

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
(Under the Electricity Act, 2003)
PUDUCHERRY

PRESENT:

THIRU A.S. JITENDRA RAO, B. Tech., M.B.A.,
LICENSEE MEMBER

THIRU R. KRISHNAMURTHY, B.Com., LLB., PGDFL.,
JERC NOMINATED MEMBER

MONDAY, THE 20th DAY OF JULY, 2020

CONSUMER CASE No.17/2020

Shyamjith S/o
N. Vijayan,
Madhava Nivas,
Parakkal,
Mahe – 673 310.

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Complainant

Vs.

- 1) The Executive Engineer- SPM & Buildings,
Electricity Department,
Puducherry.
- 2) The Assistant Engineer,
Electricity Department,
Mahe.
- 3) The Junior Engineer,
Electricity Department,
Mahe.

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Respondents

This case in C.C. No.17/2020 came up before this Forum for Orders on 20/07/2020. After perusal of the records and Affidavit filed by both the parties, this Forum has delivered the following Order.

The case of the Complainant is as follows:

1. Thiru Shyamjith S/o N. Vijayan, has given a complaint during the public hearing conducted by this Forum on 28/02/2020 at Mahe. In the Complaint, the Complainant had stated that in the beach area adjacent to Mahe, the LT network consisting of old conductor resulting in frequent snapping and also causing low voltage problem in that area. He had further requested for posting of night duty staff in order to have uninterrupted power supply during the next two months when public exams are scheduled to be held.
2. The Complainant had also stated that non functioning of street lights and requested for replacement of defective street lights. Hence, the complaint.
3. The complaint has been registered as C.C. No.17/2020 and a copy of the complaint has been handed over to the Assistant Engineer, Mahe on 28/02/2020. Notice has also been issued to furnish reply on or before 20/03/2020. The reply dated 26/03/2020 from the Assistant Engineer, Mahe was received.
4. In the reply the Assistant Engineer, Mahe had stated that
 - (i) Due to saline atmosphere, the ACSR conductors getting deteriorated very early in this area, and the Department is planning to convert the ACSE lines in to ABC, estimates are under preparation and work will be taken up on receipt of sanction and materials within three months.
 - (ii) This Office has requested procurement of LED street lights, MMC for the funds received under disaster management cell. On receipt of the same existing non burning LED light will be replaced with new one.
 - (iii) As a whole, Mahe is not having any voltage problem. The area mentioned in the petition is having voltage problem due to deteriorated condition of ACSR conductors. Once the conductors are replaced as stated above, there may not be any voltage drop in that area.

(iv) The practice of night duty has been discontinued by staff of this sub-division for more than a year on the ground that there is no official order available and they are not getting any additional remuneration for night duty. Staff unions have been requested to co-operate for taking night duty during exam period in March 2020. But staff union not reached a consensus in this regard.

5. Hearing could not be conducted due to restrictions in work due to the 'Lock Down' order imposed by the Government due to COVID 19. An e'mail was sent by this Forum to the Assistant Engineer, Mahe on 09/06/2020 to inform the latest position in the complaint.

6. The Assistant Engineer, Mahe through his revised affidavit dated 01/07/2020 had stated that due to non availability of funds he is not in a position to obtain sanction for conversion scheme for that area. He had further stated that tendering process of LED street lights for Mahe is in the finalization stage at MMC wing in Puducherry. Once the supply order issued and materials received which is expected within two months, the Office of Assistant Engineer, Mahe will complete the replacement work.

Observation:

i. In the reply dated 26/03/2020 the Assistant Engineer, Mahe had accepted that the existing ACSR conductors are deteriorated due to saline atmosphere and it is proposed to be converted into ABC and estimates will be prepared and works will be executed within 3 months on receipt of materials. As per the reply received on 2nd July 2020, the Assistant Engineer, Mahe informed that conversion system has not been sanctioned for want of funds.

In this connection it is to be informed that as per the Standards of Performance Regulations 2015 of Hon'ble JERC and as per guaranteed Standard of Performance mentioned at schedule I, the Licensee shall maintain voltage fluctuation of +6% to -6% and as mentioned at S.No11 shall upgrade the system distribution network within 180 days on receipt of the complaint. The extracts of S.No.10 and 11 of Appendix I of Standards of Performance is reproduced below:

Quality of Supply

10	Voltage fluctuation	<i>Licensee shall maintain voltage in the point of commencement of supply to a consumer within the limits stipulated with reference to the declared voltage.</i> <i>i. In case of Low Voltage +6% and -6%</i> <i>ii. In case of High Voltage +6% and =9% and</i> <i>iii. In case of Extra High Voltage +10% and -12.5%</i>
11	<i>On receipt of a voltage fluctuation complaint, Licensee shall verify if the voltage fluctuation is exceeding the limits specified and upon confirmation licensee shall resolve the problem within the time limits specified below:</i>	
	<i>i. Local problem on the Transformer</i>	<i>Within 3 days.</i>
	<i>ii. Distribution Network problem</i>	<i>a. Within 15 days for LT system and 30 days for HT system where no expansion or enhancement of network is involved.</i> <i>b. Within 180 days if upgradation of distribution system is required.</i>

Hence the justification of the Licensee that the scheme could not be evolved for want of sanction is not acceptable, as the Licensee is bound to maintain the quality of voltage as per Standards of Performance. Further in the Tariff Order of Hon'ble JERC 2020-21 an amount of Rs.9.69 crores is exclusively allocated for repair and maintenance expenses and an amount of Rs.242.7 crores has been allocated for capital works. Hence the contention of non-availability of funds is not acceptable by any means.

- ii. It is seen that the conversion of street lights into LED is a lengthy process as observed in other regions, the Assistant Engineer, Mahe is directed to arrange for spares required for repair of existing street lights under the powers of the competent authority and to arrange to attend the defects in the street light system.

ORDER

- i. In view of the above observation, the Assistant Engineer Mahe is directed
 - a. To complete the work of replacement of LT network in beach area and rectification of street light faults by 30th September 2020 and furnish a compliance report without fail.
 - b. Regarding provision of staff on night duty on special occasion, the matter may be taken up with higher authorities for appropriate orders rather than trying to solve locally.
- 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. Thus the complaint is allowed to the extent indicated.
- iii. The Complainant is at liberty to prefer an appeal against this Order before the Ombudsman, Joint Electricity Regulatory Commission for the state of Goa and Union Territories, 3rd and 4th 3Floor, Plot No. 55-56, Pathkind Lab Building, Sector -18, Udyog Vihar, Phase IV Gurugram, (122015) Haryana within 30 days from the date of this Order under intimation to this Forum and the Respondents.

- iv. A Compliance report shall be submitted to this Forum on the action taken in this regard by 30/09/2020
- 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 20th day of July 2020.

Sd/-

(R. KRISHNAMURTHY)
JERC NOMINATED MEMBER

Sd/-

(A.S. JITENDRA RAO)
LICENSEE MEMBER