

BEFORE THE ELECTRICITY OMBUDSMAN
(For the State of Goa and Union Territories)
Under Section 42 (6) of the Electricity Act, 2003
3rd Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18,
Gurugram (Haryana) 122015,
Phone No.:0124-4684708, Email ID: ombudsman.jercuts@gov.in

Appeal No.158 of 2021

Date of Video Conferencing: 17.02.2022

Date of Order :22.02.2022

M/s Guala Closures (India) Pvt. Ltd.,
Goa

.... Appellant

Versus

The Chief Electrical Engineer,
Electricity Department,
Goa and others

.... Respondents

Parties present:

Appellant(s)

1. Shri Laxman Vishnu Kopardekar,
Appellant's Representative
2. Shri Allen Joseph,
Appellant's Representative

Respondent(s)

1. Shri Vallabh Samant,
Executive Engineer



Date of Order: 22.02.2022

The Appellant has preferred an Appeal against the order of the Learned CGRF-Goa in the order no. - CC -29/2021 dated-30.07.2021. The Appeal was admitted on 28.12.2021 as Appeal No.158 of 2021. Copy of the same as received was forwarded to the respondents with a direction to submit their remarks / counter reply on each of the points. A copy of counter reply was supplied to the Appellant, to file the Rejoinder, if any.

Settlement by Mutual Agreement

Both the parties appeared before the Electricity Ombudsman through Video Conferencing as scheduled on 17.02.2022 and were heard. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement mutually agreeable could be reached. The hearing therefore, continued to provide reasonable opportunity to both the parties to put forth their pleading on the matter.

(A) Submissions by the Appellant:

Appellant submitted the brief facts as under: -

(a) FACTS OF THE CASE

The Appellant has an industrial factory at Sanquelim Goa. They are HTC consumer at a voltage level of 33 KV with a contract demand of 3600 KVA. They are aggrieved by the repeated power failures at their factory. They have to rely on five DG sets (four of 1010 KVA capacity and one of 600 KVA capacity) during power failures. They claim that power failure occurred 107 times during the period from January 2021 to June 2021 for a cumulative period of about 533 hours. During this six-month period, they purchased diesel for the DG sets worth Rs. 3.53 Cr as against power bills of Rs. 5.37 Cr. They have made a complaint to CGRF who vide order under appeal has directed the Respondents to complete the system improvement works for better reliability. Now they have made Appeal for non - implementation of CGRF order.

(B) Submissions by the Respondents:

Shri Vallabh Samant, Executive Engineer on behalf of the Respondent/Electricity Department-Goa, vide email submitted the counter reply as under: -

- (a) The meeting was called for settlement through mutual agreement. In this matter Executive Engineer clarified to the Appellant that as the State of Goa is going into Assembly Election and Model Code of Conduct is in force with effect from 08.01.2022, therefore the time frame for completion of works cannot be ascertained. In view of the model code of conduct it was mutually agreed upon to request the Hon'ble Ombudsman to keep further process of this appeal on hold till 30th April, 2022, which was rejected by this court.



(b) In counter reply, Respondents submitted the single line diagram showing Grid Substation (GSS), Size, voltage and length of conductor from GSS to the Metering point of the Appellant (along with voltage ratio and capacity of Transformer) and Architectural drawing from GSS to appellant metering point. They further informed that following proposed works will result in reduction of Power failure for M/s Guala Closures (India) Pvt. Ltd.

Sr. No.	Name of work	Status as on 30.07.2021 i.e. CGRF order date	Status as on 16.02.2022
1.	Work of providing underground cable from Amona to Sankhali Sub-Station for alternate supply arrangements.	Work is re-tendered	Tender is opened and submitted to Govt. for expenditure sanctioned vide letter no. CEE/CSC/Tech-2/2021-22/494 dt. 30.12.2021 (Rs. 9,63,20,578/-)
2.	Proposal for change of conductor of 33 KV Viridi-I and Viridi-II from Tiger conductor to HTLS conductor.	Estimate prepared	Estimate sanctioned. Tender is opened and submitted to GSWB for approval vide no. CEE/CSC/Tech-3/2021-22/527 dt. 07.01.2022 (Rs. 33,72,19,508/-)

(C) Ld. CGRF-Goa order no.- CC -29/2021 dated-30.07.2021, preferred for Appeal:

(a) Ld. CGRF-Goa has passed the order and relevant part is reproduced below: -

Order

“7-However, we direct that the works initiated by the Department listed at page 2 of their para-wise comments be completed expeditiously. The licensee Department, through Sub-Divisional Engineer S/D-II (R), Sanquelim Goa, shall submit quarterly progress/compliance reports to the Registry of this Forum with copy to the complainant commencing from 01.09.2021 updating on the progress of the said works until their completion. The complaint stands disposed accordingly.

8-In case the complainant is not satisfied with the above decision; he is at liberty to file an appeal before Hon’ble Electricity Ombudsman for State of Goa and Union Territories.”

(D) Deliberations during Video hearing on 17.02.2022:-



1. Appellant's Submission:

- a) Shri Laxman Vishnu Kopardekar, - Appellant's Representative, reiterated his version as submitted in the Appeal.
- b) He was asked that which para of Ld. CGRF order, he is challenging in this Appeal. He submitted that he is challenging the non-implementation of para-7 of Ld. CGRF order. He confirmed that he is getting the quarterly report as per Ld. CGRF order, but there is no progress to complete the works and still there are lots of interruption of power supply, which will further worsen in the coming monsoon months in Goa from May to October.
- c) He was requested to send the tripping details from June, 2021 onwards within 4 days.
- d) His attention was invited to the faulty letter of authorization to represent in this Appeal. He promised to file the same from the Managing Director/BoD of the company within 4 days, which he supplied on 21.02.2022 through email along with tripping details and a copy of the same was supplied to Respondents.

2. Respondent's Submission:

- a) Shri Vallabh Samant-Executive Engineer, reiterated his version as submitted in the counter reply to the appeal.
- b) He submitted that interruption of power supply has been reduced considerably, after lots of maintenance work and trimming of tree branches was done. He further submitted that due to cyclone and floods, the continuity of power supply is beyond their controls. He was requested to send the tripping details from June, 2021 onwards within 4 days, which was supplied on 22.02.2022 by e-mail and copy of the same was supplied to the Appellant.
- c) He further submitted that after completion of the work of providing 33 KV U/G cable from 220 KV—Amona substation to 33 KV substation at Sankhali, the position will significantly improve. He submitted that tender for this U/G cable work for around Rs.9.63 crores has been opened and submitted to Govt. of Goa for expenditure sanctioned on 30.12.2021 and the process is held up due to election code of conduct up to 10 March, 2022. Further the work for Rs. 33.72 crores for strengthening and augmenting the existing 33 KV lines/sub-station is also in process for which Estimate has been sanctioned, Tender opened and submitted to Govt. of Goa for approval on 07.01.2022.

(E) Findings & Analysis: -

1. I have perused the documents on record, CGRF order and pleadings of the parties.
2. The documents submitted by the parties have been believed to be true and if any party submitted a fake/forged document, then they are liable to be prosecuted under relevant Indian Penal Code/Rules/Regulations.
3. The only issue which has arisen for considerations in the present Appeal is as under:



- (a) Whether the CGRF order dated-30.07.2021 has been implemented or not?
4. Regarding issue no 3(i) as above, as to whether the CGRF order dated-30.07.2021 has been implemented or not?

- (a). Following provisions have been provided in the Joint Electricity Regulatory Commission (Distribution Code) Regulations, 2010 notified by the Hon'ble Commission: -

ATTACHMENT-1

DISTRIBUTION SYSTEM PLANNING AND SECURITY STANDARD

“2. QUALITY OF POWER SUPPLY

1. *Frequency: The rated frequency shall be 50 Hz. All the constituents of the Power System shall make all possible efforts to ensure that the grid frequency remains within the bandwidth of 49.0 -50.5 Hz.*
2. *Voltage: - The voltage at any point of the system under normal operating conditions shall not depart from the declared voltage by more than the values specified under IS Specification.*
3. *Harmonic content: - As per IEEE recommendations, the total harmonic content in the supply voltage for sensitive loads shall not exceed 5 percent, with any single harmonic content not exceeding 3 percent. The respective User responsible for generating harmonics and affect the distribution system shall be responsible for corrective action”*

“5. PLANNING PROCEDURE

The Distribution System shall be planned and developed in such a way that the system should be capable of catering the requirement of all categories of Consumers with a safe, reliable, economical and quality supply of electricity as indicated in clause 2.0 of this section. However, the Consumer shall extend full support to the Distribution Licensee to enable the Distribution Licensee for quality supply of electricity. The Distribution System shall conform to the statutory requirements of all the relevant code, standards and acts in force.”

“9. SECURITY STANDARDS

1. *The Distribution System shall be planned and maintained so as to fulfill the following security standards except under Force Majeure conditions beyond the reasonable control of the Distribution Licensee.*
2.

3. *The feeders connected to important industries which are very sensitive to interruption of even short duration shall be planned to have automatic switchover to an alternative healthy feeder in case of failure of supply.*
4. *Loading in any current carrying component of the Distribution System (e.g. Conductors, joints, transformers, switchgear, cables and other apparatus) shall not exceed 75% of their respective thermal limit.*
5. *The rupturing capacity of the switchgear employed in the system shall have at least 25% more capacity than the short circuit level computed even considering the anticipated future development of the system.*
6. *Provision shall be made for every HT feeder, either temporary or secondary, to manually switch over the immediately available HT feeder of the same voltage class in the vicinity. Provision shall be made in the design itself for any HT feeder to share at least 50% of the loads in the adjacent feeder during emergencies.*
7. *In case of single contingency; failure of any substation equipment controlling any outgoing 11 kV feeder, the load interrupted shall not generally exceed 50% of the total demand on the substation. The Distribution Licensee has to bring it down to 20% within a period of three years.*
8. *There shall be adequate stand by capacity in the system.*
9. *The design of the Distribution System shall accommodate the arrangements in such a way that the electricity supply need not be interrupted for more than the specified duration as per JERC (Standard of Performance) Regulations 2009 of Licensee in case of breakdown of any distribution transformer. Similarly in case of failure of 11 kV feeders including terminal equipment, the design shall accommodate an arrangement for the power supply not to be interrupted to the extend possible."*

(b). Following provisions have been provided in the Supply Code Regulations, 2018, notified by the Hon'ble Regulatory Commission: -

“Exemption

10.12 The timelines and procedures specified in these Regulations shall remain suspended during Force majeure conditions such as war, mutiny, civil commotion, riot, flood, cyclone, lightning, earthquake, lockout, fire, lockout/lockdown etc., affecting the licensee's installations and activities.”

(c) Following provisions have been provided in the Standard of Performance for Distribution Licensees Regulations- 2015, notified by the Hon'ble Regulatory Commission: -

Schedule-I
Guaranteed Standards of Performance



Guaranteed Standards of Performance

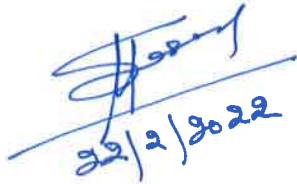
1.5) HT mains failed	Rectification of fault within 12 hours. Temporary restoration of power supply within 4 hours, wherever feasible
1.6) Problems in grid (33 KV or 66 KV) substation	Repair and restoration of supply within 48 Hours Restoration of supply from alternate source, within 6 hours, wherever feasible. Roaster load shedding may be carried out to avoid overloading of alternate source.
Note: Licensee shall make arrangements to provide alternate supply in his area of supply within 6 months from the completion of periods mentioned in regulation 6(4), and provision of words “wherever feasible” provided in 1.3 to 1.7 above shall cease to operate after this period.	

- (d) As enumerated above, as per Regulations notified by the Hon’ble Joint Electricity Regulatory Commission, the Electricity Department / Distribution Licensee is obliged to provide and maintain safe, reliable, economical Distribution System and provide quality of supply to its consumers. Ld. CGRF vide order dated-30.07.2021 has not fixed any timelines for implementation of said order regarding completion of system improvement works. Ld. CGRF has only directed to file quarterly report with a copy to the Complainant. The Appellant agrees to the receipt of the quarterly reports, therefore Ld. CGRF Order is being implemented.
- (e) In view of above discussions, though the Respondents have started system improvement works for more than Rs.42 crores, but certainly it will take considerable time to complete them due to various issues like tendering/ approval process, Right of way, inclement weather, working in planned shutdown, manufacturing of material and inspection/erection/commissioning etc. This court is of the opinion that Appellant and the nearby consumers being fed from 33 KV Sankhali Sub-Station will be greatly benefited for continuity of power supply, once the proposed alternative feeder from 220 KV Amona Sub Station to 33 KV Sankhali Sub-Station is laid underground through a 33 KV underground cable. The Respondents confirmed that tendering process for this work has been completed and is pending due to Election code of conduct for allotment/expenditure sanction by the competent authority since 30.12.2021.



(F) DECISION

- (i) For the reasons discussed above, the appeal of the Appellant is allowed.
- (ii) The Order in Complaint No-CC-29/2021/dated-30.07.2021, passed by Learned CGRF-Goa is upheld and modified to the extend as per directions given at para-(iii) below.
- (iii) The Electricity Department/Distribution Licensee is directed to take a final decision on the Tender submitted to Govt.of Goa for Rs. 9, 63, 20,578/- for allotment of work/expenditure sanction vide letter no. CEE/CSC/Tech-2/2021-22/494 dated. 30.12.2021, within a period of 02 months from the date of this order through email and complete the work as per the completion period of tender specifications. If required, the Electricity Department/ Distribution Licensee may seek the permission of Election Commission. Other system improvement works of Rs. Rs. 33, 72, 19,508/- may also be expedited and completed within one year.
- (iv) The Electricity Department/Licensee should submit a compliance report to the office of Electricity Ombudsman on the action taken in this regard within **90 days** from the issuance of this Order by email.
- (v) Non-compliance of the orders of the Electricity Ombudsman by the Electricity Department/Licensee shall be deemed to be a violation of Regulations and shall be liable for appropriate action by the Commission under the provisions of the Electricity Act, 2003.
- (vi) In case, the Appellant or the Respondents are not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate bodies in accordance with Regulation 37(7) of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019.
- (vii) The appeal is disposed of accordingly.



22/2/2022

(M.P. Singh Wasal)
Electricity Ombudsman
For Goa & UTs (except Delhi)

Dated 22.02.2022