

ORISSA ELECTRICITY REGULATORY COMMISSION

BIDYUT NIYAMAK BHAWAN

UNIT-VIII, BHUBANESWAR – 751 012

Present : Shri B.K. Das, Chairperson
Shri S.K. Jena, Member
Shri K.C. Badu, Member

Case No.29/2008

Director (Engineering), OERC
Vrs.

.... **Petitioner**

1. EE(Elec), Aska Electrical Division, Aska
 2. SDO(Elec), Polasara Electrical Section, Polasara, SOUTHCO
 3. Jr. Manager(Elec), Polasara Electrical Section, Polasara, SOUTHCO
- Respondents

4. Chief Electrical Inspector (T&D), Govt. of Orissa, BBSR
5. Dy. Electrical Inspector (T&D), Govt. of Orissa,
Berhampur

- Proforma Respondents

6. CEO, SOUTHCO, Courtpetta, Berhampur, Ganjam
7. Subrat Kumar Jena, JE, Polasara
8. R.N. Bishoyi, SDO, Buguda under the control of E.E. Bhanjanagar
Electrical Division, Bhanjanagar
9. J.C. Panda, EE, O/o SE, Electrical Circle, Rayagada
10. R.M. Rao, SE, President GRF, Berhampur.

- Impleaded Respondents

**In the matter of: Suo-motu proceeding initiated by the Commission
under Section 142 of the Electricity Act, 2003.**

ORDER

Date of Hearing: 09.09.2008

Date of Order: 01.11.2008

Mr. S.N. Ghosh, Director (Engg.) the designated petitioner in this case, Mr. M.K. Mohapatra, Advocate for the Respondent Nos.1, 2, 3, 7, 8, 9 & 10, Mr. R.M. Rao, President, GRF, Mr. J.V.S. Kumar, DEI (T&D), Mr. J.C. Panda, SE, Mr. C. S. Swain, EE, AED, Mr. L.M. Mahanta, SDO (E), Mr. S.K. Jena, JE (E), Mr. P.K. Pal, C.E.I. (T&D) and Mr. A.K. Bohra, CEO, SOUTHCO are present.

2. Sri S.N. Ghosh, Director (Engg.) submitted that as reported, on 16.10.2007, there was a snapping of LT conductors in the LT line emanating from the 100 KVA

11/0.4 KV S/S, Baghadi. The said S/S was being fed from the 33/11 KV S/S, Polosara through 11 KV Belagam feeder. The snapping was possibly due to the rampant hooking on the said LT line. At about 8.20 hrs. on the said date, Sri Biswanath Sahu came in contact with the snapped conductor and was electrocuted. The place of the electrocution was about 20 mtrs. from the 11/0.4 KV S/S. However, due to non-blowing of the LT fuse (incidentally aluminium conductor was being used as LT fuse wire), non-functioning of the A.B. switch of the 11/0.4 KV S/S and absence of earthing of the S/S, Sri Sahu died. He further stated that as reported, it is deficiency of performance on part of SOUTHCO, that it had not maintained the line and substation properly as per Indian Electricity Rules, 1956. SOUTHCO has contravened the provisions of the Safety Rules, I.E. Rules, 1956 etc. and hence may invite punishment u/s 142 of the Electricity Act, 2003 after due process of hearing. In the circumstances stated above, the above named petitioner prays that the Commission may take cognizance of the facts, enquire into the matter and pass such orders as deemed just & proper.

3. Mr. M.K. Mohapatra learned counsel for the Respondent Nos.1 (Mr. Chandrasekhar Swain), EE, Aska Elec. Division and Respondent No.2 (Mr. Bhagaban Pradhan, SDO (Elec.) Polsara Electrical Division stated that the fatal accident had occurred on 16.10.2007 at about 08.20 hrs. as a result of which one outsider i.e. Sri Biswanath Sahoo was dead out of electrocution. On the date of accident both the respondents were not in charge of the offices as they joined in the division and sub-division as incharge Executive Engineer and SDO on 07.12.2007 and 09.02.2008 respectively. Both the Respondents have taken sincere efforts for proper maintenance of the electrical installations and adopted for safety majors in order to prevent the electrical accidents. The AB switch has been brought into working condition by changing the male and female contact and the conductor of LT were replaced with the provision of fuse control. The Respondents also stated that 100% safety measures can be taken as per strict guidelines of the IE Rules, if the required materials and manpower are provided by the higher authority. So, both the respondents should not be prosecuted u/s 142 of the Electricity Act, 2003.
4. Mr. Mohapatra, Advocate on behalf of Respondent No.7 (Mr. S.K. Jena, JE, Polosara), Respondent No.8 (Mr. R.N. Bisoyi, Ex-SDO, Buguda), Respondent No.9 (Mr. J.C. Panda), Ex-Executive Engineer, KED, Aska stated that on the date of accident i.e. 16.10.2007 at about 08.20 hrs, these three Respondents were working in the above area. They have never willfully and negligently as well as voluntarily not complied the direction issued by the Commission. The accident in question took place as both the phases and neutral wire might have touched each other for which the LT conductor must have snapped and fell on the wooden fencing to which the deceased Sri Sahoo came in contact and got electrocuted. After the accident occurred, the Respondent Nos.7 & 8 had visited the spot and the s/s and found that lot of hooking were made by the villagers for their private LI points specifically during late night hours and they removed the same in early morning, as a result of which the Respondents could not be able to detect the illegal hooking persons. The lineman also did not inform the Respondents regarding the joint in the conductor and about hooking in late night hours by the

villagers. When it came to the knowledge of the Respondents, FIRs were lodged against the three phase consumers namely Baman Sahoo and others in the police station. But, due to non-cooperation of the police the FIRs could not be registered against them. He further stated that in regard to non-functioning of AB switch it is submitted that the AB switch was not opened due to non-greasing of the operating parts i.e. male and female contacts and also due to non-periodical maintenance. The jumpers were over bound by the lineman due to damage of sockets and also mishandling by the villagers during the late hours at night. The GI earthing of the s/s were in existence. Two nos. of earth pipe bolted with existing 8 SWG GI wire due to damage of socket Generally 120 A rated LT fuse wires are used in the s/s, but it was the habit of the villagers to change aluminum conductor in place of fuse wire during the late night for function of LI points.

5. He further stated that Respondent No.9 (Mr. J.C. Panda, Ex. EE) had instructed to the Res. No.7 & 8 to repair the AB switch. Accordingly, they had rectified all the defects. In the instance case, none of the sub-ordinate officers/staffs had intimated to him for requirement of the maintenance materials/rectifications and regarding hooking. The respondents further submits that within his financial limit, fuse wire purchased vide letter Nos.5746 dated 19.08.2006, 64 dated 04.01.2007, 3076 dated 06.06.2007 and during this period 42 Kg. of fuse wire are purchased and distributed the same among the SDOs. It is a fact that the materials for the purpose of maintenance of electrical maintenance sanctioned by the higher authorities are not sufficient to meet the requirement, for which the periodical maintenance could not be carried out by these respondents. These respondents had submitted that all the defects are rectified with aid and supervision of the higher authorities and they are no way responsible for the said accident which took place due to short circuiting of phase and neutral at the time of removing of the hooks in the early morning by the villagers. As also the proceeding against of these respondents u/s 142 is not maintainable as there is initiation of a proceeding u/s 146 of the Electricity Act, 2003 by the direction of the Commission.
6. Sri R M Rao, Ex-S.E, Electrical Circle, Berhampur- (Respondent No-10) stated that he had worked as Superintending Engineer from 08.01.2007 to 16.10.07. During October, 2007 i.e. on 16.10.2007 the fatal accident of the deceased Sri Sahu took place in the village Baghadi under Aska Division due to the snapping of electrical conductor. He also stated that during that period, he was in charge of Central Stores, which is situated at Berhampur and also there was general dearth of O&M materials. He had also requisitioned for release of materials to the corporate office from time to time of the materials like fuse wire, A.B switches, poles, conductor and earthing material which were always short of supply and due to this reason the requirement of field could not be met as per indents. He further stated that at that time the Ex-E.E Mr. J C Panda was empowered to purchase the petty items like fuse wire, kit kat etc. within his financial power delegated to him with the fund available in the said division. The Respondent No-1 had never requisitioned materials stating the urgency of requirement of the 11/0.4 KV s/s at Beghadi at anytime during the tenure of Mr Rao. Otherwise the same could have been arranged on priority basis by diverting the materials from other schemes with due approval.

As the Ex-SE had the administrative control over the circle but the Division/Sub-Division/Section had got supervisory control over the field conditions. Hence the E.E/SDO/SO should have rectified any such deficiencies that might endanger human/ animal life taking the priority of the situation. Hence, action should not be taken against him under Section 142 of the Electricity Act, 2003, as he is not responsible directly/indirectly for the fatal accident.

7. Mr J V Suresh Kumar, Deputy Electrical Inspector (T/D), Berhampur– proforma Respondent No 5 stated that soon after the receipt of the information regarding the fatal accident of 11 KV s/s at Beghadi, the area line man rushed to the s/s but could not open the 11 KV AB switch due to non-functioning of the same. He telephoned to 11 KV s/s in question to disconnect, the 11 KV Belagam feeder, though it was subsequently disconnected the life of the deceased could not be saved. Hence SOUTHCO management is totally responsible for this accident due to improper maintenance of the structure and installations and prosecution under Section 142 of the Electricity Act, 2003 may be initiated against SOUTHCO.
8. Mr Pravodh Ku. Pal, Chief Electrical Inspector (T&D), GoO, Bhubaneswar – proforma Respondent No 4 stated that the place where the fatal accident occurred was about 20 meters away from 100 KVA 11/0.4 KV s/s situated in the middle of the green field of village Beghadi with a 11 KV Breaker of 11 KV Belagam feeder at 33/11 KV s/s Polosara, which is in working condition. The inquiry was conducted on 17.02.2008, it is found that two LT lines emanate from the said substation, one feeds to village Beghadi and other feeds to private LI points. The earthing of the substation was disconnected at the time of the accident. The trees and the bushes were seen under the transformer, one number of 11 KV Lightening arrester was not available in the s/s. There was leaking of transformer oil from the transformer of the said s/s, the handle of AB switch was not earthed and there was no locking arrangement. The blades of the AB switch were tied with GI wire. From the MV bushing of the transformer, bare conductors are connected to LT insulators for fuse arrangements and the aluminum conductors were used as fuse wires. All the above were confirmed by the area lineman Mr Pandav Rout in his statement and he also pointed out in his statement that there were two joints in the snapped LT conductors. Mr Rout also stated that lot of hooking were being done by the villagers for their private LI points during the late night hours and the said hooking were removed in the early morning hours, so that it does not come to light and it was informed to the higher authority i.e. JE, SDO and Executive Enggs. of SOUTHCO. When the accident occurred, the line man Mr. Rout rushed to the s/s but could not be able to open the AB switch due to non-functioning. So he immediately telephoned to the 33/11 KV s/s to disconnect 11 KV Belagam feeder and accordingly the feeder was disconnected 33 KV s/s. Mr Pal also stated that due to hooking of line by the villagers for water supply to their field during the late night hours and removing the hooks during early morning on 16.10.2007 both phase and neutral wires must had touched with each other and for which the LT conductor had snapped and fallen on the wooden fencing of the garden of Sri Muralidhar Mahapatra where Sri Sahu came contact and electrocuted. So SOUTHCO management is responsible for this accident, since this accident could

- have been averted had the 100 KVA 11/0.4KV s/s is maintained properly with proper fuse arrangement etc. as per IE Rules, 1956.
9. Sri Anil Ku. Vora, CEO, SOUTHCO Respondent No 6 stated that as per the report, the electrical accident of Sri B Sahu of village Baghadi under JE Polosara occurred on 16.10.2007 due to the snapping of LT conductors to which the deceased came in contact. The snapping of conductors was due to mainly mis-handling by the illegal consumers for hooking purpose and the same was brought to the notice of the police on many occasions. After the accident, the LT conductor was replaced with new 34 mm² AAAC conductor. The earthing of the s/s was also done and the area of the s/s is neatly maintained and also free from bushes. At the time of maintenance inspection carried out by the DEE, the lightening arrestor (LT) also replaced by the new one but due to heavy lightening in that area the replaced LA is burnt. Prior to the occurrence of the accident, 11 KV circuit breaker at the 11 KV Belagam feeder emanating from 33/11 KV Polosara s/s feeding to the said DTR was also existing for protection on occurrence of fault and the 11/0.4KV s/s is provided with the AB switch which is rectified after the report by the Dy. Electrical Inspector, Berhampur. He also stated that he has instructed all the field engineers to use TC fuse wire only. All the E.Es are authorized to procure fuse wires. Earlier also E.E, Aska had procured TC fuse wire in the month of January and June of 2007 of required quantities for replacement wherever required. He further stated, SOUTHCO is taking steps at its level best to arrest the accidents in future. It is regularly providing on site training on safety measures to field staffs and has conducted training at Polosara Sub-Division on 26.04.2008 imparted by the GM level officers. So he requested the Commission to drop the prosecution under Section 142 of Electricity Act, 2003.
10. It is observed that the L T conductor got snapped and fell on the wooden fencing and when Biswanath Sahu came in contact with that snapped conductor, was electrocuted due to the following deficiencies of the employees of SOUTHCO and the licensees itself as follows:
- (A) The substation was not maintained properly.
 - (i) The A B Switch was not in working condition.
 - (ii) Aluminum Conductors were used in place of L.T Fuse wires – Violation of Rule 50 of I E Rule, 1956 (supply and use of energy)
 - (iii) Substation earthing was disconnected from earth. - Violation of Rule 67 of I E Rule, 1956 (connection with earth)
 - (B) Indiscriminate hooking by unauthorized consumers.
 - (C) Lack of police support for effective legal action against unauthorized use of electricity.
11. (i) After having heard all the parties the Commission observes that certain rudimentary requirements of line and s/s maintenance requiring not much of expenditure was not undertaken by the then officers in charge of power supply which otherwise could have averted the accident to a great extent. Specific instances are:-
- 1. AB switch was not in working condition.
 - 2. Aluminum conductors were used in place LT fuse wires.

3. S/s/ earthing was disconnected from the earth.

These activities essentially fall within the domain of the field officers in charge of power supply. Safety aspects are being overlooked by the supervising officials who are expected to enforce relevant provisions as provided in the Indian Electricity Rules, 1956. For every deficiency the plea of absence of material is reprehensible as the activities indicated above do not require much of expenditure but lack of consciousness and its repercussion on the life and the property of the individuals. Hence, for contravention of the provisions of Indian Electricity Rule, 1956 we direct levy of a penalty of Rs.100.00 on each of the persons named below who were in charge of power supply on the date of occurrence of the accident. This penalty shall be recovered from the salary of the person concerned and deposit in the Treasury in the receipt Head of Account 0043-Taxes and Duties on Electricity-102-fees and penalty under Indian Electricity Rules, 1956.

They are

1. Mr. Subrat Kumar Jena, J.E., Polasara,
2. Mr. R.N.Bishoyi, S.D.O., Buguda under the control of E.E. Bhanjanagar Electrical Division, Bhanjanagar
3. Mr.J.C.Panda, Executive Engineer, O/o. S.E., Electrical Circle, Rayagada.
4. Mr.R.M.Rao, S. E., President, GRF, Berhampur

This is without prejudice to the right of the licensee to impose any other disciplinary action considered necessary against the officials.

- (ii) All the officers from the level of SE downwards should be warned for acts of negligence on supervision of lines and substation and lack of enforcement of safety provisions.
 - (iii) The licensee shall have to take up matters at appropriate level in the Govt. for effective policing to arrest the trend of unauthorized hooking that leads to the kind of accidents.
 - (iv) There is also laxity on the part of the Electrical Inspector to carry out regular inspection of installation and follow up action thereafter without which safety standards can not be maintained. The Govt. should ensure that this is undertaken.
12. The case is disposed of accordingly.

Sd/-
(K.C. Badu)
Member

Sd/-
(S.K. Jena)
Member

Sd/-
(B.K. Das)
Chairperson