ Rs. 10.00 per hour, amounting to Rs. 11,520.00 as per above quoted provisions of UERC (Standard of Performance) Regulations, 2007 for delay beyond permissible time limit be given to the petitioner by way of adjustment in his next bill(s). However, the correct amount of compensation may be worked out by the respondent after verification of their records, in accordance with the above provisions of SOP. To enforce this, a credit entry of the amount of compensation, be made in consumer's ledger account within 15 days from the date of this order. Appeal succeeds. The Forum order is set aside. Compliance be reported within the stipulated period as mentioned above.

Dated: 31.07.2019

Ombudsman

(Subhash Kumar)