



TATA POWER-DDL

TPDDL/REGULATORY/2024-25/03/ 234
Oct 01, 2024

Office of the HoD (Regulatory & Legal)

The Secretary

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, C-Block, Shivalik
Malviya Nagar, New Delhi-110017

Subject: Submission of copy of the order of Concerned Authority in line with DERC (Compensation to Victims of Electrical Accidents) Regulations, 2024.

Dear Sir,

The Hon'ble Commission had notified the DERC (Compensation to Victims of Electrical Accidents) Regulations, 2024 which was published in the official gazette on 26.07.2024. With their publication in the official gazette, these Regulations have come into force from 26.07.2024 as provided in these Regulations.

Further, the Concerned Authority has to pass appropriate orders within 30 days of receipt of the enquiry report from the Electrical Inspector. Copy of such order is also required to be submitted to the Hon'ble Commission. The relevant Regulation is reproduced below for ready reference:

“15. Communication of the Final Order: -

The generating company or transmission licensee or distribution licensee shall communicate a copy of the final orders passed by it on any claim for compensation arising out of an electrical accident to the claimants or legal representative or the persons entitled within seven days of the passing of any such order. Copy of order shall also be communicated to the Commission.”

Accordingly, Tata Power-DDL is submitting the final order dated 30.09.2024 of the Concerned Authority, enclosed herewith as **Annexure-1**, with regard to the incident dated 01.08.2024, whose enquiry report from Electrical Inspector enclosed as **Annexure-2** was received on 04.09.2024.

We hope the Hon'ble Commission would find the above in order.

Yours Sincerely,
For Tata Power Delhi Distribution Ltd.

For Manish Sin

Anurag Bansal
HoD (Regulatory & Legal)

Encl: As mentioned above

Page 1 of 1

ANNEXURE-1

FINAL ORDER

[Under Regulation 14(2) of Delhi Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations, 2024]

| | |
|--|---|
| Name of person affected by occurrence | Mr. Mantu Son of Mr. Shiv Ji Sahai aged about 35 years |
| Address of person affected by Occurrence/ Dependent | J J Cluster, Suraj Park, Delhi(complete address) |
| Date of Incident | 01.08.2024 |
| Place of Incident | A-54/55, Ambey Garden, Libaspur, Delhi. |
| FIR No. [If any] | FIR no. 681/2024 dated 01.08.2024, PS Samaypur Badli, Delhi (As per EI Report) |
| Written Complaint/Claim received for compensation by Licensee | No |
| Name of Licensee | Tata Power Delhi Distribution Limited |

Brief Facts

Licensee i.e., Tata Power Delhi Distribution Limited has forwarded following documents in respect of an accident occurred on 01.08.2024 for determining the compensation, if any, payable to the electrical accident victim Mr. Mantu;

- (i) Report submitted by Licensee to office of Electrical Inspector dated 05.08.2024; and
- (ii) Enquiry Report submitted by office of Electrical Inspector dated 04.09.2024 [Hereinafter referred to as the "Enquiry Report"].

From abovesaid documents, it appears that late Mr. Mantu received electric shock in a factory situated at A-54/55, Ambey Garden, Libaspur, Delhi leading to his unfortunate death. It further appears from records that victim had received electric shock while lifting the long iron rod from the balcony thereby coming in contact with 11Kv HT Overhead Line.



Issue of determination of compensation:

Before determining the compensation, if any, in terms Regulation 14(2) of the DERC Regulations 2024, it is necessary to examine the issue as to whether electrical incidents as occurred in the present case resulting in loss of human life is (i) on account of failure of the Licensee i.e., Tata Power Delhi Distribution Limited to meet the standard of performance or (ii) accident was due to direct or proximate result of intervention of some other extraneous reason or cause and (iii) whether injury or loss of life occurring out of irresponsible act on the part of the victim.

Analysis and Conclusion:

Fact finding enquiry was conducted by office of Electrical Inspector as provided under Regulation 14(1) of the DERC Regulation 2024 and Enquiry Report dated 04.09.2024 was submitted. It is evident from Enquiry Report dated 04.09.2024 that a physical inspection was conducted on 07.08.2024 in presence of Sh. Narender Kumar, ASI, PS S.P. Badli along with Zonal Team Zine 507 of the Licensee Company. Observations as recorded in the abovesaid Enquiry Report are as follows: -

- (i) As reported by Sh. Narendra Kumar ASI, PS S.P. Badli, Delhi that deceased while transporting a metallic GI Pipe of length about 16-foot 10 Inch from extended balcony (Chhaja) of the first floor of the factory no A-54/55, Ambey Garden, Libaspur Delhi, accidentally came in contact with HT 11Kv Overhead lines.
- (ii) An Overhead 11Kv electric line comprising of bare conductors and belonging to TPDDL was found passing in front of the said premises along side the road. The horizontal clearance as measured between the nearest conductor of the said live electrical installation of HT 11Kv electric line and part of the building was found to be 1.30 Meters which was more than the minimum clearance as required under the provisions of the Regulation 63 of the Central Electricity Authority (Measures relating to Safety and Electric Supply), Regulations 2023.
- (iii) Heavy flash over marks were observed on the surface of the nearest conductor of the said HT Lines, metallic door frame of the balcony and at two different places on the surface of the alleged GI pipe, which proved that the occurrence of the short circuit between HT lines and door frame due to contact of metallic GI pipe between them.
- (iv) The deceased who was handling the metallic GI Pipe did not take adequate precautions to safeguard himself from high voltage electrical installation of the said HT Lines.

The abovesaid Enquiry Report does not impute any negligence or violation of safety standard on part of the Licensee. The abovesaid Enquiry Report concludes that since the metallic GI Pipe was being handled in the close proximity of the live electrical



installation of HT Lines without taking adequate precaution, it was confirmed that a flash took place when the metallic GI Pipe quite close or in touch with live electrical installation of HT KV Overhead Lines.

The Electrical Inspector is independent Statutory Authority under Electricity Act, 2003 notified under Section 162. Under Regulation 14(1) of Delhi Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations, 2024, Electrical Inspector is obligated to give detailed Enquiry Report in respect of the accident. There is no reason to disbelieve the correctness of the said Enquiry Report dated 04.09.2024.

Regulation 66(2) of the Central Electricity Authority (Measures relating to Safety and Electric Supply), Regulations 2023 provides that no rods, pipes or other similar materials shall be brought within the flash over distance of the bare live conductors or lines.

It is clear from abovesaid Enquiry Report dated 04.09.2024 that Licensee was maintaining necessary horizontal clearance as mandated under Regulation 63 of the Central Electricity Authority (Measures relating to Safety and Electric Supply), Regulations 2023. Hence, there is no violation of performance standards or safety requirements on part of the Licensee.

It is further evident from said Enquiry Report dated 04.09.2024 that the victim/deceased did not take adequate precaution while handling the GI pipes near the HT Lines, which is, infact a violation of Regulations 66(2) of the Central Electricity Authority (Measures relating to Safety and Electric Supply), Regulations 2023. While moving or bringing any metallic GI Pipe or rod near the flash over distance of the live conductor lines, the precautions and adequate safety safeguards ought to have been taken by the victim. This demonstrate that abovesaid electrical accident was a result of reasons and causes, which were beyond the control of the Licensee but failure on part of victim to take safety precautions. In my opinion, due to irresponsible act of the victim to carry a long metallic GI Pipe near HT Line without appropriate precautions, said metallic GI Pipe came in contact with the HT Lines, which were otherwise at the safe distance as prescribed under the abovesaid Central Electricity Authority (Measures relating to Safety and Electric Supply), Regulations 2023. Hence, it can be safely concluded that neither accident occurred due to negligence on part Licensee, nor there is violation of the standard of performance on part of the Licensee.

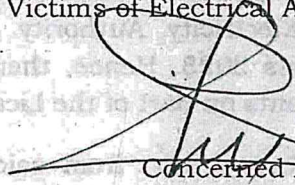
In view of above, it is concluded that the abovesaid accident or death of the victim was caused due to failure on part of the victim/ deceased to take appropriate precaution while moving the metallic GI Pipes near the HT Lines and not on account of failure of the Licensee to meet the standard of performance. There is nothing on record to suggest that there was failure or negligence on part of the Licensee in compliance of the standard of performance or safety requirements. On the contrary, there is report of Electrical



Inspector dated 04.09.2024 which concludes that the safety requirements were satisfied in the present case.

Regulation 5(2) of Delhi Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations, 2024 contemplates grant of compensation unless the electrical accident primarily was not due to the failure of the licensee to meet the standards of performance but was a direct or proximate result of intervention of some other extraneous reason or cause. Regulation 5(5) of Delhi Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations, 2024 provides the compensation shall not be paid for injury or loss of life occurring out of irresponsible act on the part of the victim. There is specific bar to grant of compensation if the injury or loss of life occurring out of irresponsible act on the part of the victim.

Since the abovesaid electrical accident was not due to failure on part of the Licensee to meet the standard of performance but was due to intervention of other extraneous reason which were beyond the control of the Licensee i.e., irresponsible behavior of the victim as stated above, the Licensee [i.e., Tata Power Delhi Distribution Limited] is not liable to pay the compensation under (Compensation to Victims of Electrical Accidents) Regulations 2024.


Concerned Authority

Dated 30.09.2024

Copy to

- (i) Delhi Electricity Regulatory Commission
.....
- (ii) Chief Executive Officer,
Tata Power Delhi Distribution Limited
.....
- (iii) [Name(s) of Legal Heirs/dependents]
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ANNEXURE-2

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
LABOUR DEPARTMENT
OFFICE OF THE ELECTRICAL INSPECTOR
5, SHAM NATH MARG, DELHI - 110054

No.ED2 (21)/DN/2024/ 387(a)

Date: 09/09/2024

To,

The Station House Officer,
Police Station - Samaipur Badli,
Delhi.

Sub: Inspection of the electrical installation in connection with the fatal accident of Sh. Mantu occurred on 01/08/2024 at A-54/55 Ambey Garden, Libaspur, Delhi.

Ref.- FIR No.- 0681, dated - 01/08/2024, Police Station - Samaipur Badli, Delhi and Incident Reporting Format M/s TPDDL,

Sir,

An Incident Reporting Format (Incident Reporting Format as per DERC Regulation Compensation to Victims of Electrical accidents 2024) letter No. Nil dated Nil was received in this office on 05/08/2024 (after a lapse of 4 days) from Sh. Raman Kumar, Zonal Manager, Zone-507, Samaypur Badli, M/s TPDDL, stating that the victim was lifting a long iron rod from balcony and received electric shock. A letter no. Nil was also received in this office on 06/08/2024 from Sh. Narendra Kumar, ASI, P.S- S.P Badli, Delhi on the subject cited as above, wherein it was reported that a boy received electric shock in a factory at A-54/55 Ambey Garden, Libaspur, Delhi (as per FIR) which proved fatal. It was also requested for inspection of the electrical installation at the place of occurrence of accident.

As per the directions of the Dy. Electrical Inspector, North District, the inspection of place of accident i.e. A-54/55 Ambey Garden, Libaspur, Delhi was carried out by undersignee in the presence of Sh. Narendra Kumar, ASI, P.S- S.P. Badli, Delhi and Sh. Raman Kumar, Zonal Manager, along with team Zone-507, Samaypur Badli, M/s TPDDL, on 07/08/2024.

At the time of inspection on 07/08/2024, the observations made are as under:-

1. As reported by Sh. Narendra Kumar, ASI, P.S- S.P. Badli, Delhi that the deceased while transporting a metallic GI pipe of length about 16 foot 10 inch from the extended balcony (Chhaja) of first floor of the factory no. A-54/55, Ambey Garden, Libaspur, Delhi, accidentally came in contact with HT 11kV overhead lines.

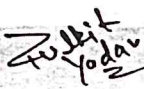



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2. An overhead HT 11kV electric line comprising of bare conductors and belonging to M/s TPDDL was found passing in front of the said premises alongside the Road. The horizontal clearance as measured between the nearest conductor of the said live electrical installation of HT 11kV electric line and part of the building was found to be 1.30 meters, which was more than the minimum clearance as required under the provisions of Regulation 63 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023.
3. Heavy flash over marks were observed on the surface of the nearest conductor of the said HT lines, metallic door frame of the balcony and at two different place on the surface of alleged GI pipe, which proved that the occurrence of short circuit between HT lines and door frame due to contact of metallic GI pipe between them. .
4. The deceased who was handling the metallic GI pipe did not take adequate precautions to safeguard himself from the high voltage electrical installation of the said HT lines.

In view of the above as per the provisions of Regulation 66(2) of Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023 "No rods, pipes or other similar materials shall be brought within the flash over distance of bare live conductors or lines. Since, the metallic GI pipe was being handled in the close proximity of the live electrical installation of HT lines without taking adequate precaution, it was confirmed that a flash over took place when the metallic GI pipe quite close or in touch with the live electrical installation of HT 11kV overhead lines.

Yours faithfully,


(Pulkit Yadav)
Electrical Overseer


(Umesh Kumar Rai)
Assistant Electrical Inspector.

Copy to: The Zonal Manager, M/s Tata Power Delhi Distribution Limited,
Zone – 507, Samaypur Badli, Delhi

