



## ASSAM ELECTRICITY REGULATORY COMMISSION

FILE NO. AERC. 639/2017

PETITION NO.:15/2017

### ORDER SHEET

18.09.2017

Before the Assam Electricity Regulatory Commission  
ASEB Campus, Dwarandhar,  
G. S. Road, Sixth Mile, Guwahati – 781 022

Mr. Manoram Gogoi, S/O Lt. Kanak Ch Gogoi ----- Petitioner  
Assam Power Distribution Company limited (APDCL) ----- Respondent-1  
The Chief Electrical Inspector cum Advisor, Govt. of Assam----- Respondent-2

Date of Hearing: 18.09.2017

Representative for Petitioner:

Sri Manoram Gogoi

Representative for Respondent 1:

Mr. B Barman, CGM (UAR).  
Mr. A K Goaswami, G M, TRC..  
Mr K P Ray, GM (Com-Rev).  
Mr. D K Sarma, DGM,(Com-Rev).  
Mr S N Alom, DGM, Law.  
Mr P K Baishya, D M(Com).

Representative for Respondent 2:

Mr. A C Khataniar, Chief Electrical Inspector(i/c)  
Mr U Konwar,Dy Chief Electrical Inspector  
Mr U Gogoi, Sr Elect. Inspector.

#### **In the matter of**

Petition No. 15 of 2017 filed by Mr. Manoroam Gogoi under Section 149 of the Electricity Act'2003 regarding offence committed by APDCL by not complying the safety measures as prescribed by Central Electricity Authority in the CEA (Measures relating to safety and electricity supply) Regulations, 2010

#### **CORAM**

Shri Naba Kr. Das Chairperson  
Shri Dipak Chakravarty, Member  
Shri Subhash Ch Das, Member

#### **ORDER**

1. Mr. Manoram Gogoi has filed a Petition (Petition No. 15 of 2017) under Section 149 of the Electricity Act'2003 regarding offences allegedly committed by APDCL by not complying with the safety measures as prescribed by Central Electricity Authority in the CEA (Measures relating to safety and electricity supply) Regulations, 2010. The salient submissions of the Petitioner were:
  - i. There are number of electrocution cases recorded since 2001. The Electrocutation is mainly due to negligence of APDCL, State Govt. and the Chief Electrical Inspector.
  - ii. APDCL has not followed the CEA Technical standards while erecting line and construction of sub-station.
  - iii. The Chief Electrical Inspector cum Advisor, Govt. of Assam did not verify and inspected the works undertaken by APDCL.

- iv. The Petitioner requested the Commission to penalize APDCL as well as Chief Electrical Inspector cum Advisor, Govt. of Assam, under Section 149 of the Electrical Act'2003, so that no further casualties will occur due to willful negligence and prolonged default.
  - v. The Petitioner also requested the Commission to invoke Section 128 of the Electricity Act'2003 and investigate the matter.
  - vi. The Petitioner prayed the following:
    - a. To take necessary appropriate action under Section 149 of the Electricity Act'2003
    - b. To direct Chief Electrical Inspector cum Advisor, Govt. of Assam, APDCL and Govt of Assam
      - to provide minimum compensation of Rs 1 Crore to the next keen of the victim of the electrocution
      - to provide adequate medical help to all the injured persons
      - to provide adequate compensation for loss of properties to the effected person
    - c. To revoke license of APDCL under Section 19 of the Electricity Act'2003
    - d. To make necessary enquiry under Section 128 of the Electricity Act'2003
2. The Commission vide Notice dated 01.09.2017 scheduled a Hearing on the matter on 18.09.2017.
  3. The Commission also vide Letter dated 01.09.2017 sought comments from Chief Electrical Inspector cum Advisor, Govt. of Assam and APDCL
  4. On 15.09.2017, the Chief Electrical Inspector cum Advisor, Govt. of Assam submitted a para wise comment. The salient submissions are:
    - a. Office of the Chief Electrical Inspector cum Advisor, Govt. of Assam conducts inspection mainly in two events i.e. prior to charging inspection of new installations and periodic inspection of the existing installation. Any discrepancies observed are informed to APDCL immediately. However, it is observed that corrective measures are not taken by APDCL on most of the cases.
    - b. Chief Electrical Inspector cum Advisor, Govt. of Assam also suggested to APDCL for periodic training of the field officials/staffs.
    - c. Due to shortage of manpower under the Chief Electrical Inspector cum Advisor, Govt. of Assam, all the lines and sub-stations cannot be inspected on a regular/periodic basis. Therefore, there is need of expansion & strengthening of the office of Chief Electrical Inspector cum Advisor, Govt. of Assam.
    - d. Earth Leakage circuit breaker installation is suggested for Domestic and Commercial installations. APDCL also should install Earth Leakage circuit breaker in Sub-station and other installations.
    - e. The office of the Chief Electrical Inspector cum Advisor, Govt. of Assam also advises proactive measures by identifying the unsafe installations.
    - f. There is no lapse from the part of Chief Electrical Inspector cum Advisor, Govt. of Assam as claimed by the Petitioner. The APDCL is responsible for maintaining the installations free from danger.
  5. On 16.09.2017, APDCL made its submission on the Petition. The salient submissions made by APDCL are:
    - a. Since none of the electrocution incident took place with knowledge of APDCL or its official, this complaint, i.e. filed under Section 149 of the Electricity Act'2003, is liable to be rejected
    - b. APDCL stated that, they are taking all efforts to comply with the provision of the Electricity Act'2003 to prevent electrical accident.
    - c. Erection of poles/construction of lines etc are done after taking safety aspects into consideration
    - d. APDCL is taking due action as per suggestion of the Chief Electrical Inspector cum Advisor, Govt. of Assam.
    - e. Electrical Safety officers were designated by APDCL vide notification dated 14.09.2012 and a copy of the same also was submitted.
    - f. The technical persons like supervisors, lineman etc possess requisite technical qualification and undergo different trainings from time to time. The training institute of APDCL imparts training to its Engineers, Technicians time to time.
    - g. APDCL submitted that, Govt of Assam vide Notification No. PLA.251/2017/5/ECF-27924 Dt.16/8/2017 has constituted a One Man Commission of Enquiry to be headed by Justice

(Retd.) H N Sarma, to enquire into the circumstances leading to death of persons due to electrocution in the state to:-

- Ascertain the circumstances to death
- Identify the persons responsible
- Ascertain causes of technical fault
- Suggest to enhance safety measures.

6. As scheduled, the Hearing on the matter was held on 18-09-2017. During the Hearing; the Petitioner submitted that all the details have been submitted in the Petition. The main concern of the Petitioner is safety of the consumers of the State of Assam as well as the workers of the Distribution Licensee.

The representative of the Chief Electrical Inspector cum Advisor, Govt. of Assam submitted the following:

- a. The office of the Chief Electrical Inspector cum Advisor, Govt. of Assam has submitted a reply report on the Petition.
- b. However, under Section 128 or 149, only the Licensee or Companies are covered. The Chief Electrical Inspector cum Advisor, Govt. of Assam, is a statutory body formed by the Govt. of Assam under Section 162 of the Electricity Act'2003. Therefore, in the present case, the Chief Electrical Inspector cum Advisor, Govt. of Assam should not be made Respondent.
- c. The office of the Chief Electrical Inspector cum Advisor, Govt. of Assam does regular inspection and enquiry report being submitted to Govt of Assam with copy to APDCL. However, the Chief Electrical Inspector cum Advisor, Govt. of Assam is not empowered to take any penal/disciplinary action against APDCL, for non compliance of any of its' direction.
- d. Further, in case of new installation, if the same is found to be non complying with the safety provision, the approval for charging is not granted.
- e. The representative highlighted some of prominent reasons for electrocution such as absence of Earth Leakage circuit breaker in some Distribution Installations, use of low quality conductor, Ageing of Conductors, Transformer LT fuse etc.

The representative of APDCL submitted the following:

- a. Before charging of Line and Sub-station charging approval from the Chief Electrical Inspector cum Advisor has been taken.
- b. Out of the 72 electrocution cases recorded, 21 cases are due to fault of APDCL. However, the remaining is either due to fault of the person concerned or fault of the Internal Network of the consumer
- c. APDCL mentioned that the conductor snapping takes place mainly due to natural calamity like cyclonic storm, flood, heavy downpours etc upon which APDCL does not have any control.
- d. APDCL further stated that a One Man Commission of Enquiry has been constituted by the Govt. of Assam to enquire into the matter relating to death due to electrocution.

7. After Hearing the parties and scrutiny of all the submissions, it is seen that, the Govt of Assam, vide Notification No. PLA.251/2017/5/ECF-27924 dated 16.08.2017, has constituted a One Man Commission of Enquiry headed by Justice (Retd.) H N Sarma to enquire into the circumstances leading to death of persons due to recent electrocution incidents in the state . Therefore, the Commission does not deem it fit to conduct a separate enquiry in the same matter. However, considering the safety aspects of the Electrical Installations and to prevent unwanted incidents leading to death of persons because of electrical accidents, the Commission further ordered the following:

- a. APDCL shall prepare a detailed project report regarding measures to be taken to ensure that Distribution Installations and network meet the safety standard as prescribed by CEA (Measures relating to safety and Electric Supply) Regulation,2010, clearly indicating the fund requirement and the milestones for complementing the identified tasks/installations in a time bound manner. APDCL should take help of the Chief Electrical Inspector cum Advisor, Govt. of Assam also in this regard.
- b. APDCL should conduct Circle wise periodic sessions on Safety measures, to educate the employees of the APDCL at various levels regarding the safety measures to be taken for Distribution installations and networks.
- c. APDCL should conduct consumer awareness programs on a regular basis to educate

consumers on safety measures.

d. Safety officers should be appointed having independent charge to look into the safety aspects.

With the above decisions and directions, the Petition No.15/2017 stands disposed off.

Sd/-  
(Subhash Ch Das)  
Member  
AERC

Sd/-  
(Dipak Chakravarty)  
Member  
AERC

Sd/-  
(Naba Kumar Das)  
Chairperson  
AERC