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NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.

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**ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
HYDERABAD.**

Lr.No.APERC / Secy / F.No.S-19 (Vol.II) / D.No.1710 / 2023.

Date: 27-12-2023.

FIRST AMENDMENT TO THE ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION COMPENSATION TO VICTIMS OF ELECTRICAL ACCIDENTS REGULATION, 2017 (REGULATION NO.2 OF 2017).

REGULATION No.09 OF 2023

Introduction:

The Andhra Pradesh Electricity Regulatory Commission (APERC) notified the Andhra Pradesh Electricity Regulatory Commission Compensation to Victims of Electrical Accidents Regulation, 2017 (Regulation No. 2 of 2017), hereinafter referred to as the Principal Regulation. This regulation was published in the AP Extraordinary Gazette on May 29, 2017.

Whereas the Chairman and Managing Director of APEPDCL requested the Commission to amend the APERC Regulation 2 of 2017 for detailed directions on the quantum of payment of the ex-gratia amounts under different scenarios in the cases where electrical accidents occur to non-departmental persons and animals on the DISCOM network and where there is no departmental fault.

Whereas the Lokayukta of Andhra Pradesh in his order dated 31.10.2022 in complaint no. 1552/2018/B1 opined that the principle of the Doctrine of Strict Liability

imposes liability on a person undertaking an activity involving hazardous or risky exposure to human life to compensate for the injury suffered by any other person, irrespective of any negligence or carelessness on the part of that person and even if measures to prevent mishaps have been adopted.

After careful consideration of APEPDCL's request, and in the light of the Lokayukta's opinion, the Commission came to the view that there is a need to provide compensation for fatal/non-fatal electrical accidents involving non-departmental individuals or animals, even when there is no wrongful act, omission, rashness, neglect or default on the part of the licensee and irrespective of place of electrical accident.

Accordingly, a draft amendment to the Principal Regulation along with a Public Notice was published on the Commission's website on 27.11.2023 inviting the stakeholders and interested parties to send their comments/suggestions/objections, if any, to the Commission within 15 days from the date of public notice. In response, APEPDCL and APSPDCL submitted their views on the draft amendment. APEPDCL requested the Commission to consider a modification to the Draft amendment as follows:

"Provided that even in cases where there is no wrongful act, omission, rashness, neglect or default on the part of the licensee, and where the electrical accidents occur on Discom network before the point of supply issued (metering point), the ex-gratia payment shall be made in the manner specified under Chapter-III of the Principal Regulation."

Whereas, APSPDCL submitted as follows:

"The place of accident is important to take responsibility to pay ex-gratia. Electrical accidents that occur due to consumer side faults such as non-standard wiring, non-standard equipment like starters, fans, plug points, switchboard wiring and neutral faults etc., and the same are not due to any fault of the licensee. Hence, the requirement for payment of compensation for electrical accidents not occurring in the network of the licensee is not justified. Further, the proposed amendment imposes a financial burden on the licensee. Hence, the licensee requests the Hon'ble APERC to consider the above views while finalizing the amendment to Regulation No. 2 of 2017"

The Commission considered the views of APEPDCL and APSPDCL. The Doctrine of Strict Liability imposes liability on a person undertaking an activity involving hazardous or risky exposure to human life to compensate for the injury suffered by any other person, irrespective of any negligence or carelessness on the part of that person and even if measures to prevent mishaps have been adopted. The reason pleaded by the SPDCL regarding internal wiring faults, etc. is not sustainable, for under the CEA(Measures relating to safety and electric supply) Regulations 2023, it is the obligation

and responsibility of the Licensee to ensure standards of internal wiring and gadgets and their certification before release of supply. The relevant clauses of the said Regulation under Chapter III are extracted hereunder:

33. Testing of consumer's installation. –

(1) Upon receipt of an application for a new or additional supply of electricity and before commencement of supply or recommencement of supply after the supply has been disconnected for a period of six months, the supplier shall either test the installation himself or accept the test results submitted by the consumer when same has been duly signed by the licenced electrical contractor: Provided that in case of voltage level equal to or below the notified voltage, Chartered Electrical Safety Engineer can also test the installation on request of owner.

(2) The testing and verifications shall be carried out as per relevant standards.

(3) The testing equipment shall be calibrated by a Government authorised or National Accreditation Board for Testing and Calibration Laboratories accredited laboratory at periodical intervals as per the periodicity specified by them.

(4) The supplier shall maintain a record of test results obtained at each supply point to a consumer, as per the forms provided in Schedule III.

(5) If as a result of such inspection and test, the supplier is satisfied that the installation is likely to be dangerous, he shall serve on the applicant a notice in writing requiring him to make such modifications as are necessary to render the installation safe and may refuse to connect or reconnect the supply until the required modifications have been completed.

35. Precautions against leakage before connection. –

(1) The supplier shall not connect its works with the apparatus in the premises of any applicant seeking supply unless the supplier is satisfied that at the time of making the connection cause a leakage from that installation or apparatus of a magnitude detrimental to safety which shall be checked by measuring the installation's or apparatus' insulation resistance as stipulated in the relevant standards

(2) If the supplier declines to make a connection under the provisions of sub regulation (1) the supplier shall convey to the applicant the reasons thereof, in writing for so declining.

36. Leakage on consumer's premises. –

(1) If the Electrical Inspector or the supplier has reasons to believe that there is leakage in the system of a consumer which is likely to affect injuriously the use of electricity by the consumer or by other persons, or which is likely to cause danger, he may give notice to the consumer in writing to inspect and test the consumer's installation.

(2) If after such notice, the consumer fails to provide access to its installation for inspection and testing, or an insulation resistance of the consumer's installation is so low as to prevent safe use of electricity, the supplier may, and if directed so by the Electrical Inspector shall discontinue the supply of electricity to the installation but only after giving to the consumer forty eight hours notice in writing for disconnection of supply and shall not recommence the supply until he or the Electrical Inspector is satisfied that the cause of the leakage has been removed.

It is therefore the duty and obligation of the Licensees to ensure that the internal network of the prospective consumers is as per the prescribed standards and shall not release supply if it does not meet the standards. Given the spirit of the law and the nature of payment viz, ex gratia and not compensation which means that payment as a gratis on compassionate grounds which is payable as a no-fault liability, place of occurrence is immaterial. Moreover, this proposed amendment will not cause any loss to the DISCOMs as the entire expenditure incurred by them will be allowed as a pass-through. Conversely, if the amendment is not carried out, several poor families will continue to suffer having lost their dear ones in electrical accidents, most of whom might be the sole bread earners of the family.

Accordingly, the Commission, in exercise of the powers conferred on it under section 181(2) (za) and (zb) read with Sections 57 and 59 of the Electricity Act, 2003 (Central Act 36 of 2003) and all other powers enabling it in that behalf, hereby makes the following Regulation to amend the Principal Regulation:

1. Short title, extent and commencement:

- (i) This Regulation may be called the Andhra Pradesh Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents Regulation, 2017) First Amendment Regulation, 2023
- (ii) This Regulation shall come into force with effect from the date of its publication in the Andhra Pradesh Gazette.
- (iii) This Regulation shall extend to the whole State of Andhra Pradesh.

2. *The following proviso shall be substituted in place of the first proviso under clause 5(2) of the Principal Regulation.*

“Provided that even in cases where there is no wrongful act, omission, rashness, neglect or default on the part of the licensee, and irrespective of the place of the electrical accident, the ex gratia payment shall be made in the manner specified under Chapter-III of the Principal Regulation.”

(BY ORDER OF THE COMMISSION)

Place: Hyderabad
Date: 27-12-2023

P. MURALI KRISHNA,
Commission Secretary (I/c).

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