



## VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

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

:: Present:: **R. DAMODAR**

Friday, the Twenty Ninth Day of July 2016

Appeal No. 26 of 2016

Preferred against Order Dt. 15-02-2016 of CGRF In

CG.No: 563/2015 of Hyderabad North Circle

Between

Smt. M. Laxmi, H.No. 8-2-684/12/A, N.B.T. Nagar, Road No.12, Banjara Hills,  
Hyderabad - 500 034. Cell No. 9550417117 & 9700369111.

... Appellant

### AND

1. The AE/OP/Filmnagar/TSSPDCL/Hyderabad.
2. The ADE/OP/Banjara Hills/TSSPDCL/Hyderabad.
3. The DE/OP/Erragadda/TSSPDCL/Hyderabad.
4. The SE/OP/Hyd.North Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 02.05.2016, coming up for hearing before the Vidyut Ombudsman, Telangana State on 19.07.2016 at Hyderabad in the presence of Sri. M. Sreehari - on behalf of the Appellant and Sri. P. Gopala Krishna - ADE/OP/Banjara Hills, Sri. T. Narsingh Rao - AAE/OP/Film Nagar for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

### AWARD

The Appellant, a consumer of Electricity, lodged a complaint with CGRF alleging that on 20.6.2015 there was passing of high voltage in her house, due to which one double door Electrolux refrigerator, one Onida color TV and three tube lights got burnt and lodged a complaint with the officials of the DISCOM, who visited her house on 2.7.2015. The officials of the DISCOM, after inspection of the premises, informed her that there was a problem with the concerned transformer due to which there was passage of high voltage. The Appellant lodged a complaint with CGRF requesting compensation for her destroyed home appliances.

2. The 1st Respondent AAE/O/Film Nagar through his letter dt.8.2.2016 stated that he had inspected the premises of the Appellant, found that the high voltage occurred due to failure of neutral wire in the premises of the Appellant only and that it was rectified. He stated that he advised the Appellant to have a separate earthing to the neutral to avoid similar problems.
3. Before the CGRF, the Appellant's husband stated that in the night of 20.6.2015, there was passage of high voltage at his house and also at his neighbor's houses and that he gave a representation to the DISCOM officials to pay compensation for the damaged home appliances. The 2nd Respondent before the CGRF repeated what the 1st Respondent AE/OP/Film nagar has stated.
4. After considering the material on record, the CGRF came to the conclusion that the fault occurred in the premises of the consumer and that the Respondents are not responsible for the loss due to high voltage and closed the complaint with an advice to the consumer to have a separate earthing to her electricity connection through the impugned orders.
5. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal alleging that she suffered damage to her double door Electrolux refrigerator, Onida color TV and three tubelights, due to high voltage because of the faulty service of the Respondents and that she was not paid compensation.
6. The AAE(Electrical)/O/Filmnagar submitted a reply dt. 31.5.2016 in the Appeal to the effect that on the complaint of the Appellant about damage caused to her household appliances due to high voltage, he inspected the premises and found that the high voltage was due to breaking of neutral wire in the premises and that he rectified it and advised the Appellant to have a separate earthing to the neutral. He reiterated that the passage of the high voltage was due to the defect in the consumer premises, for which the DISCOM is not responsible.
7. During the enquiry, the Appellant filed an invoice for a refrigerator in the name of the husband of the Appellant and a photocopy of photographs showing one refrigerator and a TV.
8. The efforts at mediation to resolve the dispute failed, because of the stand of the Respondents that they are not responsible for the damage caused to the household appliances of the Appellant.

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

- i. Whether the Appellant is entitled to compensation for the loss and damage caused to her household appliances from the Respondents?
- ii. Whether the impugned orders are liable to be set aside?

## **ISSUES 1&2**

10. The Appellant claimed that during the night of 20.6.2015 there was surge of high voltage causing damage to her refrigerator, TV and Tube lights. The Appellant alleged that it was due to negligence of the DISCOM, there was passing of high voltage causing damage to her household goods. The Appellant's representative claimed that not only his household appliances were damaged, but also the appliances of his neighbours in the locality suffered similar loss. The Respondents claimed that the neighbours in the locality have not lodged any complaint alleging damage due to high voltage. The Respondents claimed before CGRF and as well as in the Appeal that the breaking of neutral wire occurred at the house of the Appellant and not outside and therefore, they are not responsible for the damage occurred due to high voltage. The 1st Respondent, after inspection, advised the Appellant to have good earthing since the neutral wire broke at her house resulting in passing of high voltage.

11. The Appellant has been vehement in claiming compensation for the loss to her household appliances due to high voltage, blaming the Respondents for the mishap, while the Respondents have been claiming that the neutral broke at the house of the Appellant and they have advised the Appellant to have a good earthing.

12. The neighbours of the Appellant have not given any complaint seeking compensation for the damage caused due to high voltage, in spite of the Appellant claiming that he has ascertained that they too have suffered high voltage and loss.

13. Generally high voltage is an unwanted situation in a healthy electrical system. This phenomenon occurs due to numerous reasons such as line snapping, phase to phase line contact, earth fault etc, which occurs due to heavy wind and Gale, falling of foreign materials on the line, loose lines etc. High voltage in the present case could have been avoided by providing grounding of neutral to the earth pit of the premises by the Appellant and maintaining proper LT lines network by the Respondents. As reported by

the 1st Respondent, non availability of earth pit is also one of the reasons for the damage caused to the Appliances of the Appellant due to high voltage. It is significant to note that the Standards Of Performance do not provide for any compensation for similar loss due to High voltage.

14. "Sec 57 (2) of the Electricity Act,2003 provides that "If a licensee fails to meet the standards specified under subsection (1), without prejudice to any penalty which may be imposed or prosecution be initiated, he shall be liable to pay such compensation to the person affected as may be determined by the Appropriate Commission."

15. The standards of performance under Regulation 7 of 2004 and Regulation 9 of 2013 contain schedules which specify compensation based on performance, to the consumers which are called the Licensee's Standards of Performance, which provide for compensation to the consumers in case of defect in maintaining the standards prescribed. The schedule has no provision for compensation prescribed for the damage caused to the consumers in case of passing of high voltage.

16. There is no provision under the Standards Of Performance for awarding compensation to the Appellant in case of loss or damage caused due to passing of high voltage, more so when the Respondents claimed that high voltage passed at the house of the Appellant due to breaking of neutral and that they advised the Appellant to have good earthing at her house. On either ground, the DISCOM cannot be fastened with liability to pay compensation to the Appellant for the damage caused to the refrigerator,tv and tube lights of the Appellant.

17. There are no grounds to interfere with the impugned orders. Both the issues are answered against the Appellant and in favour of the Respondents. The Appeal is disposed of accordingly.

18. 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.

TYPED BY CCO, Corrected, Signed and Pronounced by me on this the 29th day of July, 2016.

Sd/-

**VIDYUT OMBUDSMAN**

1. Smt. M. Laxmi, H.No. 8-2-684/12/A, N.B.T. Nagar, Road No.12, Banjara Hills, Hyderabad - 500 034. Cell No. 9550417117 & 9700369111
2. The AE/OP/Filmnagar/TSSPDCL/Hyderabad.
3. The ADE/OP/Banjara Hills/TSSPDCL/Hyderabad.
4. The DE/OP/Erragadda/TSSPDCL/Hyderabad.
5. The SE/OP/Hyd.North Circle/TSSPDCL/Hyderabad.

**Copy to:**

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