

**Before the Electricity Ombudsman**  
**9/2, 6<sup>th</sup> Floor, Mahalakshmi Chambers, M.G.Road,**  
**Bangalore**  
**Present: B.R.Jayaramaraje Urs, IAS**  
**Electricity Ombudsman**  
**Case No.OMB/H/G-110/2011/10742**  
**Dated 17.08.2011**

**Between**

Bharatiya Kisan Sangha,  
 Kakanahalli,  
 Kalleshwar Post,  
**Ankola Taluk,**  
 Uttara Kannada District  
 (Represented by Shri Shivaram G.Gaonkar)

**.. Complainant****Vs**

1. Asst. Executive Engineer,  
 O & M Sub-Division,  
 HESCOM,  
**ANKOLA**  
 Uttara Kannada District
2. Consumer Grievance Redressal Forum (CGRF)  
 HESCOM,  
 Keshavapura, Shivaganga Layout,  
 Bijapur Road,  
**HUBLI-25**

**.. Respondents**

This is an appeal under the provisions of K.E.R.C (Consumers Grievance Redressal Forum & Ombudsman) Regulations, 2004 against the orders passed by the 2<sup>nd</sup> Respondent vide No. UÅÄ Å/CYS-23 ÇÉÁÄÄ 10<sup>th</sup> January 2011 (hereinafter referred to as "Forum") in respect of the Appellants' grievance relating to disallowance of compensation claims against HESCOM against erratic and non-supply of power from 25<sup>th</sup> July 2010 to 31<sup>st</sup> July 2010. The Forum declined to issue direction to HESCOM (Hubli Electricity Supply Company - hereinafter referred to as the 1<sup>st</sup> Respondent) to pay an amount as per Schedule I under the KERC (Licensees' Standards of Performance) Regulations 2004. Being aggrieved by the Forum's order (the impugned order), the Appellants have submitted their case as under:

Appellants are residents of Halavalli Rehabilitation Centre, Ankola Taluk, Uttara Kannada District. There was a complete disruption of power supply in the village from 25<sup>th</sup> July 2010 up to 31<sup>st</sup> July 2010. Affected by the power disruption, the Appellants registered a complaint with the 1<sup>st</sup> Respondent and also sought compensation. As per KERC (Licensees' Standards of Performance) Regulations 2004, the 1<sup>st</sup> Respondent ought to have paid compensation to the Appellants as specified under Schedule I. As per Schedule I, consumers are eligible for payment at the rate of Rs.50/- for each day's line breakdown and, in the present case, there was no power supply for 5 days and, hence, an amount of Rs.250/- has to be paid to each Appellant. Further, the Appellants had putforth their legitimate claims before the 1<sup>st</sup> Respondent and the 1<sup>st</sup> Respondent has not considered their claims appropriately. Hence, the Appellants approached the Forum for redressal of their grievance. Since the Forum did not grant any relief, they filed this appeal. The Appellants seek direction to the 1<sup>st</sup> Respondent to pay amounts as per Schedule I of KERC (Licensees' Standards of Performance) Regulations, 2004.

The 1<sup>st</sup> Respondent has furnished parawise replies on 30<sup>th</sup> March 2011 to the points raised by the Appellants. He submitted that the Appellants had claimed compensation for disruption of power from 27<sup>th</sup> July 2010 to 30<sup>th</sup> July 2010 at Rs.50/- per day before the Forum and Forum had passed orders in this behalf. Complaint that there had been no supply of power continuously for 5 days was not correct. However, there was intermittent disruption of power for 5 days on account of natural calamities like strong winds and heavy rains.

Further, the installations of the Appellants are located at a distance of 57 KMs from the Electricity Distribution Centre. Electric line in this area passed through thick forest and during rainy season power disruption is common. Despite these constraints, the 1<sup>st</sup> Respondent had made all efforts to restore electricity to the consumers at the quickest possible time.

The 10 K.V trunk line which passes through Halavalli has a length running to 88 KMs covering a total of 209 KMs. It takes 2 hours to reach power supply to Halavalli from the Distribution Centre. Finally, he submitted that power disruption occurred not because of the negligence of the 1<sup>st</sup> Respondent but because of natural calamities which was beyond the control of the 1<sup>st</sup> Respondent and, hence, compensation could not be given to the Appellants and appealed to this Authority to dismiss the appeal and to confirm the orders of the Forum.

The matter was heard on 13<sup>th</sup> July 2011.

On behalf of the Appellants, Shri Shivaram G. Gaonkar and, on behalf of the Respondents, Asst. Executive Engineer, O & M Sub-Division, Ankola appeared and putforth their respective arguments.

Sri Gaonkar arguing for the Appellants submitted that power disruption was common during rainy season in Uttara Kannada District. At the request of the Appellants, the 1<sup>st</sup> Respondent maintained a Complaint Register in their Village Panchayat H.Qs. As per the guidelines, Lineman of the 1<sup>st</sup> Respondent had to check and attend to the complaints and forward the complaint to the higher authorities if it was required. In reality, the system had not been working properly and Linemen had not been attending to the complaints.

On 25<sup>th</sup> July 2010, the Appellants entered the complaint in the Complaint Register but HESCOM took no cognisance of this complaint. There was a power failure from 25<sup>th</sup> July 2010 up to 31<sup>st</sup> July 2010 and the entire area fell into darkness and villagers could not pump drinking water from their wells. Grinding machines could not be used for want of electricity. Hence, they claimed compensation @ Rs.50/- per day as provided at serial No 4 of Schedule I of KERC (Licensees' Standards of Performance) Regulations, 2004 and amount be paid to consumers for default in each case. The Forum wanted to know whether the Appellants had any proof to show that there had been a power disruption for 5 days. To support their case, they had collected information under the Right to Information Act and this information revealed that nearly 3600 units less power had been supplied to their village between 25<sup>th</sup> July 2010 to 31<sup>st</sup> July 2010 from Ramaguli Power Station and this proved that power had not been made available to their village during those 5 days. Further, the Appellants had collected information regarding units of power supplied to their village during the months of June 2010 and August 2010 and it revealed that village had been supplied 14600 units each month in June and August 2010 and the 1<sup>st</sup> Respondent had declared that they had supplied 11000 units in the month of July 2010.

This confirmed that there had been a serious power disruption in the village. There had been no natural calamities during power failure and, hence, reasons given by the 1<sup>st</sup> Respondent for non-supply of power was unacceptable and, hence, for failing to meet the standards of performance, the 1<sup>st</sup> Respondent was liable to compensate the Appellants as

provided under Serial No.4 of Schedule I of KERC (Licensees' Standards of Performance) Regulations, 2004.

The 1<sup>st</sup> Respondent, Asst. Executive Engineer, submitted that the Company had set up 1/10/11 K.V Power Station at Baleguli which is 57 KMs away from the village Halavalli. This line passed through thick forest and this feeder had a total length of 209 KMS. From the power interruption report received from the Sub-station feeder, it was seen that on 25<sup>th</sup> July 2010 this Sub-station feeder had a power tripping for nearly 5 times. Meter installed at the residences of the Appellants did not give information on day-to-day supply and consumption of power. These meters gave reading for the whole month and not on daily basis.

On 25<sup>th</sup> July 2010, there had been no power supply from 12.30 A.M. (night) up to 01.55 P.M the following day, totalling to a duration of 13 hours and 25 minutes of non-supply. On account of strong winds, there had been a power disruption but power supply was restored immediately.

Further on 26<sup>th</sup> of July 2010, due to heavy rains and strong winds, there had been a power disruption for a duration of nearly 10 hours.

On 27<sup>th</sup> July 2010, on account of tree falling at Sunkasal village, there had been a power disruption for nearly 16 times, totalling to a non-supply of power in the village for 4.00 hours and 57 minutes.

On 28<sup>th</sup> July, there had been a power disruption on 7 occasions and this was on account of temporary fault in the line due to strong winds and heavy rains. Total hours of non- supply of power came to 15 hours and 58 minutes.

On 29<sup>th</sup> July 2010, there had been a power disruption at 1.00 A.M in the night. Later, 11 K.V.A faulty insulator had been replaced and power had been restored at 09.05 A.M. Totally, there had been no power supply for 8.05 hours on that day. Again, there was a disruption at 01.50 PM which was restored after 5 minutes.

On 30<sup>th</sup> July, there had been power disruption on 4 occasions due to falling of tree at Sunkasal village. Totally, for 14 hours and 20 minutes, there had been no power supply on that day.

On 31<sup>st</sup> July 2010, there had been a power disruption for 9 hours due to heavy rains.

The AEE added that despite heavy odds, HESCOM had made all efforts to maintain power supply at all hours, but on account of natural calamities like heavy rains and strong winds, it became difficult to maintain uninterrupted power supply during such hours and, hence, appealed to this authority to uphold the orders of the Forum and to reject the prayer of the Appellants.

Both parties were informed vide letter No.OMB/H/G-110/2011/10386 dated 20.06.2011 regarding availability of Sub-Regulation 1 of Regulation 20 of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004 which provides for settlement by agreement through conciliation and mediation. However, both parties have not availed this opportunity. Hence, I am proceeding to pass an order in this matter.

Having heard the arguments of the Representative of the Appellants and the 1<sup>st</sup> Respondent and having regard to the contentions urged by the parties, the issue that comes up for our consideration is:

Whether there is any lapse on the part of the 1<sup>st</sup> Respondent to achieve the minimum standard of service warranting payment of compensation to the Appellants under Serial No.4 of Schedule I of the KERC ( Licensees' Standards of Performance) Regulations 2004?

To answer this question, we will have to first examine the provisions under which compensation is claimed. The Appellants' representative, while arguing the case, submitted that the Appellants were claiming compensation as per Serial No.4 of Schedule I of KERC (Licensees' Standards of Performance) Regulations 2004. Serial No.4 of Schedule I provides for the following. The relevant extract is given below.

Nature of Service	Standards of Performance (indicative Maximum time limit for rendering service)	Amount payable to affected consumer
1	2	3
4. Period of Schedule outages Maximum duration in a single stretch Restoration of supply	Not to exceed 12 hours By 6 PM on any day	Rs.50 to each affected consumer Rs.50 to each affected consumer

Oxford Dictionary defines the word "outage" as "a period of time when the supply of Electricity, etc is not working." Further, Karnataka Electricity Grid Code, 2005 Section 2 defines "outage" as "A total or partial regulation in availability due to repair and maintenance of the Transmission or Distribution or Generation facility or defect in Auxiliary System." From these definitions, it can be construed that outage is a mechanism through which Transmission Companies and the Electricity Supply Companies regulate availability of power to the utilities and the consumers for certain hours during repairs and maintenance of the Transmission or Distribution or Generation Facility or Auxiliary System.

In the present case, the Appellants have claimed compensation as per Serial No. 4 of Schedule I of KERC (Licensees' Standard of Performance) Regulations, 2004. Admittedly, in this case, HESCOM have not enforced any such outages during the relevant period and, hence, the Appellants cannot claim any compensation under this provision. However, even if it is granted that they have cited wrong provision and should have cited Sl. No.2 of the Schedule I and in that case we will have to see whether the Appellants are eligible for compensation under this category. Under this category, in case of line breakdowns in rural areas continuously for 24 hours, the amount of compensation to be paid to each affected person is Rs.50/-.

In the circumstance discussed above, we will have to find out whether there was a line breakdown for more than 24 hours during the relevant dates. The Appellants have complained that there had been no electricity in their village continuously for 5 days from 25<sup>th</sup> July 2010 to 31<sup>st</sup> July 2010 and due to this, they could not pump drinking water from their wells and also could not use grinding machines. In support of their case, they contend that they had collected information under the Right to Information Act and this information had revealed that during the relevant month, HESCOM had supplied less power to their village compared to previous months and, hence, it could be inferred that there had been no supply of power in their village for 5 days. The Appellants have not given hour-to-hour power disruption details for the relevant period, but only contended that there had been no power supply from 25<sup>th</sup> July 2010 to 31<sup>st</sup> July 2010.

The Respondent Asst Executive Engineer in his arguments has given hour-to-hour power disruption details and also the reasons for such power disruption, which is as follows:

<b>Date</b>	<b>Hour-to-Hour Power Disruption Details</b>	<b>Reasons for power Disruption</b>
25.07.2010	12.30 AM to 01.55 PM (non-supply for 13 hours and 25 minutes)	Strong Winds
26.07.2010	02.00 PM to 12.00 midnight (non-supply for 10 hours)	Strong winds and heavy rains
27.07.2010	intermittent power disruption for a duration of 4 hours & 57 minutes	Strong winds and heavy rains
28.07.2010	7 times interruptions totalling to non-supply for 15 hours & 58 minutes	Temporary fault in the line on account of rain and
29.07.2010	intermittent power disruption totalling to non-supply for 8 hours & 5 minutes	11 KV faulty pin insulator repairs
30.07.2010	intermittent power disruption totalling to non-supply for 14 hours & 20 minutes	Falling of tree at Sunkasal village
31.07.2010	intermittent power disruption totalling to non-supply for 9 hours.	Heavy rains

The Appellants have placed reliance on information collected under the Right to Information Act. The information collected under this Act by the Appellants provides information with regard to the power supply in terms of units to the village during the relevant period, but does not give hour-to-hour power disruption details. In the absence of hour-to-hour power disruption details, it is difficult to know the duration of power disruption in the village and also whether there was a power failure continuously for 24 hours as claimed by the Appellants. Whereas the 1<sup>st</sup> Respondent has furnished hour-to-hour power disruption details which is collected from the Sub-station feeder for the period commencing from 25<sup>th</sup> July to 31<sup>st</sup> July 2010.

In the circumstances, we have to give credence to the information furnished by the 1<sup>st</sup> Respondent as authentic one. From these details, it is seen that HESCOM has not failed to supply power continuously for 24 hours during the relevant period warranting payment of compensation to the Appellants as per Serial No.4 of Schedule I of KERC (Licensees' Standards of Performance) Regulations, 2004. Hence the following order:

## O R D E R

For the foregoing reasons, the Appellants' claims for compensation under Schedule I of KERC (Licensees' Standards of Performance) Regulations, 2004 are dismissed. Hence, the impugned **Orders passed by the 2<sup>nd</sup> Respondent vide No. ಗ್ರಾಪೇ/CYS-23 ದಿನಾಂಕ 10<sup>th</sup> January 2011 is upheld.**

(B.R.Jayaramaraje Urs)  
Electricity Ombudsman

1. Sri Shivaram G.Gaonkar, President, Bharatiya Kisan Sangha, Kanakanahalli, Kalleshwar Post, Ankola Taluk, Uttara Kannada District.
2. Assistant Executive Engineer, O & M Sub-Division, HESCOM, Ankola, U.K.District
3. Consumer Grievance Redressal Forum, HESCOM, Keshavapura, Shivaganga Layout, Bijapur Road, Hubli-25
4. Managing Directors of all ESCOMs.
5. PS to Hon. Chairman, KERC
6. PS to Hon. Member (H), KERC
7. PS to Hon. Member (S), KERC
8. PS to Secretary, KERC
9. OCA



