

STATE ELECTRICITY OMBUDSMAN

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Appeal Petition No: P/184/2011

(Present: T.P.Vivekanandan)

Appellant

: Smt Kitty Paul,
T.C 7/1183 (2), Koottamvila-270,
Vattiyoorkavu P.O, Thiruvananthapuram-13

Respondent

: The Assistant Executive Engineer,
Electrical Sub Division, KSEBoard, Poojappura,
Thiruvananthapuram.

ORDER

Background of the Case.

There are two Electric Service Connections provided by KSEB to the two storied building owned by Smt Kitty Paul, under Electrical section, Poojappura. Initially the ground floor has a single phase service connection with consumer No.12940- under industrial tariff and is given for rent to an outside Party to run a VSSC accredited SSI unit. The first floor is also having a single phase connection with No 12941 (under domestic tariff) and is used as the consumer's residence. While being so, an inspection was conducted by KSEB on her premises and on detecting unauthorized additional load (UAL) and misuse of tariff, they changed the tariff of consumer No 12941 under LT IA domestic to LTVIIA- commercial and also issued penal bill in case of consumer No 12940 against the UAL availed. Aggrieved by the above actions, the consumer filed Petitions as per Law before higher authorities of KSEB.

In the meanwhile, the WP (Weather Proof) service wire of consumer NO 12941 was burnt and caught fire. The consumer complains that there was delay from KSEB side for taking action to switch off the supply on getting information of burning of WP wire and there after, for resuming the supply after cutting and removing the wire by KSEB. It took more than two days to get the reconnection, states the consumer and hence allege deficiency in service by KSEB and wants compensation for the same. She also seeks compensation for the lapse of KSEB in effecting the change of tariff of consumer No 12941 back to domestic category even after regularization of UAL. But KSEB argues that it was consumer's fault that caused the burning of the wire and insist that there still exists non domestic use of energy from the said consumer and hence not eligible for tariff change.

Argument of the Appellant

The CGRF released its order without considering my views on the counter affidavit filed by the respondent, and therefore I wish to submit the following.

- (1). The CGRF hearing held on 27.10.2010 did not discuss the counter affidavit submitted by the Respondent. The copy of the same was not issued to me. Only through the order of CGRF, I came to know about these facts. Hence an opportunity should be given.
- (2). The CGRF's order states that the Assistant Engineer failed to do his statutory duty of Acknowledging the receipt of the complaint. Delay in resuming supply was also proved without any ambiguity. But It

held that there was no deficiency of service on the part of KSEB. This finding of CGRF is not correct and hence needs review with the additional points submitted by me also taken into consideration.

The ground floor, with consumer No 12940, is a 3- Phase industrial connection with a sanctioned load of 14 KW and is given for rent to run a VSSC accredited unit. The first floor with consumer No 12941 is a 1- phase LT IA now changed to LT VIIA with a connected load of 4.7 KW is used as my residence. The tariff to consumer No: 12941 continued to be in LT VII A even after normalization and segregation of industrial and domestic wiring as suggested by KSEB and request made for tariff change dated 5/3/2010. Since the tariff change was not effected in time, a claim for compensation as specified by the KSERC regulations was filed in form A on 12.04.2010. The Assistant Engineer (AE), Thirumala was reluctant to give the acknowledgement slip. The reasons cited for not converting the tariff back to LT I (a) by the AE, Thirumala and Assistant Exe. Engineer is contradictory. My request dated 18/6/2010 to AE, Thirumala for reconsidering the decision was not done even after the direction of Deputy Chief Engineer, to this effect, in the meeting held on 19.11.2010.

The inspection of our premises by the Division Squad was done on 23.07.2009. At the time of inspection both Electric Service connections were Single phase with 4.7 KW load each. The Connected Load of the consumer No: 12940 was more and hence the penal amount was paid and regularized the load as suggested by KSEB. The power Allocation request was made on 27.10.2010 and the same was obtained on 02.01.2010. Since the connected load of Consumer No: 12941 were within the limit, it was appealed for waiver of penalty. The A E reduced the penalty to Rs.4388/- from Rs.8176/-.

The findings of the AE that an Additional Load of 1 KW was connected to consumer No: 12941 is not correct. The additional load as per Inspection report dated 23.07.2009 is only 500 W. The total load found was 5.2 KW out of which only 150 W is classified as industrial load. I am entitled to use up to 500W for non domestic purpose in some portion of my residence as per the Tariff order of KSERC.

I have preferred an appeal to Deputy Chief Engineer, Trivandrum for the complete waiver of penalty and change of tariff of Consumer No 12941 on 2/11/2009 and a hearing was held on 19/11/2010. The Deputy C E has ordered complete waiver of penalty and directed the A E for tariff change. The statement that, the complaint was received on 09.11.2009 at 5 p.m and was rectified on 09.11.2009 at 4 p.m itself is incorrect and a practically impossible one. The breaking of Service wire and catching fire was communicated orally to Assistant Engineer and in writing on 07.11.2009 at 11.00 am. The Assistant Engineer was reluctant to acknowledge the complaint and nobody attended the complaint till 5.00 pm on that day. There was wind and the wire got fire twice and the matter was informed to A E over phone many times. At 05.00 pm, the Lineman reached the spot and cut the wire from the mains.

The Sub Engineer never visited the site as pointed out in the affidavit and no instruction verbally or in writing was issued to me to rectify any defects. I received a letter on 09.11.2009 from the Assistant Engineer stating that the service wire was burnt due to overloading of the meter. This version is not correct as it was not clear how the meter was overloaded and how it fused the service wire saving the Energy meter. The service wire is rated for more than 150 Amps and the fusing current will be at least twice the rated maximum current. In that case, the meter and internal House wiring will also blow up. Hence the statement of A E is totally irrelevant and not expected from an Engineer. The cause for burning of the wire should be external to the Meter Board, and may be due to insulation failure.

The load from Consumer No: 12941 were not transferred to No: 12940 as stated in the affidavit. Even if it is transferred practically no current sufficient to fuse the service wire will flow through the wire. The letter dated 09.11.2009 of Assistant Engineer does not contain these points and the whole story is cooked up later to escape from the responsibility for the deficiency of service. A total of 15 Nos of documents were attached with the Petition.

Relief Sought. (1). Payment of Compensation as per existing KSERC norms for the inordinate delay in resuming supply after wire breakage

- (2). Conversion of Tariff in consumer No.12941 from LT VII A to LT I A and refund of the excess amount already collected with interest.
- (3). Settlement of claim for compensation as per existing KSEB norms for the delay in conversion of tariff from LT VII A to LT I a.
- (4). Complete waiver of penalty on consumer No.12941 and refund of the amount paid with interest.
- (5). Refund of the amount paid as the cost of service wire with interest.

Argument of the Respondent:-

There exist two single phase electric service connections in the name of Smt Kitty Paul, one under industrial tariff at the ground floor with No 12940 and another under domestic tariff- LT IA at the first floor with No 12941, of a two storied building, having a connected load of 4.7 kw each. In the inspection done on 23.7.2009 by KSEB they found unauthorized additional load and misuse of energy for a different purpose and hence changed the tariff of consumer No 12941- LT IA domestic to LT VIIA commercial. Later the load of consumer No 12940-LT IV was enhanced from 4.7 kw to 13.026 kw and also converted 1- phase to 3- phase supply.

The reason cited by both AE and AEE for the tariff change is the same i.e. a portion of the domestic premises is used for non domestic purpose. In the Hearing conducted against the provisional assessment bill, the consumer has agreed to convert the whole building service under LT IV but did not comply it. Regarding the acknowledgement of claim for compensation in Form-A, the CGRF has directed the Deputy CE for taking action.

The surprise inspection done on 23.7.2009, by KSEB found unauthorized additional load and misuse of tariff in consumer No: 12941 and therefore issued penal bill and changed the tariff of the domestic service connection to commercial one. The consumer paid the penal bill but did not regularize the additional load. This penalization was done as per section 126 of the Electricity Act by the Assistant Engineer (AE), Thirumala Section Office and the party has filed appeal and is pending before the Appellate Authority.

A complaint was received on 7.11.2009 at 5.00 pm, over phone from consumer No 12940 regarding the burning WP (Weather Proof) service wire. The copy of the complaint register is attached. A lineman was sent for attending the complaint and he disconnected the supply from the post to ensure safety and reported facts to the Sub Engineer (SE). The SE inspected the premises and found that the cause of fire is due to over loading (transferring the entire load of consumer no 12941 to the service connection 12940) and also found the Meters shifted with out permission. The SE informed the AE of the irregular activities being done at the premises and AE in turn gave message over phone to the occupant of the premises to rectify the defects urgently and informed him that reconnection will be given only after removing the additional load and realizing the cost of service wire. The next day (8th) was a holiday and on 9.11.2009 at about 4.00 pm the consumer reported to the office the rectification of the defects and the service was re-effected with a new WP wire even without realizing its cost. Later on 11.12.2009 the consumer paid the cost of wire and on 23.01.2010, the total load was regularized at 13.026 KW and the service connection was converted to 3-phase supply.

The unauthorized shifting of Meter was noticed during the inspection of SE regarding the complaint of WP wire burning. During shifting of Meter, there are chances for twisting of WP wire and weakening of its insulation. The overloading of additional load might also cause the wire burning. The shifting of Meter was not done by KSEB. The meter can with stand 150% of the rated maximum current. The Board maintains power up to Meter board. The AE has asked the consumer to remove the unauthorized additional load connected to consumer No 12940. The cause of delay is due to the delay of rectification and removal of UAL by the consumer. The technical details furnished about the WP Wire and fuse, by the appellants, is not fully correct.

There is no inordinate delay in resuming supply. The delay caused, if any, is due to the negligence and fault of the consumer. As long as the non domestic usage is continuing from consumer no 12941, the tariff cannot be changed from LT VIIA to LT IA and hence the electricity bills issued are in order and no excess amount was collected from the consumer. The consumer has not complied the procedure for tariff conversion and no delay occurred from KSEB's side in tariff conversion. Penalization was done as per section 126 of Electricity Act, 2003. Six numbers of documents are attached.

Analysis and Findings-

On a perusal of the Appeal Petition filed by the consumer, the statement of facts submitted by the Respondent, and considering the facts and circumstances of the case from the Hearing conducted on 10.05.2011 at Trivandrum, and analyzing the same with the documents attached, I come to the following Findings and Conclusions leading to the Decisions.

The surprise inspection of the consumer's premises on 23.7.2009 by the Division squad of KSEB and the detection of unauthorized additional load (UAL) there, in the case of consumer No: 12940 – LTIV Industrial, and the unauthorized use of electricity in the case of consumer No 12941 are not disputed by the Appellant. The industrial service connection is found to be given for rent to a third party to run a VSSC (Vikram Sarabai Space Centre) accredited SSI Unit named M/s Hi-Rel Fabs. It is noted that the request for additional Power allocation was submitted to KSEB on 27th Oct: 2009 and obtained its sanction on 02.01.2010. The KSEB reports that the total Load of consumer No 12940 was regularized, as 13.026 KW (LT IV- industrial) on 23.01.2010 and also converted it to 3- phase service on the same day. Hence the service connection remains regularized as on 23.1.2010 in the case of consumer 12940 and the party also paid the penal bill for the UAL availed.

The next point to look into is regarding the Consumer No 12941, given for domestic purpose which was changed to commercial tariff by the KSEB, after the inspection conducted on 23.7.2009, alleging use of energy for a different purpose other than authorized. It is seen stated in the Mahazar, prepared by the Sub Engineer during the inspection on 23.7.2009, and witnessed by an employee of the Firm, that the consumer No 12941(domestic service) is being utilized for industrial purpose. The electrical load connected to the same service connection (12941) was also noted down as 5232 watts against the sanctioned load of 4700 watts.

The consumer has deposed in the hearing done on 31.8.2009 before the Assistant Engineer(against provisional assessment) that one room of the upper floor (under domestic tariff) is utilized for non domestic purpose i.e. for running a Test Lab set up with VSSC funds for testing equipments. Further she states that this facility has to be retained to fulfill the terms of contract agreement signed between her and M/s Hi-Rel Fabs and VSSC. She further pointed out that she is not staying there since 6/2009. This statement proves that the consumer has given to rent one room of the first floor belonging to Consumer No 12941 under domestic tariff, to run a Test Lab of the consumer No: 12940 (under LT IV- Industrial) with out the approval of KSEB, which tantamount to unauthorized use of electricity as per Section 126 of Electricity Act, 2003, i.e. usage of electricity for a purpose other than for which the usage of electricity was authorized. Hence the step taken by KSEB to change the Tariff of the consumer No 12941 is found to be in order. But the Licensee KSEB should have changed the tariff of consumer No 12941 to LT IV- industrial only and not to LT VIIA –commercial as it has been specifically mentioned in the Mahazar that electricity from consumer No 12941 (domestic) is seen being utilized for industrial purpose.

The argument of the consumer that she can utilize up to 500 watts or 20% of connected load, which ever is less, for purpose other than domestic use, is not maintainable here because, it is specifically mentioned in the Tariff Order as " for their own use ". This facility is not intended for use by anybody else but by the actual consumer himself and not to be misused. In the case under dispute, it is seen that the facility is availed by another consumer, who is on rent. It is learnt that the idea behind this provision is to utilize, a part of his/her house for their own livelihood purpose or for their betterment, in a small

way. That is why the limit of 500 watts was insisted. Here the consumer has made agreement with others for giving one room of her house (under domestic tariff) for installing testing equipments of an industrial consumer on rental basis and therefore she cannot raise the demand for the same facility (concession) to be given for other's purpose.

Now, another point to be considered is whether there was any deficiency of service from the KSEB's side in restoring the electric supply after the incident of 'burning of WP wire' of the consumer? The consumer states that the matter of, breaking of service wire and catching fire, was immediately reported over phone to Asst Engineer, Electrical Section, Poojappura, and in writing at 11.00am on the same day i.e. on 7.11.2009. A copy of the letter addressed to AE is produced as document which does not mention anything about the incident of 'burning and catching of fire' but speaks of as 'wire found broken and requested to replace the wire'. On the other hand AE's version is that the complaint was received on 7th at 5.00 pm only and he produces the copy of the complaint register's relevant page as document, which shows the time of complaint received and recorded as 5.05 pm. The AE denies the fact of receipt of any telephonic message regarding the burning of wire by the consumer. In normal case, the consumer calls the Section office and reports the complaint and the person who receives it, record the same on the complaint register. In an emergent situation like burning of service wire, if there is no response from KSEB side by a phone message, the consumer will dash to Electricity office, to get help to isolate the electric supply and put out the fire from developing it into any damage or danger. If such information is received by any personnel of KSEB office I think, definitely action will be taken to remove the danger by cutting off power supply to the premises, which is a prime duty of the Licensee. The consumer has not recorded any complaint on the Complaint Register kept at the Section office. The complaint is seen recorded in the Register as received at 5.05 pm only and action is seen taken on the same by the Lineman and is recorded as 'wire burnt due to overload, cut the WP wire and avoided danger'. Hence from the foregoing discussion I do not find any conclusive evidence to prove the allegation of intentional delay from Respondent's side in attending the complaint of the consumer. Before restoring Electric supply to the premises of "burning wire and catching fire", safety is to be ensured by determining the cause of fire and eliminating the root cause, otherwise there are chances of repetition of the fire. Therefore the supply cannot be resumed at once and the reporting of fire incident to the Sub Engineer by the Lineman and his visit and inspection of site and reporting the Findings of inspection to AE are found to be as per rules. Hence delay to resume power supply, till the defects are rectified and reported, in such cases is reasonable.

It is a fact that there was a burning of WP wire on 7th and it was cut and removed by KSEB around 5.00 pm to ensure safety. The respondent has stated in the counter that there was a case of shifting of Meter done unauthorisely by the consumer and during that time, there are chances of twisting and weakening of insulation of the wire, which caused the burning and catching of fire. It is also stated by the Respondent that the SE visited the site on getting information from the Lineman and reported that the probable cause for burning of wire was, due to the transfer of the whole load of connection No 12941(domestic) to the consumer No 12940 (industrial) and thereby caused overloading of the wires, leading to the burning of WP wire. The Lineman has recorded in the complaint register the reason for burning of wire as 'overload'. The consumer states that the original meter board was of wooden make and KSEB directed to change to 'Iron Board' for fixing the Meter and the same was done as per the direction of KSEB and there is no case of unauthorized shifting of Meter in the Premises as alleged by KSEB. The statement of KSEB that the Meter was shifted unauthorisely, does not appear to me as correct because otherwise, on noticing this irregularity by the Sub Engineer, action would have been taken from KSEB's side to book the case, including the preparation of a Mahazar noting down the anomalies. This action did not take place which suggests me that no such unauthorized shifting was

taking place. Instead the version stated by the consumer that Iron Board was provided for fixing the Meter, replacing the wooden board, as per KSEB's direction seems to be the more probable one.

The WP wire normally used in KSEB, for providing electric service connection for a Single phase load of 4.7 kw is, WP 1/2.8 mm size, Aluminum two core wire, which has a rated capacity of around 24 Amps. The Meter provided for consumer No: 12941 is recorded in Mahazar as 'Elymer Company make' with a capacity rating of 5-20A range. The argument of the consumer that the WP wire will carry 150 Amps is not correct. The likely cause for burning of wire, as stated by the Respondent, may be the damage afflicted to WP wire during twisting and weakening of insulation at the time of Meter shifting. Surely, if such damage has occurred to the wire, it can lead to a short circuit at the vulnerable point thus causing the fire. Overloading of equipments can also lead to burning of wire provided the capacity of WP supply wire is of insufficient rating. In such a situation the blowing of the Meter board "cut out fuse" and the burning of the internal house wiring cannot be ruled out. A detailed investigation only can ascertain the real cause, like why the Meter and internal house wiring of consumer's installation did not get burnt, what was the capacity of the wires used for internal house wiring, whether the fault was outside the Meter Board, the ratings of the cut out fuse provided at the Meter board and the Distribution Board's (DB's) circuit fuses ratings etc, and has to be verified for finding the actual cause of fire. But that enquiry is not seen to be done by anybody. If there was any overloading of equipments, the Meter and the internal house wiring of the building would have been surely affected. Since there were no reports of any fault seen in the Meter Board or in the consumer's internal house wiring, I feel the most probable cause for the mishap shall be the short circuit in the WP service wire, due to some damage occurred on the insulation of WP wire only.

The Appellant categorically denies the visit of SE on 7.11.2009. But she has stated on the 3rd para of page 4 of the Appeal Petition as follows; "On the day of mishap the work suggested after inspection of the site during October 2009 by the Sub Engineer (Evidence 15) after conversion from 1-phase to 3-phase was being carried out by a Licensed Electrician." The 'evidence - 15' produced by the Appellant, is a list of works to be done by the consumer and as suggested by the SE on his visit. This statement appears to me that the SE visited the site 'on the day of mishap' i.e. on 7.11.2009 and directed the consumer to carry out some rectification work.

The consumer has applied for tariff change in March 2010 itself. The Assistant Engineer has replied as "the requested portion is a part of LT IV connection and hence tariff change cannot be considered". Further he asks the consumer to separate the portion for domestic with separate entrance and informs that, the request for tariff change can be considered only after that. On the other hand the Assistant Exe.Engr gives reply to the consumer as 'the purpose of the premises of consumer no 12941 is found non domestic in my inspection on 5.5.10 and hence tariff change is not possible'. It is noted that the consumer vide her letter dated 18th June, 2010 that "the said portion in the first floor is clearly separated from the residential portion with Aluminum partition".

The Respondent should have intimated the consumer very clearly, what all things should be done by her, to change the tariff of connection No 12941 back to domestic category. The consumer wants to keep 'one room' belonging to the first floor (under domestic tariff), attached to the industrial service connection of the ground floor as she has rented it out and has contractual obligation for the same. Further, she wants the balance portion in the first floor to be converted back as a residential premise. For this, as per rules, the wiring of the 'one room' of first floor has to be separated from the domestic service connection and should be connected with the industrial connection of the ground floor. That is, both 'electric service connections' wiring should be independent and fed by its own service and there should not be any case of double feeding or interlinking of electric supply, for safety reasons. As per sub clause 9(a) of clause 14 of the KSEB Terms and Conditions of Supply, 2005, it is required that separate entrance from outside with separate wiring shall be provided. The respondent did not take further

action on the request for tariff change of consumer No12941, as the 'one room' of the first floor (under domestic supply) is continued to be misused for industrial purpose. The respondent should have intimated the consumer in clear terms, the steps to be taken by the consumer, for effecting the tariff change. Here it is seen that the request for tariff change was rejected citing the same reason that it is used for non domestic purpose as before. I feel there is lapse on the part of the respondent in dealing the legitimate request of the consumer for tariff change seriously and issuing clear advice on the same.

DECISION:-

From the above analysis done and the findings arrived at, I am taking the decisions on the points raised as follows;

The cause of disconnection of electric supply to the consumer's premises is due to the burning of WP Service wire and catching of fire. The AE is seen to have intimated the consumer through letter dated 9.11.2009 that the cause of fire is overloading of Meter and therefore demanded to remit Rs 439/- towards the cost of WP wire. No reply is seen issued by the consumer to this letter. Moreover the consumer has remitted the cost of wire after resumption of electric supply on 9.11.2009 afternoon. There was practically no electric supply in the consumer's premises for almost two and half days after the disconnection of service done on 7th November 2009 afternoon. That is, from 7th to 9th afternoon (8th being a holiday). But, since there was fire on the premises due to some electric fault, its cause has to be ascertained and the faulty part or damaged portion replaced or isolated for safety reasons, before resuming the electric supply. The respondent stated that the AE has informed the consumer to rectify the defects and remove the additional load availed and to remit the cost of WP Wire. It is further stated by the AE that the consumer rectified faults and reported the facts and only after that, the electric supply was resumed. This fact is denied by the consumer. Even then I feel the delay of 2 days for effecting the reconnection of the electric supply, disconnected for burning of WP wire due to 'short circuit' as stated above can be justified on "safety" grounds as it is essential to rectify the defects and no compensation need be payable on that basis.

The respondent has regularized the unauthorized additional load detected on consumer No 12940 on 23.1.2010. At that time itself, the respondent should have verified the plan of electrical wiring scheme (sketch of the premises) of each service connection and the status of the 'one room' of the first floor which is alleged by the KSEB as connected with the Industrial service connection provided at the ground floor. If any discrepancy or misuse of tariff is still noticed at that time, i.e. during the inspection related to regularization of additional load in 1/2010, it should have been informed to the consumer in writing in detail. But that did not happen. After regularizing the unauthorized load of consumer No 12940, whose premises is stated to be inclusive 'one room' of the first floor belonging to service No 12941 and thereafter KSEB raising the objection that the consumer No 12941 is still utilized for non domestic use, does not appear to be fair. Further, as it is found lapse on the respondent's side to intimate the consumer the steps to be taken for tariff change clearly, I order that the consumer's tariff (No 12941) shall be reverted to LTIA-domestic with retrospective effect from 3/2010, the month the request for tariff change was made after regularization of load and the amount collected in excess under LT VIIA tariff, for the months from 3/2010 onwards shall be refunded with interest. Moreover the tariff change effected, from LT IA to LT VIIA by the respondent, is found to be not in order and the change of tariff to LT IV-industrial only is admissible since in the Mahazar it is clearly written that the service is seen used for industrial purpose. Therefore the decision to effect the tariff change in case of consumer No 12941 is correct except the tariff category fixed which should be LT IV-industrial and not under LT VIIA, and may remain so until 3/2010.

No compensation is ordered for the delay in conversion of tariff back to LT IA as the consumer vide her letter dated 18th June states that 'the said portion of first floor is separated from the residential

portion with Aluminum partition'. This step alone is not sufficient but the wiring of the said portion of the first floor should be segregated from the domestic service connection and connected with the ground floor service connection. The report of AE and AEE states that the 'said portion in the first floor' is still remain connected with domestic service and the same is utilizing for non domestic purpose. Hence the consumer is not found eligible for any compensation for the delay in Tariff change.

I am also compelled to order that the consumer may segregate the wiring of the 'said portion of the first floor' from the domestic service and connect it with the consumer No 12940 -Industrial (if not already done) and shall also provide independent and separate entrance for the domestic service No 12941 **with in a month** from the receipt of this order. Once this work is completed, the consumer may submit the sketch of wiring of both services (duly signed by a licensed electrician), indicating the premises of both service connections clearly, and it shall be verified by the Respondent. Anomaly, if any is found on inspection, it shall be intimated to the consumer in writing with a notice period of 30 days for rectification of the same and if not done satisfactorily even after the said notice period, suitable action as per Law shall be initiated against the consumer.

The WP Service wire was burnt and the most probable cause is short circuit due to damage in insulation. The AE argues that while shifting the meter by the consumer there is probability for twisting and weakening of insulation causing the damage. No other cause is attributed by other side other than low quality wire purchased by KSEB. The practice in KSEB in the purchase of wire is stated to be, on passing the tests done on random samples of wire, selected through open Tender. As such without any substantiate proof the low quality allegation cannot be accepted. The damage to insulation can also occur due to wear and tear over a period of time. The KSEB has admitted that they are responsible for maintenance of wire up to Meter board. Since the Meter and internal wiring are not seen affected in the fire incident, the fault is found to be external to the Meter board and therefore I conclude that it is the responsibility of KSEB to change the WP Wire and resume electric supply after determining the cause for "wire burning". The consumer alone cannot be held responsible for insulation damage. Hence the action of the respondents to collect the cost of WP wire is found to be not in order and therefore KSEB shall refund the amount of cost of WP wire realized from the consumer with interest.

Regarding the failure of AE to issue acknowledgement on the claim for compensation in Form A, it shall prevail, as ordered by the CGRF, Kottarakkara.

Having concluded and decided as above the Appeal Petition stands disposed of accordingly. No order on costs. Dated the 10th of October 2011,

Electricity Ombudsman.

No: P/184/2010/ /Dated 10.10.2011.

Forwarded to: -

1. Sri.Kitty Paul, TC 7/1183(2), Koottamila, Vattiyoorkkavu, Thiruvananthapuram-13.
2. The Assistant Executive Engineer, Electrical Sub Division, Poojappura, TVM.

Copy to: -

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam Vellayambalam, TVM.
2. The Secretary, KSEBoard, Vidyuthibhavanam, Pattom, TVM.
3. The Chairperson, Consumer Grievance Redressal Forum, KSEboard, Kottarakkara.

