

Office of the Electricity Ombudsman

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)

B-53, Paschimi Marg, Vasant Vihar, New Delhi – 110 057

(Phone-cum-Fax No.: 011-26141205)

Appeal No. 01/2018

IN THE MATTER OF:

M/s Risal Petro Burari - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 28.11.2017 passed by CGRF- TPDDL in CG No.

7434/09/16/SMB)

Present:

Appellant: Shri G.C. Rattan, Advocate and Shri Jai Kishan, on behalf of M/s Risal Petro Burari

Respondent: Shri Harshendu, Senior Manager (Legal) and Shri Ved Prakash, Manager, on behalf of TPDDL

Date of Hearing: 15.02.2018

Date of Order: 19.02.2018

ORDER

1. The subject matter of this appeal, filed by M/s Risal Petro Burari Indian Oil Petrol Pump, Opposite Transport Authority, Burari, Delhi - 110084, against the verdict of the CGRF-TPDDL cited above, concerns the Appellant's claim for monetary compensation for a presumed loss of business arising from voltage fluctuations for which he holds the Discom (Respondent) responsible.

2. The Appellant's position, in brief, is that repeated overvoltage fluctuations beyond the norm have occurred repeatedly, particularly at night, from October, 2015 to March, 2016 and again from August, 2016 to December, 2016, thereby adversely affecting the normal operation of his CNG gas pump station and resulting in great inconvenience as well as loss of business. His claim for the award of monetary compensation to the tune of about 6.93 lakhs in his favour has not been acceded to by the CGRF which, he says, has not taken all factors - including technical ones - into consideration while delivering its verdict.

3. The Discom's response is that the problem had originated at the feeder source which was under the control of Delhi Transco Ltd. (DTL). The solution required coordination with them for a permanent resolution of the problem through the shifting the 11 KV feeder from DTL to the Discom's grid which was done within the timeframes prescribed under DERC's Regulations. They have also stated that there were 15 overvoltage events between November, 2015 and December, 2016, all of which were attended to within prescribed time limits and which resulted in a total down time of only about 18 hours for the CNG pump. The problem had since been addressed with the shift of the feeder from DTL.

4. A hearing was held on 15.02.2018 with both parties arguing their respective positions with the Appellant pressing for the award of compensation and the Discom holding that the problem's origin had been on the DTL's side and had since been resolved. During the hearing, the Appellant stated that the overvoltage problem was



continuing to persist and produced extracts from his CNG station's log book showing the registration of high voltage complaints on 18 occasions between 11.12.2017 and 07.02.2018. The Discom's representatives did not seem to be aware of the persistent/recurrence of the overvoltage issue but said that it could have been triggered by the operational status of the capacitor bank at the CNG station which was part of the Appellant's own installations and outside the purview of the Discom.

5. This new factor i.e. the continuation of the overvoltage problem changes the complexion of this appeal and raises further questions which require adequate answers before any adjudication can be done. Specifically, the following points will have to be looked into in greater depth:

1. The Appellant's claim, which he has supported by extracts from a log book, that the overvoltage problem is continuing to persist with 18 such events being recorded over a two-month period between December, 2017 and February, 2018, despite the Discom's claim of having attended to them, is a matter of concern;

2. The question of whether these overvoltage events are being triggered by deficiencies in the corrective measures taken by the Discom or whether they are the consequence of deficiencies in the modalities of operations of the capacitor bank installed at the Appellant's CNG pump needs to be investigated further.

3. The Discom will need to produce technical/supporting data relating to the voltage conditions at the feeder level if their contention is that the problem does not originate from their end. They would also need to explain what corrective actions were taken by them to stabilize the situation in respect of the 18 new overvoltage events which are alleged to have occurred after the feeder was shifted from DTL. Have similar overvoltage events occurred at other establishments in the vicinity of this CNG pump?

4. It is pertinent to note in this connection that the Discom's technical representative has stated that overvoltage conditions can result if the capacitor bank is left continuously in an "ON" mode which, he says, has been the case here. The Appellant could not adequately clarify whether there were protective mechanisms in position for automatic tripping in the event of voltage surges but said that the capacitor bank at the CNG station was in a room manned by technician from IGL who was responsible for the continuous monitoring of operating parameters. It would be necessary to bring in the IGL again as a party to explain these technical issues in detail so that the extent of the Appellant's contribution to the problem on account of any deficiencies and/or negligence on his part, if any, can be assessed.

6. Accordingly, this case is hereby remanded back to the CGRF with the direction to re-examine the whole issue, particularly in the light of the claim that the overvoltage problem has been recurring and to determine just where the responsibility for its persistence lies. Depending on the outcome of these further inquiries, a fresh look at the Appellant's demand for monetary compensation may be taken on merits with the case being brought to a conclusion within four weeks at the latest. The complainant would be entitled to file an appeal before the Ombudsman in case he is still not satisfied with the outcome of the CGRF's fresh review.



(Sundaram Krishna)
Ombudsman