

THE STATE ELECTRICITY OMBUDSMAN

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**Appeal Petition No. P/063/2024
(Present A. Chandrakumaran Nair)
Dated: 23-12-2024**

Appellant : Sri. Rajendran .K
Kadichazhikathu House,
Sakthikulangara,
Kollam - 691581

Respondent : The Assistant Executive Engineer
Electrical Sub Division,
KSE Board Ltd.,
Sakthikulangara, Kollam (DT)

ORDER

Background of the Case

The appellant Shri. Rajendran resident of Sakthikulangara, Kollam is a Consumer under the Electrical Section, Sakthikulangara. He had applied for an Electric Connection for purpose of cultivating various crops and vegetable in his land. His application was rejected without proper reasons and the Assistant Engineer was not allowed him to remit the application fee. Then he had send the application fee by DD and this has been accepted. The application was valid on 05/07/2022. The Licensee had conducted an inspection without notice to the Consumer and had sent an inspection report and the appellant had replied vide his letter dated 01/08/2022. Then again the officials of the Licensee had reported that they have conducted various inspections and send letters after letters. The connection was denied stating that the location of meter is not easily accessible, the alignment of service line is not on accessible route and no shelter have been provided for the meter. The appellant states that the Licensee had made indefinite delay on providing the connection. The appellant had filed petition to the CGRF and CGRF issued order dated 29/07/2024 on completing the procedures. This petition is filed as the Appeal to the order of CGRF.

Arguments of the Appellant

Scrutinize the grievance in all its spirit, understand the prejudice with which the Assistant Executive Engineer directly and unnecessarily interfered in this case and forced the Poor Assistant Engineer to delay and deny the connection by conducting a research on how to achieve it. Realize that there is absolutely no deficiency in the installation. Prove that licensee's version is totally wrong. And order to give service connection as requested and answer for the delay and denial.

Inspection report issued after 485 days rejecting my application:

1. Proposed location of meter is not easily accessible to the licensee:

It is sham statement. Any normal person can just enter the gate from the concrete road, walk 25 meters on soft/ loose soil to reach meter board. It will be difficult only for physically handicapped persons. This is the path where my wife and other family members used to go to the temple. There is a definite pathway to reach the meter board. It was not an issue and licensee never mentioned this for 485 days.

2. Alignment of service line is not in an accessible route:

Alignment is a vague term that only the licensee understands. There is a straight line route without any obstruction for the service line to the meter board by all means. Earlier this was not an issue at all. It is a new discovery. Meter board is just 25 meters from the gate. Compared to hundreds of service connection in this area my facility is 100% perfect in every respect.

3. No shelter has been provided for protecting the meter from sunlight and rain.

Meter board is having its own permanent and solid aluminium roofing sheet to protect and as such licensee has no business to take up the issue of damaged temporary plastic roofing sheet of the rain shelter used for vegetables plants. Any way it is a news for me that the meter should be kept in the dark and at any cost away from sunlight.

The applicant is well educated though after retirement and at this age doing agriculture/farming for the passion. From all the correspondence with which licensee had dozens of issues raised for more than one and a half years repeatedly were finally thrown away and limited to the ones expressed with the only issues mentioned in the inspection report.

With this please see:

- a. Why even one of those dozens of issues raised earlier by the licensee is not mentioned as reasons for rejecting my application or confirm those were just to tease me.
- b. Please check and convince that all other issues were unnecessarily raised only for harassing me and to satisfy personal vengeance.

- c. Declare that the decision of CGRF is totally wrong. CGRF failed to even go through the grievance and understand as to what it is all about. The grievance is purely on unethical approach of licensee.
- d. Advise licensee to discuss with the consumer any issue and sort out it on the spot.
- e. Issue advance notice/information of their intention to visit the site for inspections.
- f. Visit the site only in the presence of the applicant.
- g. Advise licensee to use terms that can be digested. For example what does licensee mean by the term alignment? Not straight, not level or what? Licensee was all along writing in Malayalam and now suddenly switched to English to make it difficult for me and without giving exactly what is wrong if at all there is any.
- h. Advise the licensee to make it clear as to why sunlight should not fall on meter.
- i. Advise licensee to show some courtesy to poor consumers especially aged ones and the farmers and avoid treating them like beggars.

Arguments of the Respondent

Theft of electricity had detected in the premises of the complainant Sri.Rajendran on 30.05.2022. He was extending electricity from the premises with consumer number 1145611016438, an agricultural connection registered in favour of his wife Smt. Padma Rajendran to his house, having electric connection in domestic tariff with a connected load of 5990 watts. The consumer number of the house is 1145617012279. Subsequent to the inspection, the amount assessed by the Assessing Officer as per Sec 126 of the Electricity Act, Rs. 1,46,986/- and the compounding fee Rs.24,000/- was paid by the consumer. Supply was restored to con. No. 12279, but the supply to con. No. 16438 was not re-effected as the unauthorized power plug on the meter board, used for extending supply to the nearby said premises was not seen dismantled despite of several communications from the Asst. Engineer, Electrical Section, Sakthikulangara. The agricultural connection was then dismantled as per regulations in force. The consumer, after restoring the supply to his house, approached the Electricity Appellate Authority for quashing the above said assessment of the Assessing Officer. But the Appellate authority had then ordered to issue revised assessment for the unauthorized extension of 4450 watts (after deducting 1540 watts in respect of the unconnected plugs in the house) in LT1 tariff and for the unauthorized extension of 373watts in LTVB tariff, for a period of 12 months immediately preceding the date of inspection. Aggrieved by this, the petitioner had then approached the Honourable High Court via; Writ petition WP(C) 32351/2023, for quashing the order of the Appellate Authority. The matter is still pending before the Honourable Court. The complainant then applied for a new agricultural connection in the same compound. KSEB inspected the premises. The Assistant Engineer pointed

out defects in the installation and requested the applicant several times for rectification of the same. Applicant was not willing to rectify the defects pointed out. Later, the applicant was informed to put up a new service connection application, after rectifying the defects pointed out during the 4th re-inspection. The complainant didn't approach KSEB, but approached Consumer Grievance Redressal Forum, Southern Region and the Forum dismissed the petition.

An application for a new agricultural service connection has been received at Sakthikulangara Section in petitioner's name on 05.07.2022. Based on the site inspection report of the Sub Engineer, the Assistant Engineer had issued a letter on 18.07.22 for rectifying the defects noticed during inspection and also had informed regarding the consent required for crossing of weather proof wire over another property. The consumer had replied for this on 01.08.22 and had agreed to rectify the defects in respect of the proposed consumer premises, but elaborated his views in case of the anomalies pointed out in the consumer nos 12279 and 16438. He had proposed to facilitate supply from another post to avoid property crossing. The premises was then inspected again and found that the defects pointed out through the letter dtd 18.07.22 were not seen rectified. A letter (2nd letter for rectifying defects) was again served to the applicant on 16.09.22, for rectification of the defects and for remitting the estimate amount. He had replied to the above on 22.09.22, wherein he had accepted the difficulty in accessing the meter board, and stated that, the vegetation hindering the accessibility of meter board has been cleared. The statement of the petitioner "*I could do was to cut open the fencing just in front of the meter board such that maintenance men and meter reader need not to walk through the area where my cattle shed, poultry, cow dung collection etc. are! By paying wages for two daily wages employees the area is cleared of all the vegetation such that handicapped employees can freely access the meter board*" well explains the condition of the site. **The first inspection was on 05.07.2022. Letter requesting to rectify the defects on 18.07.2022. Therefore the statement of the complainant "*the licensee never mentioned this for 485 days*" is false.**

The applicant again stated in his letter that "*none of the trees will touch the service wire*". As CEA(Measures relating to Safety and Electric Supply) Regulations, 2023, the safety clearance required for weather proof service wire from the ground is 4.6 meters whereas the clearance required from a tree is 1.2 meters. From the statement, it is well understood that the right of way requirement for a weather proof wire was not met here. Subsequent to the above reply from the applicant, an inspection was again done at the premises (3rd inspection) and found that the right of way for the proposed wp wire was not seen provided. Then the Asst Engineer had issued the 3rd letter on 06.10.22 intimating the estimated amount and reminding again to rectify the an defects. He had replied to this on 13.10.22 by explaining his incapability of paying the estimated amount. He said, a post is not required

for his connection and elaborated various cases in different areas of the section where support post is not used for weather proof wire road crossing. The premises was again inspected (4th inspection) and noted that the defects were not rectified. A letter was again served (4th letter) to the applicant on 12.12.22, for rectifying the defects noted and for paying the estimated amount. The applicant, had then sent a detailed letter with various site photos to the Assistant Engineer and Assistant Executive Engineer, with copies to the Executive Engineer, Deputy Chief Engineer and to the Chief Engineer highlighting network anomalies in the field. But no statement was received from the applicant regarding the defect rectification. **As per regulation 77(5) b of the Supply code 2014, the licensee shall "align the service line along an accessible route up to the entry point of the premises"**. As the proposed route for drawing a weather proof wire was not accessible due to trees and tree branches, the defect was also intimated.

The premises was again inspected from Sakthikulangara Section office on 08.09.23(5th inspection). None of the defects were seen rectified. Moreover, the plastic roofing sheet, above a metal structure near the meter board, which was acting as the shelter to the meter board, was found damaged. The Assistant Engineer sent another letter (5th letter in respect of the new service connection) to the applicant on 21.09.23, requesting to rectify the defects and to remit the estimated amount in 7 days, failing which his application will stand cancelled without further intimation. As the applicant was not willing to receive the letter, the same was emailed to him on 23.09.23. No communication was received from the applicant on the matter. **As per regulation 77 (5)a of the Supply code, the licensee shall - "fix, in consultation with the consumer, the point of supply and the place where the meter and the associated equipment shall be installed in such a manner that they are protected from sun, rain etc. and are easily accessible, without getting the premises unlocked or opened for the purposes such as inspection, meter reading and maintenance"**. The energy meter is an electronic instrument which requires protection from sun and rain. Finally on 03.11.23, as per regulation 79 of the Supply Code, he was informed that the application stands lapsed.

On 23.01.24, the Asst Executive Engineer had given a detailed letter by email, as a reply to the complainant's email to our office dtd 18.01.24. In the letter, the applicant was requested for submitting a fresh service connection application supported by proof of identity and ownership/possession certificate of the land issued by the Revenue authority within 1 year, based on the Ease of Doing Business order issued by KSEB Ltd in the year 2018. But the applicant had not considered this favorably. From the above series of actions, it is very well clear that the applicant was not complying the conditions specified in the Code. **Kindly note that KSEB had a lenient approach to the applicant. The Asst.Engineer on receipt of the new service connection application, arranged inspection as per Regulation 77 of the Code. Defects noticed were intimated to the applicant as per**

regulation 78(1) of the code. As per regulation 78(2), the applicant failed to rectify the defects. As per regulation 79, re-inspection of the premises was done. On re-inspection, the defects pointed out earlier were found unattended. As per regulation 79, if on re-inspection, the defects pointed out earlier are found to persist, the licensee shall again record the facts in the format given in Annexure 6 to the Code and the application form shall then stand lapsed. However, the Asst Engineer had such an approach to the applicant only after her 4th reinspection. As per regulation 27(2)b, an applicant has to comply the conditions specified in the Code (Exhibit R16). As per regulation 54 of the Code, the consumer shall provide free of charge, the space of requisite dimensions at convenient location as mutually agreed between the consumer and the licensee, for erection and installation of transformer, switch gear, meter, other equipment and that part of service line within his premises, up to the point of supply. As per regulation 77 of the Code, during the inspection, the licensee shall:- (a) fix, in consultation with the consumer, the point of supply and the place where the meter and the associated equipment shall be installed in such a manner that they are protected from sun, rain etc. and are easily accessible, without getting the premises unlocked or opened for the purposes such as inspection, meter reading and maintenance; (b) align the service line along an accessible route up to the entry point of the premises. As per regulation 109(5) of the Code, the consumer shall provide suitable and adequate space for installation of the meter in such a manner that it is always accessible to the licensee or his representatives. All actions of KSEB were as per rules in force. No delay or lapse had occurred from the part of the licensee. The Asst. Engineer had requested the applicant several times for rectifying the defects. Considering the above facts, it is humbly requested that the Hon'ble State Electricity Ombudsman may be pleased to dismiss the petition and issue appropriate orders to submit a fresh service connection application, after rectifying all the defects in respect of the service connection, pointed out from Section office.

Counter Arguments of the Appellant

This is a simple issue of a LT connection. My proposed meter board is just 24-25 meters from the post by the side of the road. The installation is perfect. Considering the hundreds of service connections around the neighbourhood it is flawless to give connection. KSEB's vengeance is the only reason for not giving this connection or denying it after 485 days. The reason for the vengeance is that of my going for an appeal against their false accusation of theft of electricity against my wife. The appellate authority had already set aside the fabricated final assessment order of KSEB. KSEB is now refunding the amount they robbed from my wife. If costing is done on the umpteen number of inspections, DA & TA for the staff and engineers,

time wasted, stationery, efforts and the like direct and indirect costs put in following the dispute over a simple LT connection, KSEB is not trying to reduce the losses but increase it with the idiotic dealing of some of their engineers. KSEB is trying to justify their mean methods in the discharge of duties of some of their engineers lacking ethics. The very purpose of bringing in the case of falsely accused theft is to tarnish my image and create a poor impression up on the Hon'ble Ombudsman about me. It is a vain attempt on the part of KSEB and shows how mean they are in dealing with their consumers. Appellate authority had already set aside the non-existing final assessment order of KSEB in the falsely accused theft case against my wife; and the case is not against me. KSEB was ordered to refund most of the amount extracted from my wife with 16% interest. This is double the rate of interest that we would have gained if deposited with the bank and financially it is beneficial to us. I have to thank KSEB for that. If KSEB's version was right why the Appellate authority should set aside the order of KSEB? If KSEB was right why they did not challenge the verdict of Appellate authority? Why they are asking us to accept the payment?

We have filed a WP(C) and it is pending with the High court. For the venomous actions on the part of the licensee on an innocent, aged woman when proved KSEB is going to pay heavily towards defamation/ damages. Since the Licensee has brought up the case here; first I will give a brief on it. I am the applicant for an agricultural connection. In my name there is no electricity theft case charged, I was not even falsely accused of any electricity theft, I have never paid any amount towards compounding fee or on any other account.

There is a long standing issue between me and KSEB. **They have purchased crores of rupees worth of safety harness which can never be used by distribution staff. Not only that but wearing it while working at height is an invitation to accidents. It also gives a false sense of protection which is more dangerous than not wearing any safety harness. These safety harnesses they purchased in bulk and distributed among the line staff are useless and remains a threat to the life of the wearers.** Probably KSEB was ill advised on this. Ignorance on the part of KSEB engineers about fall protection was highlighted by me a few years before. There may be about 2500 pages of correspondence from KSEB in this regard. Fed up with the approach of KSEB and the protracted correspondence without any avail I myself stopped further deliberations. If enquired into the wrong decision to purchase safety harness and wasting huge amount of money the same may lead to expose large scale corruption and inefficiency among the engineers. My bringing up of the issue had resulted in a misunderstanding among the KSEB authorities. My neighbour is a KSEB Engineer. In my absence from home he has encroached my property and caused severe damages to me. On my return home I had to file two civil suits against him. One is already decreed in my favour and other is in the final stage. On the basis of documentary evidences I am certain that it

will also be decreed in my favour. The above engineer along with his colleagues caused KSEB to cook up a case against my wife. They thought that would inflict injury up on me and help win their case. As informed about our absence from home by my neighbour; AE and AEE along with a crowd trespassed into my property and conducted a mockery of inspection and charged my wife with theft of electricity from the agricultural meter. The meter was kept defective for more than 3 (THREE) years. Certainly there are statutes to manage defective meters. How many readings are allowed with a defective meter? How soon it should be repaired or replaced and the like? Ignoring all those KSEB continued to manipulate the reading continuously for three years.

There is a specific code # 152. Anomalies attributable to the licensee which are detected at the premises of the consumer.- (1) Anomalies attributable to the licensee which are detected on inspection at the premises of the consumer, such as wrong application of multiplication factor, incorrect application of tariff by the licensee even while there is no change in the purpose of use of electricity by the consumer and inaccuracies in metering shall not attract provisions of Section 126 of the Act or of Section 135 of the Act.

AE and AEE cannot be ignorant of this; if at all they are competent. With such a defective meter they accused my wife of theft. This is a violation on the part of KSEB. Again the Assessing Officer (AO) failed to give a preliminary assessment order as required. Later it was some kind of a mockery. KSEB failed to issue even a final assessment order despite my requesting in writing and reminding on behalf of my wife. On my approaching A.O. to give me the address of Appellate authority; she in the middle of her office staff and AE Mrs. Sija told me that we cannot go for appeal. She refused to give the address of Appellate Authority or accept the appeal fee of Rs 2000/=. By other means I got the address, took a DD towards the appeal fee and appealed. The appellate authority did not want to accept the DD and had to write a letter to AEE to accept the fee in cash and issue a receipt. Then only AEE accepted the appeal fee. The DD was later returned.

Only on the basis of Appellate authority's letter a pre-dated Final assessment order was fabricated after many months. However it was never delivered. The cunning A.O. lied the appellate authority that it was sent by ordinary post. She wanted to fool the Appellate authority thinking that they are ignorant of section 175 specifically mentioning how a document need be delivered. She took pain to rewrite a full despatch register to include the pre-dated final assessment order in the register and produced it before the Appellate Authority. The code **175. Service of notice.- (1) Any order or notice issued on the consumer by the licensee, including the notice under Section 56 of the Act shall be deemed to be duly served if it is sent by registered post at the correct postal address of the addressee or delivered by hand, with signed acknowledgement to the person residing at the address notified to the licensee by the consumer:** The

A.O., the then Asst. Exe. Engineer lied. Those who repeatedly utter lies shamelessly; we call them "liars". For repeatedly lying disciplinary actions needed be initiated against her though on my reporting it to the Chief Engineer.; it was limited to only her transfer as I understand. She assumed that I could connect the agricultural supply to my house using an extension cord and 15 amps socket. My request to the Asst. Exe. Engineer to show me how it was possible she just blinked. This socket was used to run the motor on the opposite side of the path. Toady even children are aware that there must be suitable modification in wiring with at least a changeover switch to shift between two different supplies. If the supply from agricultural meter was directly connected to the socket in the house it would have resulted in an explosion as I understand. In such a condition how she visualized things as such she only knows.

Agricultural supply was not free. Difference between agricultural and domestic supply tariff was about just 80 paise at that time. The average consumption recorded in the agriculture meter was around 50 units bi-monthly. Even I was diverting 10 units from it to domestic services, my monthly savings on this account would have been a meagre Rs 08/=. Finally when Appellate authority told in the hearing that 135 cannot be charged at all; the lady engineer started weeping afraid of boomeranging her attempt to tarnish me and my family. He found it difficult to pacify the young lady engineer. We are waiting for the verdict from Hon. High court and the impact of it upon the board will be severe when we claim damages. Because incompetency such engineers or their over enthusiasm to book imaginary cases are causing heavy losses in compensation and interest to the board. Because of that the legal advisors of KSEB are now trying to settle the cases outside the court and save the board from predicament.

I approached AE to apply for Agricultural connection. AE directed me to approach the Asst.Exe. Engineer. I went to Asst. Exe. Engineer. Asst. Exe. Engr. wanted me to produce the application along with a letter from Agricultural Officer. All those were unwanted. AE was supposed to take decision on LT connections. First of all she should not have directed me to go Asst.Exe Engr. at all. Letter from Agricultural Officer was not required: Why Asst. Exe. Engr. wanted me to get a letter from A.O.; if not to harass me? I prepared the application attaching a letter from Agricultural officer and went to AE. She again directed me to Assistant Executive Engineer. A. Exe. Told me to go to AE again. There was a prolonged telephonic discussion between them on my application. Thereafter she refused to accept the application fee even. I took a DD towards application fee and sent the application by registered post. It was accepted and a number was allotted. After few days I received a message about site inspection date. I waited. Nobody turned up on the day.

This is absurd. The sub engineer came without notice. I was not available during the inspection. He in fact trespassed into our property. He also took

a wrong route. He entered from north road; crossing many other plots and went behind my house of his own. He was supposed to enter from south. He also conducted an inspection of his, own and disappeared without meeting the consumer as required. For KSEB's mistake now I am getting penalised? In case he had informed me in advance of his intention to inspect I would have made myself present and avoided all this remarks. I would have properly guided and clarified things on the spot. Having seen the post and if he had any sense he would have moved to the road and checked it. The post is exactly at the middle of the two properties. The post would have been laid by sensible persons knowing that both the property owners may seek electrical connection in future and there should not be any difficulty to either of the owners. The code says that if there is any issue it should be discussed with the applicant on the spot to resolve if possible before making a report. According to the section office these rules are applicable only to the consumers. Here KSEB failed to comply with the code 77(4) to issue an inspection report. This report which was supposed to be given on the spot 485 before in first week of July 22 was given only on 3.11.23.

On the basis of the inspection report from Sub Engineer.; AE sent me a letter expressing all her anger from the Appellate Authority's refusal to accept their version in the false theft case and denying charges under 135. All those remarks she made were irrelevant and replied suitably. Considering me as a VIP probably, the Asst. Exe. Engineer who had no jurisdiction in giving LT connections personally came many times for inspection. AE had her own special inspections too. Many other sub engineers came. They all conducted inspection after inspection and did a research on how to deny the connection. The correspondence will show the venom in their approach. KSEB went on raising imaginary and mostly foolish issues one after the other as if the engineers have no other work in KSEB. I had been giving satisfactory replies then and there. Then suddenly vide letter # DB/7/AE-ES/SKLA/2022-23/328 dated 06-10.2022 AE wanted me to pay the huge sum of Rs 8990/= as estimated amount to provide connection fully knowing that it is beyond my capacity. After prolonged correspondence suddenly light flashed on AE. She sent me a mail to pay Rs 2454/= only for the connection. For my innocence I asked for clarification as to how the amount was reached and how the connection would be given. This she did not like. Probably that resulted in her cancelling my application that too in a crude manner as below:

Inspection report as per the code 77 dated 03.11.2023 mentioning some imaginary defects and giving me 10 days to resolve the same and report to get connection and On the same date along with the above an order cancelling my application. Something went wrong with these two documents. These are not matching. I need the connection. As a last resort only I put forth my prayer before you. I am 79 years old. My health is deteriorating and unable to travel much. I request that if a hearing is a must it may be

conducted somewhere nearby my place such that I will be able to attend and present the case myself.

Analysis and Findings

The hearing was fixed on 28/11/2024, the appellant could not attend due to the hospitalization of his wife. The Respondent Assistant Executive Engineer, Electrical Sub Division , Sakthikulangara attended explained his versions. Then the next hearing was fixed on 12/12/2024 which also couldn't attend by the appellant due to his wife's illness. The appellant had attended the third hearing fixed on 21/12/2024 at KSEB, IB, Paruthippara, Trivandrum and explained the difficulties faced by him and also shown the visuals of the site.

The appellant Shri. Rajendran is a Senior citizen who is interested in cultivation in his land closed to his residence. He is a domestic consumer of the Licensee. There was an Agricultural connection in his land which has been disconnected alleging the theft of Electricity by providing a power plug in the agricultural connection Switch Board. The Appellate Authority had heard the case and issued the order. The same matter is pending in the Hon'ble High Court of Kerala. The said Agricultural Connection was in the name of his wife. His wife is much interested in cultivation and the Agricultural Department has awarded her as the best agriculturist. They used to cultivate coconut, plantain and vegetables. They also had fish farm, poultry farm and duck farm. They also maintained a good garden in front of their house. As the Licensee had disconnected the power of the Agriculture Connection, they all get destroyed and damaged. The attitude of the Licensee was totally indifferent and delayed the connection. The Government of Kerala is taking various steps to promote the Agriculture in the State and accordingly the procedure for availing Agriculture connection was simplified. The applicant has to provide the identity proof and the proof of ownership the land in which Agriculture Connection is to be availed. Here the respondent has asked the appellant to produce the Certificate from the Agriculture department which is not at all a requirement. The certificate from Agriculture department is applicable only for availing the subsidy.

One of the allegation made by the appellant is that his neighbour is an Engineer of the Licensee. In his absence the said person had encroached his property and made severe damages. There was two civil suits filed against him. The allegation is that the KSEB officials were delayed his connection with the influence of the above said official. The procedure for giving fresh connections are explained in Regulation 75,76,77,78,79,80,82,83,84 & 85 of the Supply Code 2015.

75. Submission of application form for new service connection.-

75.(1) *The applicant for new low tension connection shall apply for it in the format as specified in Annexure - 4 and the applicant for new high tension or extra high tension connection shall apply for it in the format specified in Annexure - 5.*

- 75.(6) *The licensee shall arrange to receive the applications for new service connections in the section offices or equivalent functional units within whose jurisdiction the premises of applicant is situated and publish the details of such offices in its website.*
- 75.(10) *Application forms for new connection shall be accompanied with a photograph of the applicant, identity proof of the applicant, proof of ownership or legal occupancy of the applicant over the premises for which new connection is being sought for, proof of present address of the applicant and other documents as detailed in subregulations (2) to (5) above.*
- 75.(11) *Application fee and processing fee for application shall be paid by the applicant at the rates approved by the Commission in the Schedule of Miscellaneous Charges as per schedule 1 of the Appendix to the Code: Provided that the application fee and the processing fee are not refundable under any circumstances.*

76. Processing application for new service connection. –

- 76.(1) *On receipt of application form for new service connection, the licensee shall verify the application form along with the enclosed documents, and if found deficient prima facie, shall issue a written intimation on the spot as far as possible, regarding the deficiencies in the application form.*

77. Inspection of the premises of the applicant by the licensee.–

- 77.(1) *The licensee shall, at the time of receipt of application form with the application fee, stipulate a date for inspection of the premises of the applicant in consultation with the applicant, under written acknowledgment.*
- (2) *The date of inspection shall be scheduled within five working days from the date of receipt of application form.*
- (3) *If the applicant wishes, he can get the inspection scheduled on a holiday for the licensee or a day specified by the consumer, on payment of an inspection fee approved by the Commission in the Schedule of Miscellaneous Charges as per schedule 1 to the Code.*
- (4) *On the appointed date for inspection, the licensee shall inspect and test, in the presence of the applicant or his authorised representative and the concerned licensed electrical contractor, the installation of the applicant and shall maintain a record of test results in the format given in the Annexure - 6 as required of him under the provisions of the Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010, as amended from time to time.*
- (5) *During the inspection, the licensee shall:-*
- (a) *fix, in consultation with the consumer, the point of supply and the place where the meter and the associated equipment shall be installed in such a manner that they are protected from sun, rain*

etc. and are easily accessible, without getting the premises unlocked or opened for the purposes such as inspection, meter reading and maintenance;

(b) align the service line along an accessible route up to the entry point of the premises;

(c) determine and record the connected load of the consumer in accordance with the method given in Annexure - 7 to the Code;

(d) verify and record the correct full address of the premises and note down landmarks near the property and the number of the pole or the details of the distribution pillar from where service connection is proposed to be given; and

(e) verify all other particulars mentioned in the application form, as required.

78. Rectification of defects found in the inspection.-

78.(1) If on inspection, the licensee finds any defect in the installation of the applicant, the licensee shall intimate, in the format given at Annexure - 6 of the Code, the defects to the applicant on the spot under proper acknowledgement.

80.Redressal of grievance on the inspection report.-

80.(1) If any applicant is aggrieved by the action of the licensee in this regard, the applicant may appeal to the next higher officer or an officer designated by the licensee for this purpose.

85.Timelines for releasing and energising new connections. -

85.(1) The overall timeline for releasing new electricity connection, from the date of receipt of completed application and all the payments as per the demand note, shall be as specified hereunder in the cases where supply can be provided without any extension or augmentation to the existing distribution system:-

	Particulars	Maximum time
a.	Inspection of the premises of the applicant and preparation of the cost estimates, and issuance of demand note including security deposit	seven days from the date of receipt of application form.
b.	Giving the connection	one month from the date of receipt of application.

Provided that the priority for releasing connections shall be fixed with reference to the date of remittance of required expenses and security deposits and submission of the required documents.

The Supply Code clearly spelt out that the inspection of the premises is to be done within 7 days from the date of receipt of application. The inspection is to be done with intimation to the appellant and the inspection is to be done in his presence. The route of Service Connection is to fixed consultation with the applicant. Here the officials of Licensee had violated this regulations. Then the officials has noted unnecessary defects in their report. The post and line is close to his property in the road. Then unnecessarily demanded for the consent of neighbour. The route is not accessible, is also remark which is not correct. The visuals shows that the route is very much accessible. Then next defect noted is that the meter box is not accessible. The appellant has made an opening in the compound wall and temporarily covered with sheet to have an easy access. There are trees obstruct the service connection is also not a proper finding as there is only few coconut trees which are not obstructing the line. The meter board is protected from rain and sun by sun-guard projected to 3 ft in front side and 1.5ft in the back side. When a meter board is fixed in walls also the projection of roof normally would be 2 ft outward. Considering this point the protection for the meter board is seen to be adequate. A GI pipe has been provided near to the meter box to support the WP service wire. If the GI pipe could be properly earthed it will be a support to the WP wire. Alternatively the appellant can provide a concrete support post of adequate height ensuring the required ground clearance.

It is very clear from the above that the officials of the Licensee had purposefully denied the connection. The findings of the lower level officers were accepted and acted accordingly by the AE & AEE and this also seen to be serious. The regulation 86 states about consequences of the failure to comply with the time line in giving connection.

86. Failure to comply with the time line.-

86.(1) If any licensee fails to comply with the time frame stipulated under regulation 85 he shall be liable to pay penalty as may be determined by the Commission in accordance with subsection (3) of section 43 of the Act.

(2) The liability of the licensee to pay penalty under this regulation shall be without prejudice to the liability to pay compensation to the affected person as per the regulation notified under subsection (2) of section 57 of the Act.

The KSERC (Standard for Performance of Distribution Licensee) Regulations 2015 describes about the compensation applicable as per Clause 4 (13)(a) and the compensation applicable is Rs. 50/- for each day of default. As the delay is due to indifferent attitude of the officials of the Licensee, then the compensation is to be born by them.

Decision

On verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken.

1. The order of the Licensee dated 03/11/2023 cancelling the application is here by set aside.
2. The Licensee have to sanction the Agriculture Service Connection and energise the connection within One week of the receipt of this order.
3. The appellant has to provide a earthed GI pipe or concrete support post of adequate height to ensure the required clearance from the Ground.
4. The Licensee has to assess the period of delay and pay the compensation to the appellant as per KSERC (Standard of Performance of Distribution Licensee) Regulation 2015.
5. The Licensee has to enquire and find out the officials responsible for the delay and recover the compensation payable is to be recovered from the concerned officials who are responsible for this inordinate delay.
6. The decision (4) has to be executed within a period of one month from the date of receipt of this order.
7. No other costs ordered.

ELECTRICITY OMBUDSMAN

No. P/063/2024/_____ dated : 23/12/2024.

Delivered to:

1. Sri. Rajendran, Kadichazhikathu House, Sakthikulangara, Kollam-691581.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Sakthikulangara, Kollam (DT)

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, 2ND Floor Vydhyuthibhavanam, KSE Board, Kottarakkara- 691506

