

CONSUMER GRIEVANCE REDRESSAL FORUM
CENTRAL REGION

(Formed under Section 42(5) of the Electricity Act 2003)

220 kV Substation Compound, HMT Colony P.O., Kalamassery, Pin – 683 503
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CUG No. 9496008719

Present	(1) Smt.Sheeba. P (2) Smt. Jayanthi. S (3) Sri. Biju Varghese	Chairperson 2nd Member 3rd Member
Petitioner	Fr.Prof.Lazar Kuttikadan, Vicar, St.Thomas Cathedral Convention Centre, Irinjalakkuda, Thrissur – 680121.	
Respondent	TheAssistant Executive Engineer, Kerala State Electricity Board Ltd, Electrical Sub Division, Kattoor. (Ele. Section, IrinjalakkudaNo.1).	

No.CGRF-CR/OP No.98/2023-24

Date:20-04-2024.

ORDER

Background of the case:-

The petitioner is the Vicar of St. Thomas Cathedral at Irinjalakkuda. A convention center known as St. Thomas Cathedral Convention Centre is in operation in the same vicinity. This convention center is connected to a High Tension IV (HT-IV) electricity connection having consumer number 1356440048481 (LCN-17/8010), under Electrical Section, Irinjalakkuda No.1. This connection has a connected load of 312.8 kW and a contract demand of 180 kVA. On 27/12/2023, the supply to this convention centre was disrupted for more than 8 hours, prompting one of the petitioner's customers to seek a refund for their booking amount. Therefore, the petitioner has approached this Forum to seek a refund of Rs.70,800/- as compensation from the licensee for this power supply interruption.

Version of the Petitioner:-

The petitioner argues that as per the agreement conditions, KSEBL is bound to supply uninterrupted power supply to the petitioner's premises, for which a separate transformer was installed by them and a load of 180 kVA was contracted from the licensee. But on 27/12/2023, the power supply was totally interrupted for nearly 10 hrs. and the petitioner could not run their central air conditioning system. There were no natural calamities like heavy rain, wind or lightning on this day for sudden outage. The petitioner further argues that they have not fully utilized their contracted load for years and a huge amount was paid for the power not used during the last 4 years. The petitioner complains that the person who had booked their Convention Centre on 27/12/2023 has requested to refund the full amount collected from him, due to this sudden power outage. In this circumstance, the petitioner requests this Forum to accord sanction to refund Rs.70,800/-, thereby enabling them to refund the amount to Sri.Pauly C.I., Chirayath Korian who booked the Convention Centre on 27/12/2023.

Subsequently, statement of facts was called for and the same was submitted by the respondent on 07-03-2024.

Version of the Respondent:-

The respondent states that the petitioner has provided a 100 kVA Diesel Generator Set at their premises for maintaining uninterrupted power supply as and when KSEBL High Tension (HT) power supply is unavailable. Also, the Electrical Inspector had approved the installation of this diesel generator set, along with other connected load and was enclosed with the HT supply Agreement executed with the agreement authority.

The respondent states that the HT supply to the entire area of Irinjalakkuda Town under Electrical Section, Irinjalakkuda No.1 is being fed from 110 kV Sub Station, Irinjalakkuda. During 2021, in order to provide uninterrupted power supply to the high consuming consumers at Irinjalakkuda Town, including the petitioner, an additional 11 kV feeder has been availed from the Sub Station and brought to the

Town by using HT Ariel Bunched Cable (ABC). Only 18 nos.of distribution transformers were provided for the commercial consumers within the town limit and are connected to this HT feeder thereby minimizing the supply interruption. From then, irrespective of weather conditions, even during heavy rainy season, power supply was being delivered to the said consumers round the clock without any interruption. Petitioner is also enjoying the benefit of uninterrupted power supply.

The 110 kV Irinjalakkuda SubStation is situated at Kolothumpadi which is 2 kms. away from Irinjalakkuda Town and is within the jurisdiction of Electrical Section, Vellangallur. Four numbers of HT feeders for the Section area are brought to Irinjalakkuda Town through a common Over Head (OH) structure constructed by using A Poles and 9m PSC Poles. Among these 4 nos.of HT feeders, 3 nos. are made up of HT ABC and the remaining 1 feeder is an OH line with bare conductor. A Low Tension (LT) feeder is also occupied on the above structure and the distribution system is existing in HT/LT formation. Custodian of this 0.5 km long LT line is Electrical Section, Vellangallur. For carrying out any major works or maintenance works, all the 4 HT feeders and the LT feeder are to be switched off and is the main drawback of the system here. However, this will occur very rarely and the supply distribution at this area is within the reliability index stipulated by the Hon'ble Kerala State Electricity Regulatory Commission (KSERC). Since the above said LT feeder was in a dilapidated condition and is existing at the crowded Kodungalloor – Thrissur State Highway, replacement of the conductor was highly essential for ensuring safety to the passengers and pedestrians. Considering the urgency, Electrical Section, Vellangallur included this reconductoring work in the “Works Plan” and decided to carry out the same in the current financial year itself. While conducting the line patrolling by the field staff of Electrical Section, Vellangallur, it was noticed that the LT line is totally damaged and will break down at any moment which will be a life threat to the public. Considering the urgency, the Section team decided to carry out the replacement work immediately by using LT ABC. Since the work was a major one, all the four 11 kV feeders were to be switched off for creating a safe and secure work site. Electrical Section,

Vellangallur intimated Electrical Section, No.1, Irinjalakkuda that the reconductoring work is urgent and that they will switch off the feeders on 27/12/2023 for carrying out the LT line reconductoring work.

On 27/12/2023, in the early morning, via. Outage Management System (OMS), intimation messages were given to all the affecting consumers under Electrical Section, No1, Irinjalakkuda, including the petitioner, intimating that the power supply will be interrupted from 09.00 hrs. to 17.00 hrs. Also, the petitioner's office was intimated the same when they enquired the matter at the Section Office. The power supply was switched off at 09.24 hrs. and was restored in the evening at 16.38 hrs. This was not a willfully committed interruption but a forced one to carry out an urgent work. Back feeding of supply from other sources to the possible areas was arranged immediately in the morning itself for minimising the interruption. Since the supply distribution to the petitioner's transformer is through AB Cable, back feeding from other sources was not possible and the petitioner was suffered with supply interruption during the entire time.

At Irinjalakkuda town, under the jurisdiction of Electrical Section, No 1, Irinjalakkuda, power supply is being provided round the clock on all days unless in some special occasions when maintenance work is urgently carried out. The Section office is ensuring a reliability index of 98.5% as stipulated by the Hon'ble KSERC.

The respondent states that the argument of the petitioner that the section officials are bound to provide uninterrupted power supply to the petitioner as per the agreement condition is not true. As per the executed agreement, quality power with a reliability index approved by the Hon'ble Commission is to be ensured and provided. Periodical maintenance works and incidental breakdown works are to be timely carried out for enhancing the life and performance of the network and ensuring the reliability and quality of supply. Since all the said works are highly dangerous, it cannot be performed on live conditions and supply shall be switched off.

The respondent argues that it is the discretion of the petitioner to decide whether to operate standby generator or not during the time of KSEBL supply failure and the respondent has no role in the same. Before switching off of supply, intimation was given to the Petitioner, well in advance, regarding the power outage. The petitioner has installed a Diesel Generator set of sufficient capacity to meet the requirement and is an alternate or substitute power supply. This type of alternate power source is essential and is mandatorily provided in all HT premises. It is the duty of consumer to maintain the Generator for ready use and to use it whenever required. The respondent is not aware about the rent and rent agreement executed by the petitioner and his client. Also, this office is unaware about the reason for not using the generator for providing the supply at this premise on 27/12/2023, when KSEBL's power supply was unavailable. The petitioner may have committed breach of agreement with his client and the same is not applicable to the Respondent. The Respondent has not committed any violation of agreement executed with the petitioner and has not violated the Regulations of Hon'ble KSERC. Intimation was timely given to the petitioner regarding supply interruption and it is the duty of the petitioner to operate the diesel generator set and to restore power supply in the convention center for conducting the function of his client. The petitioner has failed to observe the same and may be liable to compensate or not and any losses sustained to the client of the petitioner, as the client is not related with the respondent. The complaint of the client has occurred due to the lack of service from the part of the petitioner and not from the part of the respondent. The petitioner is a HT consumer and is being billed under TOD tariff. He has an option to control his power consumption and to opt the contract demand under specified conditions. If not required, the petitioner can regulate the usage and decrease the contract demand to a desirable value. The statement of the petitioner that they are paying for the unused energy is not true and is not factual. Thus the respondent requests this Forum to dismiss the petition.

Additional Statement of facts by the respondent:-

In this additional statement of fact, the respondent had nothing to state in addition to their statement of facts quoted before.

Analysis and findings:

Hearing was conducted at the Conference Hall of Vydhyuthi Bhavanam, Thrissur. The Forum afforded an opportunity to hear the Petitioner and the Respondent on 09/04/2024. Both the representative of the petitioner and the respondent were present for hearing. Having examined the petition in detail and the statement of facts of the respondent, considering all the facts and circumstances in detail and perusing all the documents of both sides, the Forum comes to the following observations, conclusions and decisions thereof.

The petitioner is the Vicar of St. Thomas Cathedral at Irinjalakkuda. A convention center known as St. Thomas Cathedral Convention Centre is in operation in the same vicinity. This convention center is connected to a High Tension IV (HT-IV) electricity connection having consumer number 1356440048481 (LCN-17/8010), under Electrical Section, Irinjalakkuda No.1. The connection has a connected load of 312.8 kW and a contract demand of 180 kVA. On 27/12/2023, the supply to this convention centre was disrupted for more than 8 hours, prompting one of the petitioner's customers to seek a refund for their booking amount.

During the hearing, both the petitioner and the respondent reiterated their arguments as stated previously. The petitioner emphasized the significant financial burden caused by frequent and prolonged power interruptions. They highlighted that their convention center primarily operates during marriage and festival seasons and interruptions during those times affect their business and customer satisfaction. The petitioner also noted that they received notification of the supply failure only late on 26/12/2023, the day before the interruption. This lack of advance notice prevented the petitioner from arranging fuel for their Diesel Generator Set, which they rely on during extended outages, leading to their request for compensation.

In response, the respondent acknowledged that the delay in notifying consumers of the affected area was due to the work being conducted by another Electrical Section area – Vellangalloor Electrical Section. However, they admitted that the petitioner's locality is indeed highly affected by frequent power

interruptions. This is attributed to the presence of four High Tension (HT) feeders passing through a common Over Head (OH) structure, including one bare conductor feeder. Additionally, a Low Tension (LT) feeder on the same structure contributes to the distribution system's HT / LT formation. The conversion of the LT Bare conductor feeder to LT ABC resulted in the outage, necessitating the shutdown of all four 11 kV feeders. This has occurred due to the absence of a back feeding facility, which could have provided alternate supply to localities which are not undergoing the conversion work.

The respondent mentioned that the conversion of the 11 kV OH VydhyuthiBhavanam feeder to Underground Cable is scheduled as a part of the Revamped Distribution Sector Scheme (RDSS) for the financial year 2024-25 to mitigate interruptions. Since the details of this work were not produced before this Forum by the respondent, this Forum directed the respondent to furnish the details of this work on or before 12/04/2024. However, they requested an extension until 15/04/2024 to submit the details of the work, which they provided only on 16/04/2024. In their statement, they claimed to have informed the petitioner in advance, complying with the standards of performance set by the State Regulatory Commission and assured steps to prevent such interruptions in the future.

This Forum analyzed the case and concluded that the licensee's maintenance work not only disrupts the power supply to the petitioner's locality but also affects consumers across a vast area fed through the four 11 kV feeders, due to the configuration of multiple feeders in the same structure and the lack of back feeding facilities. Not only does this situation increase interruptions, but it is also deemed technically inadvisable. Furthermore, this Forum emphasized the Electricity Act 2003, Section 42, which mandates the distribution licensees to maintain an efficient, coordinated and economical distribution system in their area of supply.

Section 42. (Duties of distribution licensee and open access):-

“(1) It shall be the duty of a distribution licensee to develop and maintain an efficient, co-ordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act”

Also, Regulation 4 of the Kerala Electricity Supply Code, 2014 entrusts the licensee for the same. Regulation 4 of the Kerala Electricity Supply Code, 2014 is quoted below:-

Regulation 4:- Duty to develop, maintain and extend the distribution system:-

- (1) *The distribution licensee shall develop and maintain an efficient, coordinated and economical system in his area of supply.*
- (2) *The licensee is responsible for ensuring that its distribution system is upgraded, extended and strengthened to meet the demand for electricity in its area of supply.*
- (3) *The licensee shall ensure that all electricity supply lines and equipment that are belonging to the licensee or under its control in the premises of the consumer, are in a safe condition and are fit in all respects for supplying energy and further the licensee shall take adequate precaution to avoid danger that may arise in such premises from such supply lines and equipment.*

In this matter, this Forum notes that despite the respondent mentioning a scheduled work for the Financial Year 2024-25 in their RDSS capital plan during the hearing, they have not provided details of the work as directed. This indicates a lack of seriousness on the part of the licensee in addressing the issue raised before this Forum. This Forum directs the respondent to make necessary arrangements in the distribution network to ensure alternate supply to the petitioner as well as other affected consumers whenever interruptions occur due to the configuration of four 11 kV feeders and a LT feeder in the same structure.

Furthermore, this Forum observes that the petitioner was not adequately informed about the supply interruption in accordance with Regulation 7 of the Kerala State Electricity Regulatory Commission (Standards of Performance of distribution licensees) Regulations, 2015. According to this Regulation, “*consumers should be notified of scheduled outages at least twenty-four hours in advance, with interruptions not exceeding ten hours in a day*”. However, in this case, the petitioner was informed only after 5 pm on the day before the work, thereby violating this

Regulation. Here, the petitioner also detailed that such a lack of advance notice prevented the petitioner from arranging fuel for their Diesel Generator Set, which they rely on during extended outages, leading to their request for compensation. However, since the maximum duration of scheduled outages allowed in a day is 10 hours according to Regulation 7 of the Kerala State Electricity Regulatory Commission (Standards of Performance of distribution licensees) Regulations, 2015, the petitioner is not eligible to claim compensation.

DECISION:-

Considering the above facts and circumstances, this Forum issues the following orders:-

- 1. As the duration of power outage of the petitioner on 27/12/2023 was within the limit of outages allowed in a day according to Regulation 7 of the Kerala State Electricity Regulatory Commission (Standards of Performance of distribution licensees) Regulations, 2015, the petitioner is not eligible to claim compensation.**
- 2. The respondent shall plan and execute the necessary works in their distribution network to ensure an alternative power supply for the petitioner as well as other affected consumers, within three-month period starting from the date of receiving this Order. This is necessary to avoid power interruptions occur due to the setup of four 11 kV feeders and an LT feeder in the same structure.**

3. No cost ordered.

The petitioner is at liberty to file appeal before the State Electricity Ombudsman, D.H. Road, Off shore Road Junction, Near Gandhi Square, Ernakulam, Pin – 682 016 (Ph: 0484 -2346488 , Mobile No. 8714356488) within 30 days of receipt of this order, if not satisfied with this decision.

Dated this 20th day of April, 2024

Biju Varghese
3rd Member
CGRF, Ernakulam

Jayanthi S.
2nd Member
CGRF-CR, Ekm

Sheeba. P
CHAIRPERSON
CGRF-CR, Ernakulam

Endt. On CGRF-CR/OP No.98/2023-24 Dated

Delivered to

Fr.Prof.Lazar Kuttikadan,
Vicar,
St.Thomas Cathedral Convention Centre,
Irinjalakkuda, Thrissur – 680121.

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)
CGRF-CR, KALAMASSERRY

Copy submitted to: 1)The Secretary, KSEBL, Vydhyuthi Bhavanam, Pattom,
Thiruvananthapuram.
“ 2) The Secretary, Kerala State Regulatory Commission,
KPFC Bhavanam, C.V Raman Pillai Road, Vellayambalam,
Thiruvananthapuram.

Copy to: - (1) The Deputy Chief Engineer, Electrical Circle, KSEBL, Irinjalakkuda
(2) The Executive Engineer, Electrical Division, KSEBL, Irinjalakkuda
(3) The Assistant Executive Engineer, Electrical Sub Division KSEBL,
Kattoor
(4) The Assistant Engineer, Electrical Section, Irinjalakkuda No.1