

FILED ON: 02-07-2019

Sub: Death by Electrocution from Inverter's Input Plug – Inverters not included in the purview of Household Electrical Appliances (Quality Control) Order, 1981 and hence their manufacture, storage, sale and distribution are not checked for conforming to standards – Substandard Inverters being sold in the market - Lives of public using Inverters at risk – Petitioner seeks compensation for callous acts of 4th and 5th Respondent as well as direction to include Inverters in the Schedule of the Household Electrical Appliances (Quality Control) Order, 1981.

**BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM**

W.P.(C) No. of 2019

Zainudheen S. A. : Petitioner

Vs.

State of Kerala & Others : Respondents

**WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

**RAGHUL SUDHEESH (R-3312, K/926/2012)
LAKSHMI J. (L-300, K/360/2013)**

COUNSEL FOR THE PETITIONER

**BEFORE THE HON'BLE HIGH COURT OF KERALA AT
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Dated this the 24th day of June 2019.

COUNSEL FOR THE PETITIONER

**BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM**

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State of Kerala & Others : Respondents

SYNOPSIS

The petitioner is a widower and survived by four daughters. The petitioner's wife, Balkees, aged 46 years, was electrocuted on 08/05/2018. As per Ext. P3 Electrical Accident Investigation Report, Balkees was fatally electrocuted at her home while she removed the input plug of the inverter, technically called Uninterruptible Power Systems (UPS). The said inverter was manufactured by the 4th Respondent with the model name SEBZ900 and serial number 158GXSBAC100114; and the same was purchased from the 5th Respondent, Sahir S.

The petitioner's inverter had an input plug and output plug. The input plug was used to draw electricity from the Kerala State Electricity Board's (KSEB) connection to the battery via the inverter. The output plug was used to supply electricity from the battery via the inverter to the selected electrical loads at the petitioner's home at the time of a power failure of the KSEB connection. The electrocution happened because there was electric supply in the input plug which was disconnected from the plug point at the time of the contact. This is an incident which should not have ever happened as the input plug is used only to draw electricity from the KSEB connection to charge the battery. The presence of electric supply in the input plug had happened owing to two reasons. Firstly, there was no Double Pole Relay in the Inverter, which is used to get the Automatic Back Feed Protection. Secondly because the Neutral, Earth Terminals were not fixed to the Output Plug in the Inverter Output Socket.

As per the Ext. P-3 report, it was found that while the inverter is working, electricity supply was found in the input plug even when it is detached from the socket, at the place where the accident occurred as well as later in an examination conducted at the lab of the 3rd Respondent. Testing was also conducted on a new piece of Microtek Inverter (Model No: SEBZ 900). All the three results confirmed that while the inverter is working, electricity supply was found in the input plug even when it is detached from the socket. Ext. P-

3 report concluded that all inverters of the 4th Respondent with model name SEBZ900 is likely to have the same issue.

The Ext. P-3 Report of the 3rd Respondent concluded that the acts of the 4th respondent has led to violations of the Regulation 12(3) of the Central Electricity Authority - Measures Relating to Safety & Electric Supply Regulations-2010. The Ext. P-3 Report also reported that there have been severe mistakes in fixing the inverter to the circuit. Neutral, Earth Terminals were not fixed to the Output Plug in the Inverter Output Socket.

The 6th Respondent, Union of India, vide Notification No. S.O. 797 (E) dated 12/11/1981, issued the Order, the Household Electrical Appliances (Quality Control) Order, 1981. This Order prevents the manufacture/storage/sale/distribution of the scheduled household electrical appliances which do not conform to the specified standards having Manufacturers Certificate or standard mark of Bureau of Indian Standards (BIS). The first respondent, State of Kerala, vide G.O. (Rt) No. 81/2002/PD dated 13/05/2002 decided to implement three Quality Control Orders in the State including the Household Electrical Appliances (Quality Control) Order, 1981 and further decided to appoint the Chief Electrical Inspector as the Appropriate Authority to implement these Quality Control Orders in the State of Kerala. At present there are 33 items in the schedule of the Household Electrical Appliances (Quality Control) Order, 1981. However, till date, an Inverter/ Uninterruptible Power Systems (UPS), which is commonly found in numerous households in the State does not find a mention the Household Electrical Appliances (Quality Control) Order, 1981.

As Inverter is not included in the schedule, the 2nd Respondent, Department of Electrical Inspectorate, is not presently empowered to regulate the manufacture, storage, sale and distribution of the Inverters which do not conform to the specified standards having Manufacturers Certificate or standard mark of the BIS. This has led to a situation where substandard inverters are being manufactured, stored, sold and distributed freely in the market; which has further led to electrical accidents like in the case of petitioner's wife.

The 4th Respondent probably to reduce cost and improve profits has not put in place a Double Pole Relay in the Inverter, which is used to get the Automatic Back Feed Protection when inverter plug is removed and people are not

exposed to electric supply from the pins on the back side of the inverter plug. Here the 4th Respondent has compromised the safety of human beings for mere profit making.

The petitioner owing to the irresponsible acts of the 4th Respondent as well as the 5th Respondent, has lost his wife and his children have lost their mother. The petitioner has to be compensated by the 4th Respondent and 5th Respondent not only for their callous acts and deliberate omissions, but also to ensure that this tragic event does not occur to another family in the State.

Unless Inverters/Uninterruptible Power Systems (UPS) are included in the Schedule of the Household Electrical Appliances (Quality Control) Order, 1981, many more people are at the risk of losing their lives owing to the substandard Inverters available in the market.

Hence this Writ Petition (Civil).

Dates and Events Chronologically arranged

12/11/1981 - 6th Respondent issues the Household Electrical Appliances (Quality Control) Order, 1981.

13/05/2002 - 1st Respondent, State of Kerala, vide G.O. (Rt) No. 81/2002/PD dated 13/05/2002 decided to implement three Quality Control Orders in the State including the Household Electrical Appliances (Quality Control) Order, 1981 and further decided to appoint the Chief Electrical Inspector as the Appropriate Authority to implement these Quality Control Orders in the State of Kerala

02/05/15- Petitioner purchases Inverter from the 5th Respondent.

08/05/2018 - Balkees got electrocuted at her home while she removed the input plug of the inverter.

25/10/2018 - Electrical Accident Report prepared by the 3rd Respondent holds the 4th Respondent as well as the 5th Respondent, primarily responsible for the death of Balkees owing to electrocution.

Points to be Urged

1. Whether the callous acts and deliberate omissions of the 4th and 5th Respondent is responsible for the death of the petitioner's wife and if he is entitled to compensation for the same?

2. Whether Inverter/ Uninterruptible Power Systems need to be included in the schedule of the Household Electrical Appliances (Quality Control) Order, 1981.

Act/Rules to be referred

1. The Household Electrical Appliances (Quality Control) Order, 1981.
2. The Central Electricity Authority - Measures Relating to Safety & Electric Supply Regulations-2010.

Authorities to be cited

Dated this the 24th day of June 2019

RAGHUL SUDHEESH
Counsel for the Petitioner

**BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM**

W.P.(C) No. of 2019

Petitioner:

Zainudheen S. A.



Vs.

Respondents:

1. State of Kerala
Represented by its Principal Secretary to Ministry of Power
Government Secretariat
Thiruvananthapuram - 695001
2. Department of Electrical Inspectorate
Represented by its Chief Electrical Inspector
Housing Board Building, Shanti Nagar
Thiruvananthapuram - 695001
3. Electrical Inspector
Electrical Inspectorate
Ninan's Complex
Mettupayalam Street
Palakkad - 678001
4. Microtek International Private Limited
Represented by its Managing Director
H-57, Udyog Nagar
Rohtak Road
New Delhi-110041
5. Sahir S.
Proprietor - Legend Enterprises
Aysha Manzil
Palathilly
Tattamangalam
Palakkad -678102
6. Union of India
Represented by Principal Secretary to
Department for Promotion of Industry and Internal Trade
Udyog Bhawan
New Delhi- 110001

The address for service of notices and processes upon the Petitioners is that of their Counsel Raghul Sudheesh, No. 67/3042, Kurisinkal House, Market Road, Ernakulam - 682018. The address for service of notices and process upon the Respondents is as shown above.

**WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

The humble petitioner above named most respectfully submits as follows:

1. The petitioner is a widower and survived by four daughters. The petitioner's wife, Balkees, aged 46 years, was electrocuted on 08/05/2018. As per the Post-Mortem Certificate, Balkees has died due to electric shock. A true copy of the Post-Mortem Certificate is produced herewith and marked for reference as **Exhibit P-1**.
2. As per Electrical Accident Investigation Report prepared by the 3rd Respondent, Electrical Inspector, Balkees was fatally electrocuted at her home while she removed the input plug of the inverter, technically called Uninterruptible Power Systems (UPS), when she was cleaning the drawing room and the aquarium situated there. The said inverter was manufactured by the 4th Respondent, Microtek International Private Limited, with the model name SEBZ900 and serial number 158GXSBAC100114; and the same was purchased from the 5th Respondent, Sahir S. on 02/05/2015. A true copy of the bill issued on the purchase of the Inverter is produced herewith and marked for reference as **Exhibit P-2**. Balkees got electrocuted when her hands came in contact with the input plug which was disconnected from the plug point at the time of the contact. A true copy of the Electrical Accident Investigation Report is produced herewith and marked for reference as **Exhibit P-3**.
3. The petitioner's inverter had an input plug and output plug. The input plug was used to draw electricity from the Kerala State Electricity Board's (KSEB) connection to the battery via the inverter. The output plug was used to supply electricity from the battery via the inverter to the selected electrical loads at the petitioner's home at the time of a power failure of the KSEB connection. The electrocution happened because there was electric supply in the input plug which was disconnected from the plug point at the time of the contact. This is an incident which should not have ever happened as the input plug is used only to

draw electricity from the KSEB connection to charge the battery. The presence of electric supply in the input plug had happened owing to two reasons. Firstly, there was no Double Pole Relay in the Inverter, which is used to get the Automatic Back Feed Protection. Secondly because the Neutral, Earth Terminals were not fixed to the Output Plug in the Inverter Output Socket.

4. As per the Ext. P-3 report, it was found that while the inverter is working, electricity supply was found in the input plug even when it is detached from the socket, at the place where the accident occurred as well as later in an examination conducted at the lab of the 3rd Respondent. To affirm the same, testing was also conducted on a new piece of Microtek Inverter (Model No: SEBZ 900). All the three results confirmed that while the inverter is working, electricity supply was found in the input plug even when it is detached from the socket. Ext. P-3 report concluded that all inverters of the 4th Respondent with model name SEBZ900 is likely to have the same issue.
5. The Ext. P-3 Report of the 3rd Respondent concluded that the acts of the 4th respondent has led to violations of the Regulation 12(3) of the Central Electricity Authority - Measures Relating to Safety & Electric Supply Regulations-2010. A true copy of the relevant pages of the regulations is produced herewith and marked for reference as **Exhibit P-4**. Specifically the 4th Respondent, did not issue any directions to be followed when the inverter is being fixed to the circuit and that the 4th Respondent did not put in place a Double Pole Relay in the Inverter, used to get the Automatic Back Feed Protection when inverter plug is removed and people are not exposed to electric supply from the pins on the back side of the inverter plug. Hence the Ext. P-3 Report of the 3rd Respondent concluded that the 4th Respondent was liable to held for the death of the petitioner's wife.
6. The Ext. P-3 Report also reported that there have been severe mistakes in fixing the inverter to the circuit. Neutral, Earth Terminals were not fixed to the Output Plug in the Inverter Output

Socket. Further as per the Ext. P-3, Regulation 29(1) of the Central Electricity Authority - Measures Relating to Safety & Electric Supply Regulations - 2010, for all electrical related works, licenses wireman/contractor must be hired. For not following the particular regulations, Ext. P-3 report held the 5th Respondent also to be liable for the death of the petitioner's wife.

7. The 6th Respondent, Union of India, vide Notification No. S.O. 797 (E) dated 12/11/1981, issued the Order, the Household Electrical Appliances (Quality Control) Order, 1981 under section 3 of the Essential Commodities Act, 1955. This Order prevents the manufacture/storage/sale/distribution of the scheduled household electrical appliances which do not conform to the specified standards having Manufacturers Certificate or standard mark of Bureau of Indian Standards (BIS). Initially, the Industries Department was the Appropriate Authority for implementing this Order in the State of Kerala. A true copy of the Household Electrical Appliances (Quality Control) Order, 1981 is produced herewith and marked for reference as **Exhibit P-5**.
8. The first respondent, State of Kerala, vide G.O. (Rt) No. 81/2002/PD dated 13/05/2002 decided to implement three Quality Control Orders in the State including the Household Electrical Appliances (Quality Control) Order, 1981 and further decided to appoint the Chief Electrical Inspector as the Appropriate Authority to implement these Quality Control Orders in the State of Kerala. A true copy of the Government Order is produced herewith and marked for reference as **Exhibit P-6**.
9. At present there are 33 items in the schedule of the Household Electrical Appliances (Quality Control) Order, 1981. The serial numbers 1,8,9,16,3,34 and 36 were deleted from the original 40 items. However, till date, an Inverter/ Uninterruptible Power Systems (UPS), which is commonly found in numerous households in the State does not find a mention the Household Electrical Appliances (Quality Control) Order, 1981.

10. As Inverter is not included in the schedule, the 2nd Respondent, Department of Electrical Inspectorate, is not presently empowered to regulate the manufacture, storage, sale and distribution of the Inverters which do not conform to the specified standards having Manufacturers Certificate or standard mark of the BIS. This has led to a situation where substandard inverters are being manufactured, stored, sold and distributed freely in the market; which has further led to electrical accidents like in the case of petitioner's wife.
11. It is evident from the Ext. P-3 report of the 3rd Respondent that the 4th Respondent has flouted the norms stipulated by the Central Electricity Authority - Measures Relating to Safety & Electric Supply Regulations-2010. The 4th Respondent probably to reduce cost and improve profits has not put in place a Double Pole Relay in the Inverter, which is used to get the Automatic Back Feed Protection when inverter plug is removed and people are not exposed to electric supply from the pins on the back side of the inverter plug. Here the 4th Respondent has compromised the safety of human beings for mere profit making.
12. The petitioner owing to the irresponsible acts of the 4th Respondent as well as the 5th Respondent, has lost his better half and his four children have lost their loving and caring mother. The petitioner has to be compensated by the 5th Respondent as well as the 4th Respondent for not only for their callous acts and deliberate omissions, but also to ensure that this tragic event does not occur to another family in the State.
13. The petitioner humbly submits that unless Inverters/ Uninterruptible Power Systems (UPS) are included in the Schedule of the Household Electrical Appliances (Quality Control) Order, 1981, and their manufacture, storage, sale and distribution are checked for conforming to standards, many more people are at the risk of losing their lives owing to the substandard Inverters available in the market.

14. Further, the petitioner humbly submits that only this Hon'ble Constitutional Court can interfere and give an effective remedy to protect the lives of many other people who are using inverters, by directing the inclusion of inverters in the schedule of the Household Electrical Appliances (Quality Control) Order, 1981.
15. Therefore, in these circumstances, this petitioner has no other remedy than to invoke this Hon'ble Court's extraordinary jurisdiction under Article 226 of the Constitution of India on the following among other grounds:

GROUND

- A. The petitioner has lost his wife and his four children have lost their loving and caring mother owing to the unregulated sale of substandard Inverters available in the market.
- B. The petitioner would have never lost his wife if the 4th respondent had used Double Pole Relay in the Inverter, which is used to get the Automatic Back Feed Protection and if the 5th Respondent had fixed the Neutral, Earth Terminals to the Output Plug in the Inverter Output Socket. The Ext. P-3 Electrical Accident Investigation Report of the 3rd Respondent has found out that the callous acts and deliberate omissions of the 4th Respondent as well as the 5th Respondent has resulted in the death of the petitioner's wife.
- C. The 4th Respondent has flouted norms for safety to reduce costs in the production of Inverters and improve his profit margins by compromising the safety of human beings. The deliberate omission of not placing Double Pole Relay in the Inverter, which is used to get the Automatic Back Feed Protection testified this fact.
- D. The 5th Respondent by his callous act of not fixing the Neutral, Earth Terminals to the Output Plug in the Inverter

Output Socket also contributed to the death of the petitioner's wife.

- E. The acts of the 4th Respondent has led to violations of the Regulation 12(3) of the Central Electricity Authority - Measures Relating to Safety & Electric Supply Regulations-2010, which clearly stipulates that the electrical apparatus should conform to the relevant specifications of the Bureau of Indian Standards.
- F. The acts of the 5th Respondent has led to the violation of Regulation 29(1) of the Central Electricity Authority - Measures Relating to Safety & Electric Supply Regulations - 2010, as all electrical related works, licenses wireman/contractor must be hired and the same was not followed. This has also contributed to the death of the petitioner's wife.
- G. The safety of public using Inverters are at stake owing to the unregulated sale of substandard Inverters/Uninterruptible Power Systems (UPS) available in the market and only this Hon'ble Constitutional Court can interfere to give an effective remedy.

PRAYERS

For these and other grounds that may be urged at the time of hearing, it is most humbly prayed that this Hon'ble Court may be pleased to:

- I. Issue a writ of mandamus, or any other appropriate writ or direction to the 6th Respondent to include Inverter/Uninterruptible Power Systems (UPS) in the Schedule of the Household Electrical Appliances (Quality Control) Order, 1981.
- II. Issue a writ of mandamus, or any other appropriate writ or direction to the 6th Respondent and the 1st Respondent, to empower the 2nd Respondent, to

monitor the manufacture, storage, sale and distribution of Inverters/Uninterruptible Power Systems (UPS) in the State until necessary Orders are made to include Inverters in the Household Electrical Appliances (Quality Control) Order, 1981.

- III. Issue any appropriate writ or direction to the 4th Respondent, to issue compensation of Twenty-Five Lakh Rupees to the petitioner.
- IV. Issue any appropriate writ or direction to the 5th Respondent, to issue compensation of Five Lakh Rupees to the petitioner.
- V. Pass such other Orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Dated this the 24th day of June, 2019.

COUNSEL FOR THE PETITIONER.
RAGHUL SUDHEESH

INTERIM RELIEF

For the reason stated in the accompanying affidavit filed along with the Writ Petition it is most humbly prayed that this Hon'ble Court may be pleased to issue a direction to the 4th Respondent to stop the sale of a Microtek SEBZ900 inverters and withdraw the same from the market; and also to direct the 2nd Respondent to ensure that the 4th Respondent does not sell or distribute Microtek SEBZ900 inverters in the market, pending disposal of the Writ petition.

Dated this the 24th day of June, 2019.

COUNSEL FOR THE PETITIONER:

**BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM**

W.P.(C) No. of 2019

Zainudheen S. A. : Petitioner

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AFFIDAVIT

I, Zainudheen S. A., [REDACTED]
[REDACTED], do hereby solemnly affirm and state
as follows:

1. I am the petitioner in the above writ petition.
2. The above Writ Petition was prepared under my instructions.
3. The Statement of facts contained in the above Writ Petition is true to the best of my knowledge, information and belief.
4. The exhibits produced along with the writ petition are true copies of the original documents.
5. I have not filed earlier petitions seeking similar and identical reliefs in respect of the same subject matter.
6. The averments of law are made on the advice of the counsel and I believe them to be true and sufficient to grant the reliefs prayed for in the above Writ Petition.

All the facts stated above are true and correct.

Dated this the 24th day of June 2019.

DEPONENT:

Solemnly affirmed and signed before me by the deponent who is personally known to me on this the 24th day of June 2019 at my office at Ernakulam.

Adv. RAGHUL SUDHEESH

APPENDIX

1. **Ext.P1:** True copy of Post-Mortem Certificate dated 08.05.2018.
2. **Ext.P2:** True copy of the bill dated 02.05.15 issued for the purchase of the Inverter.
3. **Ext.P3:** True copy of the Electrical Accident Investigation Report dated 25.10.2018
4. **Ext.P4:** True copy of the relevant pages of the Central Electricity Authority – Measures Relating to Safety & Electric Supply Regulations-2010.
5. **Ext.P5:** True copy of the Household Electrical Appliances (Quality Control) Order, 1981.
6. **Ext.P6:** True copy of the G.O. (Rt) No. 81/2002/PD dated 13/05/2002.