

STATE ELECTRICITY OMBUDSMAN

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REPRESENTATION No: P 133/10

Appellant : Sri Kayaniyil Bahuleyan S/oPachan(Late)
Kayaniyil house, 39/301 Poozhiiyil Road,
WestHill(Po) Kozhikode

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division, KSEB, NADAKKAVU,
Kozhikode 673032

ORDER

Sri Kayaniyil Bahuleyan , WestHill , Kozhikode
submitted a representation on 18.5.2010 seeking the following relief :

*Issue orders for getting electric connection to M/s K.B.Store, (building no: 9/236(POld
no: 9/170C) Bigbazar, Calicut*

Counter statements of the Respondent was obtained and hearing conducted on 29.7.2010
The Appellant is occupying a room, in an old building (number 9/236 - old number
9/17C) owned by the heirs of late Sri AKTKM Gupthan Nambudiripad in the Big bazaar
Kozhikode for the last 45 years .The electric connection to the room was cut by the
owners a few years back. He approached KSEB on several occasions but could not get
connection for want of proper building number and consent from the owner. The CGRF
also did not provide relief to him.

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

During the hearing the Respondent informed that KSEB is willing to provide connection
if all the required documents are submitted. The Appellant could not provide proper
certificate from the Municipal Corporation showing the door number allotted to his room.
The Corporation has certified that the room is part of the building with door number
9/236. It was also informed that the connection could be given in accordance with the

provisions in the latest Board Order dated 24.2.2010 on the guide lines for providing new connections.

In this case the grievance of the Appellant is that he is unable to get electric connection since the owner of the building is not providing consent. The grievance of the Appellant has to be addressed, with out entering into the issues involved in the tussle between the owner and occupier, and without prejudice to the decision of any statutory authorities on the disputes between the owner and occupier.

The K S E B Terms and Conditions Of Supply 2005, the Regulations framed under the Kerala Electricity Supply Code of the Kerala State Electricity Regulatory Commission has the following provision on the matter:

14(4) If the intending consumer is not the owner of the premises to be electrified, he shall furnish a consent agreement in Form No.4 annexed from the owner of the premises. If he is unable to produce the consent agreement from the owner of the building, the service connection can be effected if the applicant executes an Indemnity Bond in Form No.5 annexed. A special deposit equal to the amount of Security Deposit is also payable whenever service connection is effected to the occupier/tenant and not the owner.

Hence it is clear that service connection can be effected to the occupier of the building if he satisfies the conditions mentioned above.

Another doubt expressed by the Respondent was that the room has no independent number from the Corporation. As per the BO (FB) (Genl) No 510/2010 (DPC II/AE/T&C of Supply.02/2009) Dated 24.02.2010 on the guidelines for effecting service connections:

1.1 Multiple service connections may be permitted in a premise, even if separate building number is not allotted by the local body subject to the following conditions:

- i The building should have a building number allotted by the local body.*
- ii A Service Connection given without separate building number will be disconnected if Secretary of the local body requests in writing to disconnect the service connection on the grounds that building was constructed violating building rules. Consumer shall give an undertaking in non-judicial stamp paper worth Rs 100/- to this effect.*
- iii There should not be more than one service connection allotted for the same purpose and in the same tariff in the same premise. However, separate service connections in domestic tariff will be given to independent dwelling units in buildings for domestic purpose if so desired by the consumer, if separate entrance from outside and separate wiring is provided for each dwelling unit.*

The service connection can be effected as per the above guide lines. The independent room occupied by the Appellant can be conceived as an independent premises as per the definitions given in the regulations.

The Appellant will have to submit fresh set of application documents along with the required bonds etc as specified above and remit the required fees / deposits.

As noted earlier the providing of the electric connection shall be, with out entering into the issues involved in the tussle between the owner and occupier, and without prejudice to the decision of any statutory authorities on the disputes between the owner and occupier.

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 plea of the Appellant is admitted and the Respondent is directed to provide new electric connection to the shop room as per the guide lines given above.*
2. *No order on costs.*

Dated this the 30th day of July 2010 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 133 /2010/ 625 / dated 30.7.2010

- Forwarded to:
1. Sri Kayaniyil Bahuleyan S/oPachan(Late)
Kayaniyil house, 39/301 Poozhiiyil Road,
WestHill(Po) Kozhikode
 2. The Assistant Executive Engineer
Electrical Sub Division, KSEB, NADAKKAVU,
Kozhikode 673032

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 , KOZHIKODE

