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.34/2008

Director (Engineering), OERC …. **Petitioner**

Vrs.

1. JE(Elec), Malud Electrical Section, Via: Balugaon, Dist : Puri - Respondent

2. Chief Electrical Inspector (T&D), Govt. of Orissa, BBSR
3. Electrical Inspector (T&D), Govt. of Orissa, Berhampur - Proforma Respondents
4. CEO, SOUTHCO, Courtpeta, Berhampur, Ganjam
5. Prasan Kumar Singh, JE, Malud Section, Rambha Sub division of GNED, Chatrapur
6. Jaminikanta Choudhary, SDO, Rambha, under GNED, Chatrapur
7. S.N. Maharana, EE I/c, GNED, Chatrapur
8. K.B. Padhi, SE, Electrical Circle, Berhampur - Respondents

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

O R D E R

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, 6, & 8, Mr. K.B. Padhi, SE, Berhampur, Mr. T.K. Mishra, Electrical Inspector, Berhampur, Mr. J.K. Choudhury, SDO (Elec.), Mr. P.K. Singh, JE, Mr. S. Maharana, EE, GNED, Mr. 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 an electrical accident occurred at 10.15 AM on 16.05.08 in Ramalenka village under Malud Electrical Section of SOUTHCO. One cow and three bullocks died as a result of the accident. From the report of Electrical Inspector (T&D), Berhampur, it is evident that the incident was reported by the concerned J.E. in a much delayed manner in violation of the Rules. The safety norms (for 11 kV supply without pin insulator) also appears to

have been violated by SOUTHCO. Further, continuing the supply for 20 days without rectification of the defect by SOUTHCO appears to be against Safety Rules. In the circumstances stated above, he prayed that the Commission may take cognizance of the facts, enquire into the matter and pass such orders as deemed just & proper against J.E., Malud of SOUTHCO u/s 142 of the Electricity Act, 2003 as he has contravened the provisions of the Safety Rules.

3. Mr. M.K. Mohapatra learned counsel on behalf of the Respondent Nos.1 stated that a fatal accident had occurred on 16.5.2008 as a result of which 1 cow and 3 bullocks were dead due to electrocution. He stated that Respondent No.1 is not responsible for such accident as nor has he ever willfully, negligently as well as voluntarily not complied with any of the directions of the Commission. He stated that Respondent No.1 was not aware of submitting the information in Form-A. However, he had sent the telegraphic massage to all designated authorities including the Electrical Inspector, Berhampur. After being informed of the importance of Form-A, he submitted the same, which thus took 20 days time. He further stated that non maintenance of the electrical installation was due to non-supply of required materials by the higher authorities. He also stated that the area in question is a saline affected area, for which more maintenance was required. For this the Respondent had made the requisition to its higher authorities vide Letter No. 192 Dt.14.7.2007 for supply the materials in order avoid electrical accidents. But the higher authorities had not supplied the same materials including the manpower to meet the required maintenance standard of the S/S and other installation, as a result of which he could not be able to repair the live lines to S/S. At present the Respondent No.1 has replaced the pin insulator and G.I. Pin in order to avoid the electrical accident. The counsel for the Respondent No.1 further stated that his client had joined in the service in July, 2005 and thus has little experience in the field. So by considering the future of the Respondent No.1, the counsel pleaded that the Commission may consider the matter in a liberal manner. As there was no deliberate inaction by his client, the counsel for Respondent No. 1 pleaded that he may not be prosecuted u/s 142 of the Electricity Act, 2003.

4. Mr. M.K. Mohapatra on behalf of Respondent No.6, Respondent No.7 and Respondent No.8 stated that the Respondents have never willfully and negligently as well as voluntarily not complied the direction issued by the Commission. The JE, Malud had informed the Respondent No.6 over telephone about the fatal accidents and had promptly lodged the FIR in the police station. The Respondent No. 6 along with Respondent No.8 had jointly visited the spot of the accident and was present at the time of inspection conducted by the Electrical Inspector, Berhampur. Respondent No.6 & 8 stated that so far as non maintenance of electrical installations is concerned it is a fact that no required materials were supplied by the higher authorities in order to meet the periodical maintenance of the electrical installation. As the area in question is a saline affected area, more maintenance are required. To meet the needs of the electrical installation in order to avoid electrical accident and for smooth maintenance of the area these Respondents had made several correspondence with the higher authorities. Letter

No.1218 dt.14.11.2007 is one among the various correspondences. But the higher authorities had not supplied the required materials as also man power to its subordinate to carry out the required maintenance of the Sub-Station and other installation, as a result of which the field officers could not be able to repair the live lines and Sub Stations upto standard. After the accident occurred Respondent No.7 had visited the spot of the accident and necessary instruction had been given by him the field officer to adopt the safety norms as per the I.E. Rules and replace the Pin insulator and GI pins and thereafter present rectification has been made in order to avoid electrical accident.

Mr. Mohapatra further stated that Respondent No.8 was not empowered to purchase the required major materials by the licensee. He had always instructed his subordinates to submit the estimates for replacement of poles, cross arms and conductors etc in order to appraise the matter to his higher authorities for sanction of the required materials. Whenever any non maintenance of the electrical installation came to his knowledge, he had tried his best to rectify the defect of the installation by adopting the prevailing official procedure. Prior to the accident he had made correspondence with EE vide letter Nos.2170 dt.29.1.2008, 965 (3) Dt.22.4.2008 and 1076(5) Dt.2.5.2008. He had visited the spot of the accident and necessary instruction has been given by him to the field officers to adopt the safety norms as per I.E. Rules. All these three above Respondents should not be prosecuted u/s 142 Electricity Act, 2003.

5. Mr. Prabodha Kumar Pal, Chief Electrical Inspector (T&D),Orissa, Buhubaneswar- Proforma Respondent No.2 to stated that the fatal electrical accident occurred on 16.5.2008 near Village-Ramalenka on 11 KV line in which one cow and three bullocks had died.. The JE, Malud has submitted the report on 7.6.2008 after being asked by the Deputy Electrical Inspector (T&D), Berhampur. From the spot verification by the DEI (T&D) it was found that the "R" phase of 11 KV Bajrakote feeder slipped on 16.05.2008 at morning hours, and was hanging three feet high on the ground level due to detachment of pin insulator from GI pin which was broken completely due to corrosion of iron materials. The JE, Malud in his statement has completely lied and he had not gone to the spot for verification. The line man Mr. Panda lifted the pin insulator and kept it on the cross arm at the side of the broken pin, The SDO/EE, GNED/SE did not bother about the cause of the accident and none of them had inspected the spot and rectified the defects till the inspection was done. When contacted to the SE, Electrical Circle, Berhmapur, he had replied ridiculously that the estimate had been sent and when fund will be placed and material would be arranged for renovation work of that area after which the work would be started and completed. Such replies were being given by the Officer of SOUTHCO since 1999 to till date. He further stated that all the officers of SOUTHCO starting from JE to SE are busy in mud slinging and no body in fact was interested for rectification of the line at Malud area, which is at present a death trap for the common people and animal. So the above officer of the SOUTHCO were responsible for not maintaining the lines as per the standard which leads to many

accident in that area in clear violation of the rules framed under Electricity Act, 2003.

6. Mr. Tapan Kumar Mishra, Electrical Inspector, Berhampur, Ganjam Profrma Respondent No.3 corroborated the statements of the Chief Electrical Inspector as a part of his statement. He also stated that after receipt of information from JE, Malud, Sri P.K.Singh he inspected the accident place in presence of the representatives of SOUTHCO and others. Accordingly the Proforma Respondent No.3 prepared the report on 10.6.2008 and sent to the Chief Electrical Inspector, GoO, Bhubaneswar. He further stated that the concerned JE, Malud is responsible for violation of Rules for not submitting the prescribed Form-A within the stipulated time and the concerned SDO is equally responsible for not monitoring the situation and visiting the spot after the accident occurred. He also further stated that the officers of SOUTHCO starting from JE to SE are not adhering the I.E. Rules, 1956 for maintaining their installations for which the accident occurred.

7. Mr. A.K.Bohra, CEO, SOUTHCO- Respondent No.4 stated that the electrical accident occurred on 16.5.2008 on 11 KV line near village Ramalenka where in 1 cow and 3 bullocks died due to electrocution. When he received the report of the Electrical Inspector, Berhampur about the incident, he issued charge sheet to the JE, Malud, and SDO Rambha for their negligence as substantiated in the report of the Electrical Inspector. He also called the EE, GNED, Chhatrapur for an explanation in the above case and disciplinary action were initiated against the above officer for their negligence. He further stated that materials like V cross arm, Pin insulator were available in the stock of JE, Malud as well as in the store on the date of accident which could had been used for replacement of the Pin insulator. The CEO, SOUTHCO also stated that he issued different letters vide its letter No. 1303(210) Dt.27.1.2005, 4348 (19) Dt.23.3.2006 and 51(21) Dt.3.1.2007 along with Form–A at the section level for intimation of electrical accidents to the appropriate authorities and also directed to follow the guide lines strictly. He also further stated that SOUTHCO is very much concerned about the safety and thus training had been conducted by the GM (T&D) on 9.4.2008 for observance of the safety rules in Rambha Sub Division where in JE, Malud along with all the staff attended. Adequate material like fuse wire, gloves, V cross arm, Pin insulator etc are provided to maintain the line and prevent the accident. So he prayed to the Commission to drop the sua motu proceedings in the interest of justice.

8. After hearing the parties and perusal of the case records we are of the view that the following officers of SOUTHCO must be held responsible for the fatal accident:

   i) JE Shri Prasan Kumar Singh has not submitted Form ‘A’ within 48 hours of the incident in clear violation of Rule 44-A of I E Rule, 1956 (Intimation of Accident) & Rule made by Govt. of Orissa – Intimation of Accidents (Form

and time of service of Notice) Rules, 2005. He is also responsible for keeping the line in dangerous condition for another 20 days.

ii) Neither the S D O nor the Ex. Engineer nor the S E inspected the spot even after 20 days of the occurrence. The accident occurred for want of only one G.I Pin.

iii) On verification of the Site Account of the JE by the Ex. Engineer it has been established that, many materials such as 'V' cross arm, Pin Insulators were available with the JE and the same could have been replaced. The JE/SDO could have arranged a GI Pin even from a defunct line to replace and rectify the defect.

iv) Further, continuing the supply for 20 days without rectification of the defect by SOUTHCO appears to be against Safety Rules.

9. Therefore, the Commission holds Shri P.K. Singh, JE, Mulad responsible for the fatal accident for contravening the Rule 44-A of I.E Rules, 1956 and Rules made by the Govt. of Orissa regarding intimation of accidents (Form and time of service Notice) Rules, 2005 inviting penal action u/s 142 of the Electricity Act, 2003 and also the accident could have been avoided had the safety rules be following, since there was ample scope of procurement of material like a pin insulator.

10. After hearing all the parties the Commission arrives at the conclusion that under section 142 of the Electricity Act, 2003, the ends of justice would be met by imposing a penlty of Rs.100/- on all the employees of SOUTHCO named below, were connected with the accident, for contravention of the provisions of Electricity Rules, 1956 and Electricity Act, 2003. The said amount shall be recovered from the salary of the concerned employees and deposited in the Treasury under the receipt Head of Account *0043-Taxes and Duties on Electricity-102-fees and penalty under Indian Electricity Rules, 1956.*

i) Mr. Prasan Kumar Singh, JE, Malud Section, Rambha Sub division of GNED, Chatrapur
ii) Mr. Jaminikanta Choudhary, SDO, Rambha, under GNED, Chatrapur
iii) Mr. S.N. Maharana, EE I/c, GNED, Chatrapur
iv) Mr. K.B. Padhi, SE, Electrical Circle, Berhampur

Besides the above, the Commission also directs that the field staff like lineman/helper in charge of that area has to face disciplinary proceeding as decided by the licensee which shall be completed before 31.03.2009.

11. The case is disposed of accordingly.

Sd/-	**Sd/-**	**Sd/-**
(K.C. Badu)	**(S.K. Jena)**	**(B.K. Das)**
Member	**Member**	**Chairperson**