

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.175 of 2022

Date of Video Conferencing: 15.09.2022

Date of Order: 20.09.2022

Janashabdham Mahe Charitable Association,
Mahe, Puducherry

.... Appellant

Versus

The Superintending Engineer com HOD,
Electricity Department,
Puducherry and others

.... Respondents

Parties present:

Appellant(s) Sh. E.K. Rafeeque,
For the Appellant.

Respondent(s) Sh. Rajesh Sanyal-Superintending Engineer,
Smt. V. Selvi -Executive Engineer,
Sh. Vinod Kumar-Assistant Engineer,
-Respondents



Date of Order: 20.09.2022

The Appellant has preferred an Appeal against CGRF- Puducherry order in C.C.NO: 15/2020 dated-28.02.2020 and C.C. No: 63/2022 dated-03.06.2022 followed by addendum dated-04.07.2022. Appeal was admitted on 11.08.2022 as Appeal No.175 of 2022. 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 with a request to file the rejoinder.

Settlement by Mutual Agreement

Both the parties appeared before the Electricity Ombudsman through Video Conferencing as scheduled on 15.09.2022 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 pleadings on the matter.

(A) Submissions by the Appellant:

Appellant submitted the brief facts as under: -

With reference to the addendum issued by the CGRF against the complaint registered by Janashabdam Mahe in CC-63/2022

Please be informed that in continuation to complaint registered under C. C. No. 15/2020 dated 28/02/2020 and follow up on each problem mentioned in complaint faced by the consumers of Mahe pertaining to Electricity Department. We have received the recent feedback from CGRF related to the point No. 4 & 5 under the C.C. No. 15/2020 dated 28/02/2020 copy of which is also being addressed to your department.

However, in Addendum of C. C. No. 63/2022 it is mentioned as "In continuation of the Orders in C. C. No. 63/2022 issued on 03/06/2022" of which Janashabdam Mahe has not received any orders on the above mentioned dated. Meanwhile, during the Zoom meeting conducted by Chairman CGRF Puducherry it was informed that the complaint point No. 4 was addressed to the concerned department and expected to materialize soon.

Further, we have observed that till date a permanent Preventive Maintenance Team is not formed to undertake the preventive measures to clear the tree twigs/branches/leaves/trunks which are normally overgrowing above the distribution lines and during the heavy monsoon season with high wind these are falling over the distribution lines and causing the power failure. However, when the issues are being highlighted to the concerned authorities the feedbacks received are the conventional statements mentioning the shortage of manpower, non- filing of the vacancies etc.



Moreover, the actions taken against the complaint point No. 6 & 7 are not satisfying and to the standards, some of the transformers are barricaded for the name's without having proper paintings as per the specification and may get destroyed in near future (copy of the photographs attached herewith.) Till date the replaced metal post in various areas of Mahe are not disposed properly and lying unattended which are still causing inconvenience to the common people.

In addition, the electricity board is always keen to make amendment's to tariffs on time to time basis whereas the fundamental needs of consumer to have uninterrupted power supply to far possible extend by rectifying the above complaints to a level as achievable is not observed from the concerned authorities.

We are making the above appeal to Electricity Ombudsman with a positive hope that our suggestions and concerns will be addressed with proper seriousness and concerned Electricity Department will be directed to initiate necessary mitigation actions to minimize the identified risks.

(B) Submissions by the Respondents:

Smt. V. Selvi, working as Executive Engineer-SPM & Buildings in Electricity Department, Puducherry, solemnly affirm and state on oath as under:-

1. That the deponent is working as Executive Engineer, and is authorized by Electricity Department, Puducherry vide letter No.746 , dt.08-09-2022 (certified copy enclosed), to file this reply and represent on behalf of Electricity Department, Puducherry, in this case.
2. That para wise counter reply are as under:
 - (i) The Respondent respectfully submits that the appellant is one of the Charitable Association in Mahe Region in the name of M/s. Janasabdham Mahe having Regd. No.268/2015 situated in No.MMC408, I.K. Kumaran Road, Mahe – 673 310
 - (ii) The Respondent respectfully submits that the appellant has filed an appeal before the Hon'ble Electricity Ombudsman (For the State of Goa and Union Territories) registered vide Appeal No.175 of 2022 against the CGRF, Puducherry Order in Consumer Case No. 15 / 2020.
 - (iii) The Respondent respectfully submits that this Department had complied with the Final Orders of the Hon'ble Consumer Grievances Redressal Forum, Puducherry, in the above said CC-15 / 2020 and action had been taken to the following
 - a) Scrap poles available in the work sites has been removed.
 - b) Awareness to Public has been created for online payment in Resident Welfare Association groups through WhatsApp by messages. Notice has also been posted in section offices and other prominent areas.



- (iv) The Respondent respectfully submits that the fencing of the Transformers has been completed by PWD, Mahe for 63 Nos. of Transformers and the balance works are in progress and delayed due to heavy rain and it will be completed after the current monsoon.
- (v) The Respondent respectfully submits that there is no separate Meter Reader post in this Department. The Meter reading work and serving of monthly bills are being done by the field staff of the respective O&M who are also engaged with the other works such as preventive maintenance, breakdown maintenance. However any snag noticed on distribution lines are reported to the O&M staff and the same are being rectified regularly.
- (vi) The Respondent further respectfully submits that as directed by the Hon'ble Electricity Ombudsman (For the State of Goa and Union Territories) in the Admission Notice of the said Appeal dt.11-08-2022, discussion for mutual agreement has been held in the chamber of the Assistant Engineer, Electricity Department, Mahe with the Appellant on 24-08-2022. After elaborate deliberations in cordial manner, the Appellant has agreed for mutual agreement and are satisfied with the response of Electricity Department, Mahe. Copy of the letter received from the Appellant is also submitted.
- (vii) The Respondent respectfully submits that this Department is carrying out various maintenance works frequently such as maintenance of transformers, distribution lines etc. Tree clearance works are also being carried out regularly. As Mahe region is thickly vegetated with huge trees, and the geographical condition is different / difficult terrain, frequent falling of trees occur which are being attended periodically.
- (viii) The Respondent respectfully submits that copy of the Notice has been delivered to the Appellant and Acknowledgement is submitted.
3. The Respondent respectfully submits that the Department has taken all the actions / efforts to address the grievances of the consumer and hence prays that the appeal against the Hon'ble CGRF order may please be dropped and dismissed.

(C) Ld.CGRF- Puducherry's order in C.C.NO:15/2020 and C.C.NO:63/2022 preferred for appeal:

- (i) Ld. CGRF-Puducherry has passed the following order **C.C.NO:15/2020**: -

ORDER

- i. "In view of the above the Assistant Engineer Mahe is directed
- To complete the transformer fencing work and ensure safety within 60 days from the date of this Order.
 - Shall complete the collection of removed poles by 31/08/2020 as intimated by the Assistant Engineer, Mahe in the revised affidavit.



- c. Sufficient awareness may be created in the public to make use of online payment of current consumption charges in order to avoid increasing of collection centres and working hours.
 - ii. Order is issued after perusal of records filed by both parties without conducting hearing as this Forum could not travel to outlying region of Mahe due to lock down imposed.' If the Complainant is having any issues, the Complainant may file, a Review Petition before this Forum within 30 days from the date of this Order
 - iii. Thus the complaint is allowed to the extent indicated.
 - iv. A Compliance report shall be submitted to this Forum on the action taken in this regard within 60 days.
 - v. Non-compliance with the directions of Forum by the Licensee shall attract remedial action under Sections 142 and 146, read with Section 149 of the Electricity Act 2003.
- Dated at Puducherry on this the 15th day of July 2020.

(ii) Ld. CGRF-Puducherry has passed the following order **C.C.NO:63/2022**: -

“Since the grievances of the Complainant have been addressed, the complaint is treated as closed. “

(D) Deliberations during Video e-hearing on 15.09.2022 :-

Appellant's Submission:

- a. Sh. E.K. Rafeeque-Appellant reiterated his version as submitted in the Appeal.
- b. He further submitted that Mahe region is having 8 months monsoon and branches/trunks overgrow above the electricity lines and often cause tripping/failure of power supply.
- c. His attention was invited to ascertain as to which CGRF order, he is appealing against to this court.
- d. He informed that he is perusing these 7 points since 2020 and in CC-63/2022, he requested for posting of a permanent preventive maintenance team. However, he received an Addendum that I can file Appeal before this authority. He claims that he has not received CGRF order in CC-63/2022.
- e. He was informed that a copy of CGRF order in CC-63/2022 was supplied today and perusal of this order shows that he is concerned with the posting of preventive maintenance team so that they clear the branches/trunks timely to avoid interruption of supply.
- f. His attention was invited to the **Standard of Performance Regulations** notified by the Hon'ble Regulatory Commission which is available on the website of Commission at www.jercuts.gov.in In these Regulations various types of complaints and the minimum time for restoration and compensation to be paid by the Electricity Department, in case of default has been notified by the Commission. So, suggestions are already covered in SOP Regulations in the form of a service/complaint.



Respondent's Submission:

- a. Smt. V. Selvi, -Executive Engineer, reiterated his version as submitted in reply to the appeal.
- b. She further submitted that all suggestions were sincerely attended and they are also in the process of augmenting the HT/LT distribution system in Mahe under the Govt. of India Reform Scheme.

(E) Findings & Analysis: -

1. I have perused the documents on record, CGRF orders 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, and then they are liable to be prosecuted under relevant Indian Penal Code/Rules/Regulations.
3. The issue which has arisen for considerations in the present Appeal is as under: -
 - i. Whether the Appeal is maintainable in the present form and whether the Appellant is entitled to relief as prayed for?
4. (a). Regarding issue no 3(i) as above, as to whether the Appeal is maintainable in the present form and whether the Appellant is entitled to relief as prayed for?

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

"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. The feeders, either HT or LT, feeding important loads such as hospitals, crematoria, airports, railway stations, and the like shall be planned to have a selective switching system, so that selective switching can be operated to transfer the load on to an alternate healthy feeder. Appropriate safety precautions shall invariably be taken in this regard. In case of failure of the feeder, these switches shall be operated immediately either manually or automatically depending on the importance of the load.
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 alternate 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 primary or secondary, to manually switch over to the immediately available HT feeder of the same voltage class available 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."

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



"5. OBJECTIVE:-

5.1 These standards lay down the guidelines to maintain distribution system Parameters within the permissible limits and shall serve as guidelines for licensees for providing an efficient, reliable, coordinated and economical system of electricity distribution.

7. STANDARD OF PERFORMANCE

7.1 The Standards specified in Schedule-I of these Regulations shall be the Guaranteed Standard of Performance, which are the minimum standards of service that a distribution licensee shall achieve.

The Guaranteed Standard of Performance shall be differentiated across the licensee's area based on the concentration of population. The categorization shall be applicable for urban areas, rural areas and remote areas.

7.2 The failure of the licensee to achieve the Guaranteed Standard of service shall entail payment of compensation to the consumers as per Schedule-III of these Regulations.

7.3 The Standards specified in Schedule-II of these Regulations shall be Overall Standard of Performance which licensee shall seek to achieve in the discharge of its obligations.

(d) Therefore, the explicit provisions have been provided in the SOP Regulations, by the Hon'ble Joint Electricity Regulatory Commission regarding maintainability of uninterrupted and quality of supply, minimum time allowed for restoration of complaint and payment of compensation in the case of default. Every consumer of electricity is entitled to get the Standards of Service as per Regulations notified by Hon'ble Commission and the Electricity Department/Distribution Licensee is obliged to perform its obligations. In view of above position, the suggestions of the Appellant are not covered under the term complaint and hence not maintainable.

(F) DECISION

- (i) For the reasons discussed above, the appeal of the Appellant is hereby dismissed being not maintainable.
- (ii) 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.
- (iii) The appeal is disposed of accordingly.



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

Dated: 20-09-2022
Gurugram (Haryana)