

## **THE STATE ELECTRICITY OMBUDSMAN**

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**Appeal Petition No. P/041/2025**  
**(Present A. Chandrakumaran Nair)**  
**Dated: 08-08-2025**

Appellant : Sri. Vinod .S.Panicker  
Ambrosia - The Classic-Bake House,  
Krishna Commercial Complex,  
Bakery Junction,  
Thiruvananthapuram (dt)

Respondent : The Assistant Executive Engineer  
Electrical Sub Division  
KSE Board Ltd., Puthenchantha  
Thiruvananthapuram (dt)

### **ORDER**

#### **Background of the case**

The appellant Shri. Vinod.S.Panicker is a Consumer of the Licensee, under the Electrical Section, Contonment, Thiruvananthapuram. The Consumer number is 114506008634. The appellant is running a Coffee Shop in the building named Krishna Commercial Complex. The connection to this shop is an LT 3 Phase connection. Another shop room in the same complex has been taken on rent by the appellant from a person named M/s. Keerthi Dhar. There is a single phase connection in this rented shop in the name of Smt. Kasturi, Mother of Keerthi Dhar. There is a door opening between these two shops. The rented portion is used as a servicing place for customers to sit and eat the item supplied from the other shop. The consumer number of the single phase connection is 1145064006792. The officials of the Licensee issued notices for using two connections in the same premises located in the same commercial complex. This was objected by the appellant stating that the two connection are in the name of different consumers and in different premises. The physical opening between two premises is the only issue. The power is not cross utilizing for other than the premises connected for. The

appellant has filed the petition to CGRF and CGRF issued order dated 28/04/2025, stating the disconnection process initiated by the Licensee is valid. Aggrieved with the decision of CGRF, this appeal petition is filed to this Authority.

## **Arguments of the Appellant**

Appellant herein is a consumer of electricity with consumer no. 114506008634 under the geographical jurisdiction of Electrical Section, Cantonment KSEBL Thiruvananthapuram. This electric connection is under LT VII A tariff with a contracted load of 23kW. Electricity to this connection is supplied at LT voltage level of 415 V. (Voltage level for LT, HT, and EHT supply is detailed under This Regulation (6) of Kerala Electricity Supply Code) This premises is a building unit in Krishna Commercial Complex, Bakery Junction Thiruvananthapuram which is a multi storied multiple occupancy building complex having number of building units, in Krishna Commercial complex electricity supply connections are provided by KSEBL distribution licensee to each building unit and hence these building units are independent premises. This particular building unit above with electric connection consumer No. 114506008634 is owned by this appellant and the electric connection is also on his name. Thereby, it is a premises as defined under Regulation 2(67) of Kerala Electricity Supply Code, 2014. (Hereafter Supply Code for brevity) In this building complex this petitioner also owns another building unit which is used for a bakery with name and style Ambrosia - The Classic Bake House having separate electric connection and it is yet other premises.

The premises above with electric connection consumer No 114506008634 is used as an institution for running a coffee shop which is having direct entrance from outside used. Adjacently, there is another building unit to the above coffee shop which also has separate entrance from outside. It has another electric connection bearing consumer No. 1145064006792 under LT VII A tariff with a connected load of 3kW. Electricity supply to this electric connection is at the voltage level of 240 V and hence it is another premises under Regulation 2(67) of Supply Code. This premises is under occupancy of this petitioner on right of occupancy under lease from its owner Smt. Keerthi Dhar and is used for the auxiliary use of above institution, coffee shop.

The ownership of this electric connection at the premises of consumer No.1145064006792 is on the name of Smt. Kasthuri mother of Smt. Keerthi Dhar. The Assistant Engineer Electrical Section Cantonment of the distribution licensee issued a notice asking this petitioner to dismantle one of the above electric connections and has threatened that otherwise the electricity connections will be disconnected. Thereby, the Assistant Engineer of the licensee have caused grievance to this petitioner and hence petition was filed before the Consumer Grievance Redressal Forum (South) under OP No.

77/2024-25 for genuine Redressal of grievance caused by him. However the Consumer Grievance Redressal Forum (South) upheld the disconnection notice issued without considering legal facts presented and legal positions under statutes governing it. Hence, this representation /appeal is submitted before this Hon: Electricity Ombudsman praying for such remedies and reliefs prayed in.

The Assistant Engineer, Electrical Section, cantonment, Thiruvananthapuram issued a disconnection notice referring Regulation 138(1) of Kerala Electricity Supply Code. In that notice, he has stated that, "under Regulation 52 of Supply Code, one electric connection at one place at same voltage shall be given for one institution ("സ്ഥാപനം" എന്ന വാക്കാണ് ഉപയോഗിച്ചിരിക്കുന്നത്) and the law does not permit you to continue to use consumer No. 1145064006792 and 114506008634 at your institution which you are using at present. Therefore, for dismantling /disconnecting one of the above connections, you shall contact this office within seven days on receipt of this notice; otherwise those connections will be disconnected without further notice. Upon receiving Exhibit P1 notice, this petitioner contacted the owner of the premises of consumer No. 1145064006792 Smt. Keerthi Dhar and informed her of the matter, she refused to dismantle the connection at her premises that effect to the Assistant Engineer Electrical Section Cantonment which is under this appellant's occupation and she communicated a latter to Thiruvananthapuram. This appellant also represented to the Assistant Engineer on the matter.

Thereafter, the Assistant Engineer issued another letter repeating the threat of disconnection dated 04-09-2024. In this letter, he has changed his earlier stand taken under disconnection notice that, two numbers of electric connections is being used at your institution to using two connections simultaneously at your premises. Thereby the Assistant Engineer has taken different stand in the same case on the same matter. The fact of the matter is, as submitted earlier, this appellant is using the premises of consumer No 114506008634 which is owned by this appellant for running a coffee shop and the Premises of consumer No. 1145064006792 occupied under lease for its auxiliary use. These premises have no other electric connection except the above said electric connections. Regarding notice, it is respectfully submitted that, it is issued referring regulation 138 (1) of Supply Code. This regulation says that the licensee shall not disconnect supply of electricity to any consumer except on any one or more of the following grounds and the grounds for disconnection are listed under it numbering from (a) to (p). From the nature of Regulation 138(1), it is a preventive clause restring or limiting the cause or reason or ground for disconnection of supply, which are detailed below it and this regulation is addressed to the licensee. In Exhibit P1 notice the statement of the Assistant Engineer is such that, as per provisions under Regulation 52 of Supply Code, for one institution and for the same purpose one electric connection at same voltage shall be given at one point only.

However, the regulations say differently. For ready reference the regulation is extracted here under.

**52.** *Supply of electricity to be given only at one point for same purpose at the same voltage level in a single premises.- Supply shall be given only at one point for same purpose at the same voltage level in a single premises.*

In this regulation above the word premises is used but not institution as used by the licensee in the notice and premises is clearly defined under Regulation 2(67) of Supply Code. This regulation is extracted for ready reference.

**2 (67)** *"premises" includes any land or building or structure which is included in the details and sketches specified in the application or in the agreement for grant of electric connection or in such other records relating to revision of connected load or contract demand.*

Thereby, the above two adjacent building units under the use of this appellant having separate electric connection owned by two different persons are separate premises and hence there is no bar under law for this appellant to use it for the same purpose. From the regulation above, it is very clear that, in the matter of electricity supply, wherever a distribution licensee has provided an electric connection, it is a premises. Since Kerala State Electricity Regulatory Commission (hereafter KSERC for brevity) clearly have defined "premises" in the matter of electricity supply under Supply Code, for understanding "premises" and to act upon, the licensee shall rely only to that and in no other way it shall be interpreted as has done under disconnection notice.

After this appellant communicating representation against disconnection notice, the Assistant Engineer of the licensee issued repeat disconnection notice altering the reasons contained under disconnection notice. In disconnection notice, he has accused this petitioner that, *"it was found that, you are using two numbers of electric connections simultaneously in your premises used as ambrosia bakery"*. This statement is wrong since this appellant was using two premises for the same purpose but not two electric connections at the same premises. He has termed this institution of Coffee Shop as bakery while the tariff applied is LT VII A. Then he has detailed the premises of consumer No 1145060008634 and 1145064006792. After that, he quotes the directive Regulation 52 of Supply Code and accused this petitioner violating the regulation. He conveniently forgets the fact that, those electric connections were given by the licensee to two separate building units in the same building complex on the names of separate persons which are having separate entrance from outside and since separate connections were given by the licensee, both are separate premises as per Regulation 2 (67) of Supply Code.

This Assistant Engineer has made another wrong allegation that this petitioner had obtained the above service connections one on 26-07-2024 and another on 28-08-2000. The fact of the matter is that the building unit owned by this petitioner has been availed an electric connection on 26-07-2004 with consumer No.1145060008634 and hence a premises. The other electric connection Consumer No. 11455064006792 was availed on 28-08-2000 by another person named Smt. Kasthuri at the building unit she then owned and hence it has become another premises. As represented above this petitioner is using the premises of Consumer No. 11455064006792 in auxiliary use for the institution run at the premises of consumer No.1145060008634 and for that, no bar is there under any regulation under Supply Code.

It is respectfully submitted that, as submitted earlier the sum and substance of Regulation 2 (67) of Supply Code is nothing but premises means any land or building or structure to which an electric connection is provided. Here in this case, the premises under the ownership of this petitioner and the other premises under the ownership of Smt. Keerthi Dhar are under the occupancy of this petitioner. Both premises have electricity supply under separate electric connections even though at LT, but at different voltage levels of 415 V and 240 V as detailed under Regulation 6 (a) of Supply Code. Here in this case, both are different building units having separate entrances; separate building numbers allotted by the local body and building tax is collected by body accordingly. For the sake of clarity "building" stated under the local the above Regulation is the building units in the building complex Krishna Commercial Complex, which is used or can be used independently without reference to other as decided by the Hon: High court of Kerala in WA 2150/2008, State of Kerala Vs AP Mamikutty.

Tying it to all the above, it is respectfully submitted that, the proviso under Section 43 Sub Section (2) of Electricity Act, 2003 clearly states that, any person is entitled to demand or continue to receive from a licensee a supply of electricity for any premises having a separate supply if he agrees with the licensee to pay such price as determined by the appropriate commission. For convenience the proviso is extracted here under for convenience.

*"Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission."*

(1)To call for the documents and to declare disconnection notices are unwarranted and illegal and to set aside them.

(2)To find and declare that order of the Consumer Grievance Redressal Forum (South) in OP No. 77/2024-25 is inappropriate, illegal and to set aside it.

(3) To issue orders to pay such amounts this Ho: Electricity Ombudsman may find appropriate towards the expenses for this appeal.

## **Arguments of the Respondent**

The appellant herein Mr. Vinod .S. Panicker, Consumer No. 114506008634 under the jurisdiction of Electrical Section, Cantonment, Thiruvananthapuram has approached this Hon'ble forum having felt aggrieved by the Order of the Hon'ble Consumer Grievance Redressal Forum which was pronounced in favour of the respondent Board. The grievance of the appellant is with regard to the notices issued for using multiple electricity connections in the same premises that too in the same tariff.

The Assistant Engineer, Electrical Section, Cantonment, Thiruvananthapuram, issued notices for using two electricity connections under consumer numbers 114506008634 and 145064006792, in the premises located in the Krishna Commercial Complex, Bakery Junction, Thiruvananthapuram

The notices were issued in accordance with the provisions of the Kerala Electricity Supply Code, 2014 (hereinafter "Supply Code"), specifically Regulation 52, which restricts the use of electricity for the same purpose at the same voltage level within a single premise. The appellant uses two premises at the Krishna Commercial Complex and utilizes electricity from the above-mentioned connections for a coffee shop and auxiliary purposes.

Consumer Number 114506008634 provides electricity at a voltage level of 415V, while Consumer Number 1145064006792 supplies at 240V. An inspection conducted by the Sub Engineer on August 23, 2024, revealed that both connections were being used simultaneously within the same premises which is in contravention to the relevant provisions of the Supply Code.

Regulation 52 of the Supply Code mandates that supply of electricity shall be given only at one point for the same purpose at the same voltage level in a single premises. As per regulation 6(1)(a) of the Kerala Electricity Supply Code, 2014, the specified voltage levels are;

- (a) Low Tension (LT) supply
- (b) High Tension (HT) supply
- (c) Extra High Tension (EHT) supply

Again, the Voltage level specified for low tension (LT) supply are the following:-

- (a) Low Tension (LT) supply,-
  - (i) Single phase 240 Volts between phase and neutral;
  - (ii) Three phase 415 Volts between phases;



In this instant case, 240V and 415V are the voltage levels maintained by the LT consumers for this two connections. This fact makes it abundantly clear that this appellant has two connection within the same premises which is in violation of Regulation 52 of the supply code.

Regulation 138 of the Supply Code enumerates the circumstances under which the within the premises in violation of the statutory provisions constitutes clear grounds for licensee is empowered to disconnect electricity supply. The use of multiple connections disconnection.

The Assistant Engineer found that the use of dual connections did not comply with Regulation 52, as both connections served the same purpose within the same premises that were physically and functionally connected. The Assistant Engineer's notices were issued to ensure compliance with the Supply Code and to avoid unauthorized use or potential misuse of electricity. The Respondent acted within their statutory authority and adhered to due process by issuing notices, offering the appellant an opportunity to address the issue before any disconnection action.

The Respondent's actions were legitimate, lawful, and in strict conformly with the relevant provisions of the Kerala Electricity Supply Code, 2014. The notices were issued to enforce regulations and prevent violations that could lead to inequities or technical issues within the electricity distribution system. The Respondent respectfully submits that the disconnection notices issued to the appellant are appropriate. In view of the above mentioned facts, this appeal lacks merit and is liable to be dismissed. All the facts stated above are correct to the best of my knowledge, information and belief.

### **Counter argument of the Appellant**

Separate electric connections, consumer numbers 114506008634, LT Three Phase at LT voltage level of 415 V and consumer numbers 1145064006792 LT Single Phase at LT voltage level of 240 V were provided at separate building units in the multiple occupancy building, Krishna Commercial Complex and the above connections are provided at separate two premises. Thereby the averments of the respondent under para (2) of statement of fact is rejected.

The statement facts under para (3) that, *"the appellant uses two premises at the Krishna Commercial Complex and utilises electricity from above mentioned connections for a coffee shop and auxiliary purposes"* is true and correct. No statute under Electricity acts prevents it and hence it is not at all violation of Regulation 52 of Supply Code or any other regulations. The statement of facts under para (4) that, Consumer number 114506008634 is provided at a voltage level of 415 Volt and Consumer number 1145064006792 is at a voltage level of 240 Volt is accepted. This acceptance of the respondent clearly proves that the notices under dispute issued citing regulation 52 of supply Code are unwarranted.

There is no evidence and even a shred of paper ever has been handed over to this appellant as proof of inspection in the form of a mahasar prepared in

obedience with the Regulation 173 of Supply Code or otherwise and the respondent has never produced such a mahasar in the lower Forum or before this Hon: Forum in support of this statement. No Sub Engineer inspected the premises on 23-08-202 as averred. The statement under this same para (4), the inspection revealed that both connections are being used simultaneously within the same premises is a contradicting to the statement under para (3) & (4) above in the statement of facts that the two connections are at two different voltage levels and provided at different premises and one premise is used for coffee shop and other for auxiliary purpose. There is no contravention of any provisions under supply Code. On the grounds the averments under para (5) of the statement of facts of the respondent are rejected.

Regulation 52 of Supply Code is a Regulation in nature of direction to the Licensee. Since there is a blanket acceptance of the very fact by the respondent under para (3) that, the appellant uses two premises at the Krishna Commercial Complex and utilises electricity from above mentioned connections for a coffee shop and auxiliary purposes & under para (4) that Consumer number 114506008634 is provided at a voltage level of 415 Volt, Consumer number 1145064006792 is at a voltage level of 240 Volt, the averments under para (6) is not accepted. More over while extracting Regulation 6 of Supply Code, the respondent has mischievously made a displaced quoting and suppressing some other facts under it so as to mislead this Hon: Forum.

This appellant is using different building units in a commercial complex having its own separate electric connections and hence different premises under Regulation 2(67) of Supply Code for his business activity never violates Regulation 52 of supply Code which requires issuing a disconnection notice under Regulation 138 of supply Code. Moreover, a consumer is entitled to demand, avail or continue to receive electric supply from a licensee to premises having a separate supply, if he agrees with licensee to pay him such price as determined by the appropriate commission under Proviso to Sub Section 2 of Section 43 of Electricity Act 2003. There is no claim of the respondent that this appellant has refused to pay such amounts demanded by the respondent licensee which is determined by the State Regulatory commission. Thereby the averments under para (7) of statement of facts of the respondent are rejected.

The respondent's actions are illegitimate and unlawful on the grounds stated in the appeal and under this document and not in conformity with any of the regulations created under Electricity Act and specifically any Regulations under supply Code. Thereby the disconnection notices under challenge under this appeal are arbitrary, illegal, irrelevant and inappropriate and hence this instant appeal does have merits under statutes. Hence the averments under the head "Conclusion" are rejected.



## **Analysis and findings**

The hearing of the case was conducted on 07/07/2025 at 03:00 p.m. in the KSEB IB, Paruthippara, Thiruvananthapuram(Dist.). The hearing was attended by the appellant Sri. Vinod S Panicker and his representative Shri. Ananda Kuttan Nair and the respondent Sri. Rajesh.R, Assistant Executive Engineer, Electrical Sub Division, Puthanchantha and Shri. Vimal P.N, Assistant Engineer,ES, Cantonment, Thiruvananthapuram (DT).

The appellant Shri. Vinod.S.Panicker had approached CGRF and then to State Electricity Ombudsman in connection with the disconnection notice issued the Licensee. The appellant is running a Coffee Shop in Krishna Commercial Complex at Bakery Junction, Thiruvananthapuram. He had availed an LT three phase connection for this shop with connected load 22.706 KW under the tariff LT 7 A. This connection was effected on 26/07/2004 with consumer number 114506008634.

The appellant had taken another shop on rental basis own to Smt. Keerthi Dhar to accommodate more Coffee Shop Customers. This space is utilized for providing more seats and to serve food items from the Coffee Shop. A door opening was provided between these two shops for serving the food items. There is an LT Single Phase connection in this shop with consumer no. 1145064006792 under the tariff LT 7A with connected load 2.6 KW and this connection was effected on 28/08/2000. As per the data submitted by the Licensee, feeder transformers are different and tapped from different posts. The second connection is in the name of Kasturi, the mother of the Owner of shop Smt. Keerthi Dhar. Here in this case the premises are two different shops and owned by the different persons. There is a common door between two shops for serving the food items. The respondent states that an inspection was carried out in the premises, but no document regarding the inspection was produced by the Respondent. No Mahazzar prepared in presence of the Consumer. The **regulation 52** of the Kerala Electricity Supply Code 2014 states about the supply to be given at one point.

***52.Supply of electricity to be given only at one point for same purpose at the same voltage level in a single premises.- Supply shall be given only at one point for same purpose at the same voltage level in a single premises.***

The argument of the respondent in that both the connection are in single premises. The premises is defined in 2(67) of Electricity Supply Code 2014.

***2 (67) "premises" includes any land or building or structure which is included in the details and sketches specified in the application or in the agreement for grant of electric connection or in such other records relating to revision of connected load or contract demand.***

Here the premises are two different shops at the different sides of the shopping complex owned by the different persons. Hence it could not be treated as single premises. Further the owner of the shop Smt. Keerthi Dhar has not agreed for disconnecting her power supply and connecting her premises from the power supply from another consumer Shri. Vinod.S.Panicker.

Then the next argument is that the purpose of use is same as per the respondent. Here the cooking and preparation of foods are done in the coffee shop and the same is served to the second premises through a common door. If this common door is closed by providing a serving window the issue could be resolved. The big malls and shopping complex are having eating spaces in common separate area with separate power connection than that of Kitchen /Pantry. Here in this case the eating space has been extended to another premises having separate connection. In the case in hand the power supply connection were one single phase and another in three phase and both are LT connections. These connections are connected to separate premises for different consumers. As such the notice of the Licensee to disconnect any one connection is not sustainable.

## **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 disconnection notice issued by the Licensee is not sustainable and hence quashed herewith.
2. The appellant should close the common door between the premises by providing only a serving window if required.
3. These two premises should not be electrically inter connected.
4. No Other Costs ordered.

**ELECTRICITY OMBUDSMAN**

No. P/041/2025/ dated: 08/08/2025.

**Delivered to:**

1. Sri.Vinod.S.Panicker, Ambrosia - The Classic Bake House, Krishna Commercial Complex, Bakery Jn, Thiruvananthapuram(dt)-695014
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Puthenchantha, Thiruvananthapuram (DT)

**Copy to:**

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, 2<sup>nd</sup> Floor Vydhyuthi Bhavanam, KSE Board, Kottarakkara - 691506.