

## Damage due to surge in power is deficiency in service.

Every time there is a voltage surge and short circuit leading to damage of equipment. Electricity companies either blame it as an act of God or beyond their control. In a recent case there was short circuit resulting in extensive damage to equipment in ten houses in a row. The reason given by the electricity company is worth noting. According to the officials a bird dropped a metal piece on the wires thereby causing the accident. Hence no compensation was payable.

But thanks to regulatory commissions and consumer forums, the law is moving in a different direction. Very recently the Karnataka Electricity Regulatory Commission (KEREC) ordered payment of compensation to an NGO, which had suffered damage and loss to certain equipment due to voltage fluctuations. Since then a number of complaints are before the KEREC.

Now comes a similar decision from the National Commission, established under the Consumer Protection Act (CPA). Due to voltage fluctuation there was short circuit leading to fire in the premises of M/s Anand Medicos in Haryana. The furniture, TV, refrigerator, medicines in the shop was destroyed. A complaint was filed in the District Forum against the Haryana State Electricity Board (HSEB) on ground of deficiency in service. A compensation of Rs 3, 58,000 was claimed.

Instead of addressing the main issue, HSEB raised objections with regard to the status of the consumer. It argued that the complainants were not 'consumers' as they had single-phase non-domestic connection (A similar argument was put forth before KEREC in the case referred above). The Board also wanted the complaint to be transferred to a Civil Court as it involved complicated matters. The District Forum agreed with HSEB's argument and decided in its favour.

An appeal was filed in the State Commission (SC), which heard the case afresh. Based on records and further hearings of both parties the SC found that there was short circuiting of electric current in the shop premises. This accident was directly attributed to the negligence on the part of HSEB. However with regard to compensation the SC relied on the report of the Surveyor and directed HSEB to pay a compensation of Rs 2, 19,316.

HSEB filed an appeal in the National Commission. The NC upheld orders of the State Commission with a slight modification as to payment of interest.

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