

## STATE ELECTRICITY OMBUDSMAN

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### REPRESENTATION No: P 114/09

Appellant : M/s Vijaya Bank , Vellayambalam Branch,  
Sasthamangalam Junction, Thiruvananthapuram 10

Respondent: Kerala State Electricity Board  
*Represented by*  
The Assistant Executive Engineer  
Electrical Sub Division, Vellayambalam,  
Thiruvananthapuram

### ORDER

M/s Vijaya Bank , Vellayambalam Branch, Sasthamangalam Junction,  
Thiruvananthapuram submitted a representation on 10.12.2009 seeking the following  
relief:

*Set aside the order dated 13.10.2009 of the CGRF Kottarakkara*

*Direct the KSEB to regularize the Total connected load of 24 KW in the minimum tariff.*

Counter statement of the Respondent was obtained and hearing conducted on 9.3.2009 .  
The Sasthamangalam branch of Vijaya Bank is situated in the ground floor of a 5 storied  
building called Akshaya Towers .The premises had an electric connection with 6 KW  
connected load in the name of the building owner. The Bank authorities increased the  
load to 24 KW from 2005 onwards which was discovered by the KSEB officials in  
5/2005. KSEB commenced penalizing for the unauthorized additional load for the Fixed  
charges initially. The Bank remitted the penal charges as they could not regularize the  
additional load. KSEB started penalizing for proportionate energy charges also from  
6/2009 onwards. The monthly bill had risen exorbitantly and the Bank agitated against it .  
The CGRF upheld the action of the local KSEB officials

The representation with the pleas noted above is submitted to the under signed in the  
above back ground.

When the Bank approached the KSEB for regularizing the additional load of 18KW they  
were informed that since the total load of the building was more than 50KVA an

independent transformer had to be installed at the cost of the beneficiaries and space for the same has to be provided by them. The building owner was not prepared to do this . Sufficient out door space was also not available.

The Respondent informed that the additional load can not be regularized nor can anew connection given without satisfying this condition as per the Section 8(1)(c) of the Supply Code. The above clause ,inserted on 14.12.2005 , reads as follows:

*The cost estimates for LT consumers shall include the cost of service line and terminal arrangements at the premises of the applicant but shall not include the cost of meter, if connected load is below 50 kVA. For loads of 50 kVA and above connection shall be effected only after installation of separate transformer of adequate capacity , the cost of which shall be recovered from the consumer. In such cases the consumer shall provide the space for erecting such transformer.*

The Appellant pointed out that the total load in the building was more than 50KVA even before the Bank had connected up additional load. But the condition was not invoked for regularizing the loads of other consumers. Respondent informed that a clarification issued in 2007 specified that when the total load on any building had exceeded 50KVA the condition has to be invoked. Neither the Bank nor the building owner had submitted any application or required documents for regularizing the loads before 2007. This statement was not challenged by the Appellant .

In this case Appellant bank seems to have ended up them selves in an un-enviable situation. They do not dispute that an additional load of 18 KW had been connected up by them over and above the approved load of 6KW without bothering to obtain any sanction from the Licensee. They apparently did not take any meaningful steps to regularize it in time. The public sector bank did not bother to pay penal charges for years together. Why could not they get the required papers and forms from the Licensed wiring contractor, get it signed by the building owner and submit it to the KSEB in 2005 itself? If the owner was not willing to submit the papers why they could not ask for a new connection, in their capacity as lawful tenant, after terminating the old connection? I am surprised to observe that the public sector bank had been paying the penal charges for years together without bothering to regularize the irregularities.

At any rate , the Respondent can not be directed to act beyond the frame work of rules and regulations , to cover up the in efficiencies and carelessness of the Appellant Bank. The prevailing rules on the matter will have to be followed. The regularization of the additional load or providing a new connection as tenant to the Bank will have to be done only observing the procedures enumerated in Section 8(1)(c) of the Supply Code.

The Appellant have multiple options:

1. To legally enforce the building owner to provide the infra structural facilities for the required power load as per the prevailing statutes
2. To approach the KSEB to get an independent HT or LT connection as law-full tenant at Banks own cost
3. To transfer the additional load to a Generator and escape from the penal charges of KSEB.

The Respondent shall provide maximum possible assistance to the Bank on the matter.

Orders:

Under the circum stances explained above and after carefully examining all the evidences, arguments and points furnished by the Appellant and Respondent on the matter, the representation is disposed off with the following orders:

1. *The arguments/claims/points raised by the Appellant in support of the reliefs sought for are devoid of merit and hence the reliefs are not allowed and the representation is dismissed*
2. *No order on costs.*

Dated this the 10th day of March 2010 ,

P.PARAMESWARAN  
Electricity Ombudsman

No P 114 /09/ 514 / dated 10.03.2010

- Forwarded to: 1. M/s Vijaya Bank , Vellayambalam Branch,  
Sasthamangalam Junction, Thiruvananthapuram 10
2. The Assistant Executive Engineer  
Electrical Sub Division, Vellayambalam,  
Thiruvananthapuram

Copy to :

1. The Secretary,  
Kerala State Electricity Regulatory Commission  
KPFC Bhavanam, Vellayambalam,  
Thiruvananthapuram 695010
2. The Secretary ,KSE Board,  
VaidyuthiBhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF,KSE Board , VaidyuthiBhavanm  
Kottarakkara.

