



VIDUYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: R. DAMODAR

Monday, the Second day of May 2016

Appeal No. 63 of 2015

Preferred against Order Dt. 27-08-2015 of CGRF In

CG.No: 201/2015 of Ranga Reddy North Circle

Between

Sri. P.Srinivas, Villa No:2 Aparna Orchids, Izzath Nagar, Kothaguda, P.O, HITEX,
Kondapur, Near NAC, Hyderabad - 500 084, Cell No: 9394712500.

..... Appellant

AND

- 1) The AE/OP/Kondapur/TSSPDCL/Hyderabad.
- 2) The ADE/OP/Gachibowli/TSSPDCL/Hyderabad.
- 3) The DE/OP/Gachibowli/TSSPDCL/Hyderabad.
- 4) The SE/OP/R.R.North Circle/TSSPDCL/Hyderabad.

..... Respondents

The above appeal filed on 09.09.2015 came up for final hearing before the Viduyut Ombudsman, Telangana State on 07.04.2016 at Hyderabad in the presence of Sri. P Srinivas - Appellant and Sri. E Ambedkar - ADE/OP/Gachibowli, Sri. D. Sammaiah - AE/OP/Kondapur for the Respondents and having considered the record and submissions of both the parties, the Viduyut Ombudsman passed the following;

AWARD

The Appellant has two service connections 1106600731 and 1106600732 to his 2 villas. Initially, he filed a complaint covered by CG No. 132 of 2015 seeking compensation for not considering his request for HT service connection and also for the power interruptions. He preferred the present complaint before CGRF seeking compensation for the poor quality of supply to his two service connections, which caused him mental agony. He claimed that he sustained losses

by way of failure of electrical goods and sought compensation of Rs 15 Lakhs.

2. The Appellant claimed that there was no power supply continuously from 10.00 AM on 13.4.2013 to 17.00 PM on 16.4.2013 for a total period of approximately 79 Hours for both his service connections and that the quality of supply was poor and several times he suffered without power and water and that the quality of his life was totally ruined. He gave the details of power disruptions in the following table:

Table I

Sl.No	Date	Time	Complaint No.	Status of Complaint
1.	13.4.2013	10.30 AM	52512	Since 10.00AM
2.	14.4.2013	08.40 AM	50396	Not resolved since 13.4.2013
3.	15.4.2013	08.20AM	50618	Not resolved since 13.4.2013
4.	15.4.2013	10.30 AM	50831	Not resolved since 13.4.2013
5.	16.4.2013	09.50 AM	50520	Not resolved since 13.4.2013
6.	16.4.2013	11.30 AM	50668	Not resolved since 13.4.2013

3. The 1st Respondent/AE/O/Kondapur through his letter dt.8.8.2015 stated before the CGRF that the Appellant had not opted for HT service of his gated community and sought release of L.T. supply. He stated that with great difficulty and resistance of the members of the public, the 2 service connections were given to the Appellant's premises from the public transformer located outside the gated community. When the consumers of the public transformer removed the wires of the two service connections of the Appellant, the respondents took police help and restored the power supply and therefore, the allegation of non availability of power for 79 hours is not correct and it was only for 3 hours. The first Respondent further claimed that the power interruptions were due to scheduled maintenance activity like 33KV line shutdown, 33/11KV Kothaguda Substation and 11KV Aparna feeder shutdown, which was intimated to the consumers through the newspapers. He further stated that the unscheduled interruptions in E.H.T(Extra High Voltage), 33KV and 11KV side were all attended to in time and that to avoid power interruptions, necessary measures were taken like enhancement of 2 Nos 8MVA P.Ts in Kothaguda substation to 12.5 MVA

capacity to enable it to cater to the present loads and the loads expected in the next 5 years.

4. During the hearing, the Appellant pleaded that in the earlier CG.No. 132 of 2015, he was not awarded compensation for the power interruptions and sought compensation for the power interruptions by obtaining data from the server maintained by the complaint cell of TSSPDCL.

5. The 2nd Respondent/ADE/O/Gachibowli stated before the CGRF to the effect that the interruptions generally are due to shut downs at E.H.T substation, 33 KV network and 11KV feeder which are also applicable to the other consumers also. He claimed that the measures were being taken to improve the network and minimise the interruptions at all levels, such as erection of new 220 kv substation at Bio diversity park and enhancing the existing 2 nos 8MVA P.T. to 12.5 MVA P.T,L.T. reconductoring and 11 KV feeder re conductoring.

6. The Respondent No.2 gave the data in the table II given below showing the complaints lodged and date and time of receipt of the complaints.

Table II

S.No	Comp.No	Date	Phone No.	Date & Time of Receipt	Date & Time of Resolve	Remarks
1	52512	13.4.2013	4023681300	13.04.2013 21.38.03	14.04.2013 00.05.01	Other public on the DTR, removed service wires to stop extending power supply to the Appellant's two villas.(Within 2.27 Minutes)
2	50396	14.4.2013	4023681300	14.04.2013 08.27.51	14.04.2013 17.36.17	Power shutdown for 33KV line maintenance work (Within 09 Hours.08 Minutes)
3	50618	15.4.2013	4023681300	15.04.2013 08.35.10	17.04.2013 16.46.01	Other public on the DTR removed service wires to stop extending power supply to the two villas of the Appellant. (Beyond 12.00 Hours)
4	50831	15.4.2013	4064291479	15.04.2013 10.35.01	17.04.2013 16.48.35	
5	50520	16.4.2013	9394712500	16.04.2013 10.02.31	17.04.2013 16.48.36	
6	50668	16.4.2013	4023681300	16.04.2013 11.24.59	17.04.2013 16.46.01	

7. It is significant to note the explanation of the

3rd Respondent/DE/OP/Gachibowli given in his letter dt.3.11.2015 at page 2 in the following words:

“In every time of his complaints, if exist problem in the field, the power supply was restored within the time frame of performance standards except in the period (3 days) between the 13th April,2013 to 16th April,2013 due to the following reason.

For extending H.T. service to M/s. Aparna Orchids Welfare Association; the LT lines, LT poles and 57 LT meters were dismantled. LT power supply extended to only 2 No. Villas of Sri. P. Srinivas at his willing from nearby public DTR of the village. The service wires were connected with police protection due to villagers protest for not extending power supply to the two villas of Sri. P. Srinivas. It took three days time to pacify the villagers and it caused inconvenience to the Complainant.”

8. Efforts at mediation were not fruitful and hence, the matter is being disposed of on merits.

9. After hearing the arguments and on consideration of the material on record, the following issues arise for determination:

i. Whether the Appellant is entitled to compensation of Rs 15 Lakhs towards poor quality of supply of power to the two service connections of the Appellant?

ii. Whether the impugned orders are liable to be set aside?

Issues 1 & 2

10. The Appellant has two service connections and as mentioned in table No.1 supra, there were power disruptions affecting the quality of supply to the houses of the Appellant. His further claim is that he suffered loss due to failure of the electrical goods at his house.

11. The Respondents gave two reasons for the interruptions in power supply to the houses of the Appellant as follows:

i. The Respondents with great difficulty and against the resistance of the public, have extended two service connections from the public transformers

located outside the gated community of the Appellant. The Respondents have clearly stated that the consumers of the public transformers had removed the wires of the two service connections of the Appellant. They took help of the police and restored the supply to the Appellant. Therefore, the Respondents claimed that the interruption of the power was nearly for 3 hours and not 3 days(79 hours) as alleged by the Appellant.

ii. The power interruptions were due to scheduled maintenance activities like 33KV line shut down, 33/11KV Kothaguda substation and 11KV Aparna feeder shutdown, which have been intimated to the public through newspapers.

The Respondents over all claimed that the unscheduled interruptions in E.H.T, 33KV and 11KV were all attended to in time.

12. The Appellant proposed his own telescopic method of calculation of power outages in his letter dt.20.5.2015 as follows:

For 24 Hrs period:

Reference starting time to be taken	: 12Hrs
and ending time	: <u>12 Hrs</u>
Total	: 24 Hrs

There was two references to monitor the power failures.

i. Total No. of duration of time in whole 24 Hrs that may be more than once, shall be taken as compensation to the SOP(Standards Of Performance) for compensation.

Eg.1 Power fails for	i. 2 Hrs at 15.00 Hrs
	ii. 1 Hr at 19.00 Hrs
	iii. ½ Hr at 21.00 Hrs

Total period	: $2+1 \times 2 \times 1/2 \times 2 = 2+1+1 = 4\text{hrs}$
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Compensation shall be paid for exceeding 4hrs.

ii. If the power failures occurs more than 4 times in 24 Hrs irrespective of time duration, compensation shall be paid.

Eg. 2 Power fails for	i. 10 Mnts at 13.00 Hrs
	ii. 20 Mnts at 15.00 Hrs
	iii. 5 mnts at 18.00 Hrs
	iv. 5 mnts at 20.00 Hrs
	v. 5 mnts at 21.00 Hrs

Compensation shall be paid for 4 Hrs in view of exceeding 4 times power outages.

13. The Appellant claimed compensation due to frequent power failures resulting in repairs to his electrical goods as collateral damage, while referring to the provisions of the Tariff order. This reference to the Tariff Order is not correct, because the Tariff Order does not mention about compensation for power outages etc. However it is the Regulation 7 of 2004 as amended by the Regulation 9 of 2013 which specifies the Guaranteed Standards of Performance and Compensation to consumers in case of default, which is applicable to the present issue. The Schedule II to the Regulation specifies the compensation payable to the individual consumers as follows:

GUARANTEED STANDARDS OF PERFORMANCE AND COMPENSATION TO CONSUMERS IN CASE OF DEFAULT

Service Area	Standard	Compensation payable in case of violation of standard	
		Compensation payable to individual consumer if the event affects a single consumer	Compensation payable to individual consumer if the event affects more than one consumer
Normal Fuse- off			
Cities and Towns	Within 4 working hours	Rs 50 in each case of default	Rs 25 to each consumer affected
Rural areas	Within 12 working hours		
Overhead line/cable breakdowns			
Cities and Towns	Within 6 working hours	Rs 50 in each case of default	Rs 25 to each consumer affected
Rural areas	Within 24 working hours		
Underground cable breakdown			
Cities and Towns	Within 12 working hours	Rs 50 in each case of default	Rs 25 to each consumer affected
Rural areas	Within 48 working hours		
Distribution transformer failure			
Cities and Towns	Within 24 working hours	Rs 100 in each case of default	Rs 50 to each consumer affected
Rural areas	Within 48 working hours		
Period of scheduled outage			

Maximum duration in a single stretch	Not to exceed 122 hours	Rs 100 in each case of default	Rs 50 to each consumer affected
Restoration of supply	By not later than 6.00 PM		
Voltage fluctuations			
No expansion/enhancement of network involved	Within 10 days	Rs 50 for each day of default	Rs 25 to each consumer affected for each day of default
Upgradation of distribution system required	Within 120 days	Rs 100 for each day of default	Rs 50 to each consumer affected for each day of default
Erection of Substation	Within time period as approved by Commission	Rs 250 for each day of default	Rs 125 to each consumer affected for each day of default
Meter complaints			
Inspection and replacement of slow, fast/creeping, stuck-up meters	Inspection within 7 days in towns and cities and within 15 days in rural areas and replacement within 15 days thereafter	Rs 50 for each day of default	Not applicable
Replace burnt meters if cause attributable to Licensee	Within 7 days	Rs 50 for each day of default	Not applicable
Replace burnt meters if cause attributable to consumer	Within 7 days of receiving payment from consumer		Not applicable

14. The above schedule of compensation is from Regulation 7 of 2004, which is pre amended table applicable to the present case, registered on 8.8.2013 i.e. prior to the amended Regulation 9 of 2013.

15. Clause 1.5 of the schedule I of Guaranteed Standards of performance (Regulation 7 of 2004) refers to the period of outages : interruption in power supply due to scheduled outages, other than the load shedding, shall be notified by the Licensee at least 24 hours in advance and shall not exceed 12 Hours in a day. In each such event, the Clause says, that the Licensee shall ensure that the supply is restored by not less than 6.00 PM. This Clause makes it clear that any outage which is prearranged and scheduled has to be for not more than 12 Hours in a day and restoration shall not be later than 6.00 P.M of the day.

16. The power outages in the present case was from 10.00 Hours on 13.4.2013 to 17.00 Hrs on 16.4.2013 (79 Hours). It means that there was no power supply continuously due to extension of power supply to M/s Aparna orchids where the LT lines, LT poles and 57 LT meters were dismantled, apart from the addition to

the work of restoration of power. This work also involved extension of power supply to the two service connections of the Appellant in the same gated community from the nearby public DTR about which there was also a protest by the nearby consumers of the DTR in the village demanding not to extend power supply to the services of the Appellant and this work was completed, according to the Respondents, with police protection. This explains the difficulty of the Respondents in attending to the work of the Appellant, facing stiff opposition from the consumers of the outside DTR in the village.

17. It is clear that the power outages in the present case had exceeded the prescribed 12 Hours duration which is partially a pre arranged shut down, not involving any break downs. Even though the Respondents gave proper explanation for the outages, the Standards Of Performance have not exempted such explanations. And therefore, the compensation shall be payable as per the Schedule II of the Regulation 7 of 2004 under the caption “ period of scheduled outage” @ Rs 100 for each default. It is so because there is no provision for accounting the compensation based on delay in number of days and thus the compensation has to be awarded based on each case of default. Thus the method of calculation of power outages of the Appellant for the purpose of seeking compensation (in para 12 supra) is not correct and tenable.

18. The Appellant registered 6 complaints as mentioned in the table I supra and out of the said complaints, 2 complaints fall within the limit(exemption) covered by Sl.No. 1&2 of Table II supra and in each case of default in the rest, compensation of Rs 100 has to be imposed on the Respondents totalling Rs 400/- for each service. For two services, the compensation amount would come to Rs $400 \times 2 = \text{Rs } 800/-$. The Appellant is thus found entitled to compensation of Rs 800/- for the power outages suffered by him beyond the permissible limits. This amount has to be adjusted against the future bills of the service connections.

19. The impugned order granting compensation of Rs 500/- is not correct and to that extent, the impugned order is not sustainable. The issues 1 and 2 are answered accordingly.

20. In the result, the Appeal is allowed partly holding:

- a. that the Appellant is entitled to compensation of Rs 400/- for the service

nos. 1106600731 and 2 each totalling Rs 800/- for the power outages suffered by him beyond the permissible limits, which shall be adjusted towards the future CC bills of the Appellant.

b. as far as the compensation sought regarding the loss sustained by the Appellant towards damage to the electrical appliances is concerned, no proof is brought on record and on that basis, the Appellant is found not entitled to any compensation, apart from the claim being not provided in the Guaranteed Standards of performance.

c. the impugned orders, for the aforementioned reasons, are partly confirmed.

21. This award shall be implemented within 15 days of its receipt at the risk of penalties as indicated in clauses 3.38, 3.39, and 3.42 of the Regulation No.3/2015 of TSERC

Corrected, Signed & Pronounced on this the 2nd day of May, 2016.

Sd/-

VIDYUT OMBUDSMAN

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5. The SE/OP/R.R.North Circle/TSSPDCL/Hyderabad.

Copy to:

6. The Chairperson, CGRF, Greater Hyderabad Area, TSSPDCL, Vengal Rao Nagar, Hyderabad.
7. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.