

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Diwas Joshi  
S/o D.C. Joshi  
Amba Colony, Gas Godam Road,  
Kusumkhera, Haldwani,  
Distt. Nainital, Uttarakhand

Vs

Executive Engineer,  
Electricity Distribution Division (Rural),  
Uttarakhand Power Corporation Ltd.  
Hiranagar, Haldwani, Uttarakhand

Representation No. 38/2017

### **Order**

The petitioner, Shri Diwas Joshi has complained in his petition regarding suspected case of over voltage on 25.06.2017 at his residence Amba Colony, Gas Godam Road, Kusumkhera, Haldwani, Distt. Nainital. He has stated to have observed unpleasant smell of varnish at around 02:00 hours on 25.06.2017 and found few of his apparatus were not working. He further stated that inspite of his complaint on toll free number, the UPCL did not take prompt action which resulted in continued over voltage till around 06:00 hours (According to petitioner's statement over voltage persisted for 4 hoursonly) Petitioner is aggrieved by the order dated 09.10.2017 of the Consumer Grievance Redressal Forum, Kumaon zone (hereinafter referred to as Forum) whereby compensation has been awarded against 1 bill of M/s Smart Care Tikoniya Haldwani while other bills have been rejected on account of not having GST/TIN no/registered vendor. The petitioner's case is that due to suspected over voltage on 25.06.2017 a number of equipments in his residence were damaged regarding which he made a complaint to toll free number 18004190405 which was registered as complaint no 22506170102. He has also explained that equipment of many other persons who were supplied electricity from the same distribution transformer also suffered damage of which two consumers have been included in his complaint. However UPCL did not take prompt action as required under the provisions of

relevant Regulations which resulted in damage to equipments of many consumers. Forum order however, has not taken into consideration the lacunae in the functioning of UPCL and the violation of provisions of Regulations, while passing the impugned order. The petitioner has demanded reliefs of:

- a) Compensation proportionate to rate contract of UPCL or any agency of Government for all the damaged equipments.
  - b) Compensation for violation of point no. 6 (voltage fluctuation local problem) of UERC (Standard of Performance) Regulations 2007 and
  - c) Since there is delay of more than 90 days in payment of compensation, additional penalty as per sub clause 3 of point no. 10 of UERC (Standard of Performance) Regulations 2007.
2. Petitioner has argued that while GST became applicable only in July 2017, petitioner residence falls in rural area where few, if any registered, vendors operate. Further, petitioner is aggrieved that Forum have not considered to compensate proportionately with reference to any rate contract for such services that the UPCL or any other govt. body may have executed. Petitioner believes that respondent UPCL must be penalized for violation of Uttarakhand Electricity Regulatory Commission (Standards of Performance) Regulations, 2007 with respect to voltage fluctuation and for delay of more than 90 days in payment of compensation.
3. Forum in their order, have taken note of the damaged neutral wire and its repair in an adhoc way as evidence that raises suspicion that similar accidents may recur. Forum have recorded that opposite party UPCL have conceded that a neutral break may have caused high voltage which lead to damage of equipment not only in the residence of petitioner but two other neighbours whose premises were inspected at the instance of the Forum on 08.07.2017 Forum have therefore concluded that while the damage to the equipment seems to have been caused by the neutral break and the resultant high voltage and UPCL should have inspected the premises immediately after in order to correctly assess the damage but on the payment of compensation and award of penalty as requested by the petitioner Forum have accepted the award of compensation in respect of bill of M/s Smart Care Tikoniya Haldwani while all the other bills have been found to be defective or invalid for various reasons including non availability of TIN/GST number lack of date of repair, and non registration of the service agency.

4. Respondent in their written statement have disputed the petitioner's claim to represent the case since he is not the consumer and Shri Dinesh Chand Joshi is the consumer (It may be borne in mind that Shri Diwas Joshi is the son of consumer Shri Dinesh Chand Joshi and he is representing the case for connection no. 392e124135793 issued in the name of his father). While they have taken issue on a number of other averments in the appeal, respondent UPCL have quoted that the Forum have held that due to neutral break there is possibility of high voltage which may have damaged equipments in his and his neighbours' residence and have pointed to there being no objection to these findings. They have also conceded point no. 7 in Forum order that there was no delay on the part of petitioner in giving information to the UPCL about high voltage. However, they have disputed the allegation that since the assessment by UPCL was not done in time nor the maintenance of transformer taken care of properly it led to the incident and shows fault on the part of UPCL (no grounds for disputing the findings of the Forum have been given here whereas Forum findings are backed by photographic evidence as well as information sought from both parties during hearing in the Forum). Respondent have further quoted from the complaint register filed by the petitioner in which complaint no. 22506170102 lodged on 25.06.2017 was rectified and have concluded that since the petitioner did not make a further complaint that complaint had not been rectified Respondent have further disputed the admissibility of additional penalty due to nonpayment of compensation for more than 90 days as per sub clause 3 of point no. 10 of SOP Regulations, 2007 on the ground that the petitioner had not informed the respondent about the details of electrical apparatus and extent of damage. The respondent have informed that they have paid the amount of compensation as determined by the Ld. Forum by adjustment in the bill and no further ground for any grievance now sustains.
5. Both parties have been heard and record available on file has been perused. From the detailed findings given by the Forum in their order it is clear that high voltage occurred on the transformer possibly due to neutral break on 25.06.2017; occurrence of this high voltage could have resulted in damage of equipments of the petitioner and his 2 neighbours referred in his complaint and whose premises were fed through the same transformer and whose premises were got inspected by the respondent under the directions of Forum on 08.07.2017; respondents have not specifically denied this, but submitted that this could have happened.

6. As far as reliefs demanded by petitioner, mentioned in para 1 above are concerned a) there is no provision for any compensation by any calculation other than as prescribed under the SOP Regulations. b) Point no. 6 of SOP Regulations 2007 provides for attending the local fault within 4 hours and in the event of violation, compensation on per day basis for each day of delay is provided for in the Regulation. In the instant case while the petitioner in his representation has clearly mentioned that the over voltage, resulting in damage of his equipments occurred at around 02:00 hours on 25.06.2017 and continued till around 06:00 hours i.e. over voltage persisted for 4 hours only, according to para 2 of the Forum order, the respondent have conceded that the fault was attended at 07:06 hours but in para 4 of the Forum order, the petitioner has conceded that the fault was set right in 07:06 hours, instead of 4 hours as prescribed in SOP Regulations. Since there is dispute in the aforesaid two statements and the Forum has not given any finding on this point, and since the petitioner has clearly stated in his petition before Ombudsman that the over voltage persisted only for 4 hours, it appears that no violation of SOP Regulations has been committed by the respondent, hence no compensation is admissible under point 6 of SOP Regulations (Schedule III). c) While the fault occurred on 25.06.2017 petitioner approached the Forum on 28.06.2017 and the order of the Forum was passed on 09.10.2017. Respondent UPCL did not have the occasion to respond as per provisions of Regulation since the matter remained under consideration of the Forum. As such respondent may be given the benefit of doubt regarding UPCL being ready to provide compensation for damaged equipment, if any, as such compensation was to be given by way of adjustment in the bill and the issue of bill depends upon the billing cycle. In this event levy of penalty on UPCL for violation of point 10 of SOP Regulations appears premature.
7. As regards Forum's denial to allow compensation for damage of other equipments, on three no. bills submitted by the petitioner for the reason that these bills do not carry TIN/GST no and registration no of the vendors, as well as lack of date of repair on some of these bills, it is directed that the respondents may examine these bills and may allow compensation as per SOP Regulations, in respect of such bills where date of repair has duly been mentioned. The necessity of TIN/GST no./registration no. of the repairer/vendor may not be insisted, keeping in view the facts of the case pertains

and that issue to the rural area, where registered repairers may not be available and the GST had been levied from July 2017 only.

9. The Forum order is upheld with the aforesaid modification. Petition is partially allowed. No order to costs.

Dated: 05.01.2018

(Vibha Puri Das)  
Ombudsman