

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Digar Singh Bisht
S/o Late Shri Ram Singh,
Village Pakdia, P.O. & Tehsil Khatima,
Distt. Udham Singh Nagar, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Khatima, Distt. Udham Singh Nagar, Uttarakhand

Representation No. 17/2022

Order

Dated: 30.06.2022

Being aggrieved with Consumer Grievance Redressal Forum, Udham Singh Nagar Zone (hereinafter referred to as Forum) order dated 25.02.2022 in his complaint no. 89/2021-22, before the said Forum, against UPCL through Executive Engineer, Electricity Distribution Division, Khatima (hereinafter referred to as respondent) Shri Digar Singh Bisht S/o Late Shri Ram Singh Village Pakadia, P.O & Tehsil Khatima, Distt. Udham Singh Nagar has preferred this appeal for granting compensation and shifting of 33 KV line.

2. The petitioner, has averred that he is a consumer of UPCL with connection no. KH2L206176925. A 33 KV line crosses his LT service line. On 13.06.2021 the 33 KV line fell down on his service line due to a breakdown in 33 KV line causing damage to his appliances such as LED TV, Fan, bulb etc. The incident was reported by him to the department but no action was taken by the department, where after he approached the Forum and Forum dismissed his complaint and denied the compensation. He has further stated that damage of the appliances of his neighbour was also caused. So he has requested that the compensation may be granted and 33 KV line be shifted.
3. The Forum after perusal of records and hearing arguments and relying upon the submissions of opposite party concluded that the damage of the appliances of the

complainant did not occur due to breakdown in 33 KV line and as such the compensation cannot be granted under the provisions of UERC SOP regulations, 2007, Schedule III point 9.6 because no damage to at least 2 neighbors of the complainant have been reported as no complaint has been lodged by any other consumer. And therefore dismissed the complaint, however the Forum did not say anything about his request for shifting of 33 KV line.

4. The respondent Executive Engineer has submitted a written statement vide letter no. 662 dated 22.04.2022 along with an affidavit. He has submitted that a 33 KV line from Haldi substation and Khatima town substation is passing from about 200 meters away from the petitioner's premises. As per petitioner his appliances got damaged due to falling of 33 KV line on LT line on 13.06.2021. He has further submitted that after examination of log sheet of 33 KV substation it was found that a tripping had occurred on the 33 KV line on 13.06.2021 in which supply of Khatima feeder was disturbed but this did not affect the consumer's LT line because in case 33 KV line had fallen on LT line then in that case consumer's meter and service cable would have been burnt, but this did not happen. Further no such complaint has been lodged from any other neighbouring consumer. As such the appliances of the petitioner might have damaged for some other reason, so the appeal is liable to be dismissed. Nothing has however been mentioned by the respondent about his request for shifting of 33 KV line.
5. The petitioner has submitted a rejoinder dated 09.05.2022. He has reiterated that due to the breakdown appliances were damaged and incurred a loss of Rs. 50,000.00. He has insisted that the damage has occurred due to breakdown in 33 KV line. He has mentioned that some damage of the appliances of Shri Bhupendra Singh Bisht and Shri Sachin Valdia have occurred, meter of Smt. Parvati Devi was also damaged, but none of them lodged a complaint, but his appliances were damaged so he has again requested that compensation may be granted.
6. Hearing in the case was held on prefix date 22.06.2022. Respondent did not appear for arguments. The petitioner appeared virtually online as requested by him and argued his case. The arguments were concluded and order was reserved for 30.06.2022.

7. Documents available on file were perused and arguments from the petitioner were heard. Forum's conclusion that the petitioner's appliances were not damaged due to breakdown in 33 KV line and further as no other neighbouring consumer has reported or complained for any damage of appliances due to breakdown in 33 KV line, appears reasonable and their order for denying compensation in accordance with UERC SOP regulations, 2007, Schedule III point 9.6 is justified and is upheld. However the Forum did not say anything about his request for shifting of 33 KV line. It is clarified that shifting of electric lines/poles/equipments is beyond Forum's jurisdiction in terms of sub regulation 3.1(5) of UERC (Guidelines for Appointment of Members and Procedure to be Followed by the Forum for Redressal of Grievances of the Consumers) Regulations, 2019, which reads as "The Forum shall not entertain any grievances pertaining to shifting of electric lines/poles/equipments." As such the Forum/Ombudsman mechanism is not authorized to pass any order on the issue of shifting of line.
8. However, the DM concerned is empowered to decide a case of shifting of line/equipment/poles under the Works of Licensees Rule, 2006 made by the Government of India under sub section 2 (e) of section 176 of Electricity Act, 2003, so the petitioner, if so desire, may approach to the DM concerned with his request for shifting of 33 KV line.
9. The Forum order dated 25.02.2022 for disallowing compensation is upheld. The petition is disposed off without passing any order on the issue of shifting of 33 KV line being out of jurisdiction.

Dated: 30.06.2022

(Subhash Kumar)
Ombudsman