

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Sandeep Tomar  
79/3-A, Nashvilla Road,  
Beharilal Marg,  
Dehradun Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division (Central)  
Uttarakhand Power Corporation Ltd.  
18, EC Road, Dehradun, Uttarakhand

Representation No. 27/2015

### **Order**

The petitioner, Shri Sandeep Tomar has filed this petition against the order of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) dated 29.09.2015 in which the Forum has dismissed the complaint for giving compensation in view of damage caused to electrical appliances due to high voltage current on 01.07.2015. Forum in their order have observed that since the Regulations under Rule 9 sub rule 6 provide for Rs. 500.00 compensation per appliance damaged due to fluctuation in voltage, but this compensation is contingent on more than one consumer in the neighborhood impacted by this fluctuation and their appliances damaged. Forum have found no merit in the complaint since no other neighbor of the complainant has made such a complaint and the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent) have no mention of any damage to appliances due to high voltage mentioned in their record. Accordingly the Forum dismissed the complaint.

2. The petitioner has in his appeal to the Ombudsman highlighted that on 01.07.2015 due to sudden high voltage current his electrical appliances were blown off and became out of order. Some of these appliances were Refrigerator, TV, microwave, and rice cooker. He has had to spend Rs. 10,000.00 to get them back in working order. He made repeated efforts to meet the SDO on 03.07.2015, 06.07.2015 but could meet the JE only on 06.07.2015. He also tried to register complaint with the toll

free number (1800419-0405) of the respondent but was advised that complaint regarding breakdown of appliances and high voltage could not be registered on that toll free number. After having failed to get any response he finally managed to file a written complaint in SDO office, Parade Ground on 13.07.2015. When he met SDO Shri Chandra Mohan after few days to enquire about the status of his complaint he was directed to the JE who in turn informed him that action would be taken by SDO himself. When he approached the SDO to inform him that he was lodging a complaint with the Forum he was advised to settle the matter outside with the contractor/ in charge of APDRP a private company hired by UPCL for bunch cabling works. That person referred to another contact as a result no redressal was possible through the department or the contractor. The Forum also denied any relief to the petitioner vide their order dated 30.09.2015 (the date of order in fact is 29.09.2015). In his grounds of appeal the petitioner has referred to entries no. 1, 9 and 15 of the complaint book dated 01.07.2015 submitted by SDO, Parade Ground in which 2 residents of Nashvilla road have complained regarding voltage fluctuation and the third has informed about a tree branch falling on LT line. This information is at variance with the log book record submitted by SDO that no traces were recorded in the transformer and LT line regarding high voltage current.

3. Further, the petitioner has mentioned that while the Forum has observed that none of the neighbors had made a complaint regarding voltage fluctuation or demanded compensation, petitioner has filed a photocopy of a written complaint by Shri N.S.Kaneri dated 08.07.2015 to the Forum on 24.08.2015. He has therefore argued that while he is the only person who has asked for compensation since he suffered major loss, the other consumers also reported fluctuation but did not claim compensation. In the light of this the decision of the Forum needs to be reviewed.
4. The respondent in their written statement have contested the allegation of the petitioner that on 01.07.2015 electric appliances were blown off and became out of order on account of sudden high voltage and have further said that they do not admit para 4 with the allegation that petitioner spent about Rs. 10,000.00 to repair all the broken down appliances. Respondent have also dismissed the specific grounds of appeal given by the petitioner vide a blanket statement “that in para 1 of the grounds of appeal is not relevant to the present case in view of the provisions of Regulation 9. In reply to para 3 of grounds of appeal respondent have again maintained that it is not

relevant in view of para 1 of the reply of grounds of appeal. They have also stated that the letter given by Shri Kaneri (neighbor of the petitioner) does not state about any damage by fluctuation in current on 01.07.2015 and is wholly irrelevant.

5. Arguments were heard from both parties and MRI reports were called for meters other than that of the petitioner. Respondent claimed that the MRI could not be done for single phase meters as they do not support. Of the five consumers who suffered most due to fluctuation, MRI could not be done of any consumer, as reported vide A.E. (Meter) letter no. 454 dated 30.12.2015, submitted by the respondent.
6. As per the Regulations, the moot point for deciding compensation is 1) damage to appliances of the petitioner and 2) complaint reported and damage suffered by other consumers in the vicinity and. On both these counts the Forum has found no merit in the complaint. On closer examination of the record it is observed that 1) complaint has been registered in the complaint register with the SDO on 01.07.2015 at sr. no. 1 and 9 for voltage fluctuation and at sr. no. 15 for damage to LT line due to falling tree branch. These complaints recorded in the respondent's complaint register, confirm that voltage fluctuation did occur on the LT line on 01.07.2015 causing high voltage at the connections of a number of consumers, resulting into damage of their appliances.
7. Complaint filed by Mr. Kaneri on 08.07.2015 and submitted to Forum on 24.08.2015 also details the loss suffered and fluctuation in the meter as a result of which the meter was burnt. Further, a list of five numbers affected consumers whose appliances were damaged due to voltage fluctuation, submitted by the petitioner to the Forum on 03.08.2015 duly acknowledged its receipt by the Forum also establishes that damage and loss has been suffered not merely by the petitioner but by other consumers and details of loss had been mentioned in complaint of 08.07.2015 and 03.08.2015 respectively. The petitioner has also submitted cash memos pertaining to repair of damaged gadgets as per annual maintenance contract or otherwise. Of the four appliances for which the petitioner has sought remedial action, one, namely rice cooker, has been declared non repairable. In the repair of the other three, petitioner has spent a total of Rs. 4,891.00. Compensation is limited to maximum of Rs. 500.00 per appliance of repair cost. It is therefore established that not only is the damage to domestic appliances of the petitioner directly attributable to voltage fluctuation on

01.07.2015, consumers in the neighborhood also suffered on account of this fluctuation lodged a complaint and informed about the losses. The conditionalities of the Regulation 9 sub regulation 6 are fulfilled

8. Petitioner is therefore entitled to compensation as per Regulation and the respondent may examine and verify the expenditure incurred by the petitioner on the repair of the appliances damaged due to voltage fluctuation on 01.07.2015 and may allow compensation as per relevant SOP Regulations but not more than the actual expenditure incurred by the petitioner on repair of each individual appliance. Forum order is set aside.
9. From the sequence of events, it appears that the concerned officials of the respondent were aware of the incident of voltage fluctuation and its consequential effect on consumer's appliances but have been avoiding to redress the grievance of the petitioner who contacted them and instead made him run from pillar to post. This behavior of the concerned officials (SDO & JE) of the Licensee has been viewed as an act of non faithful implementation of Regulations.

Dated: 12.01.2016

(Vibha Puri Das)  
Ombudsman