

STATE ELTHEECTRICITY OMBUDSMAN

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Appeal Petition No: P/395/2013

(Present Sri.T.P.Vivekanandan)

Appellant : Sri P A Anthru,
Managing partner, M/S Star Plywood Industries,
Odakkali, Asamannoor P O, Ernakulam Dt.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division, KSEB,
Kuruppampady, (Via) Perumbavoor, Ernakulam Dt.

ORDER.

Background of the Case: -

The appellant is the Managing Partner of M/S Star Plywood Industries with Consumer No. 11496 under Electrical Section, Kuruppampady. The consumer had applied for additional power to the extent of 80 HP on 18.5.2013. The KSEB refused to give load as the consumer has to avail a HT connection for having exceeded his load above the LT limit. Aggrieved by the non sanctioning of the additional power requested, the consumer approached CGRF on 17-6-2013 which was dismissed vide Order No. CGRF-CR/Comp.48/2013-14 dated 4.7.2013. Being aggrieved by the said order, the appellant has submitted this Appeal Petition.

Arguments of the Appellant:-

(1). The Star Plywood Industries owned by the appellant was allotted a Connected Load of 154 HP from Electrical Section, Kuruppampady Section. A 250 KVA transformer was installed in the property of M/S Star Plywood Industries as per the MG agreement jointly submitted by the appellant and Sri.T.P. Muhammed of M/S Universal Plywood, who has availed 47.5HP power from the said transformer. The consumer has expended the complete amount for the installation of the 250 KVA transformer.

(2), While so on 30.9.2010, Sri. K.V. Abbas, the previous owner of the firm had submitted an application for additional load of 80 HP. The respondent did not take any steps on the same and so the appellant has submitted another revised application on 18-5-2013 for additional power of 80 HP. The requirement of additional HP is in order to operate new machineries as per the revised Factories & Boiler Act. But the respondent has not sanctioned the request for additional power stating that the applicant is not the registered consumer of the Cons. No. 11496.

(3). M/S Universal Plywood had submitted an application for 48 KW additional load only after the submission of the application by the appellant. The application of M/S Universal Plywood for 48 KW was sanctioned by KSEB, violating the provision for installation of a new transformer for

sanctioning the additional load, exceeding the prescribed limit. This party (appellant consumer) had applied for 15 KW additional load on 30-9-2011 and the same fact has been admitted by the Asst. Exe. Engineer before the CGRF. The respondent rejected the request of the consumer and a reply to this effect was given on 23.5.2013 i.e. after 3 years of submitting the application. But the respondent has sanctioned additional load to Sri. T.P. Muhammed, based on his application dated 18.4.2013. This is denial of justice.

(4). The appellant is unaware of the fact that sanctioning of the additional load 80 HP will exceeds the LT limit of 150 KVA which requires conversion of the connection to HT. If this fact has been explained by the Board officials, the applicant has the chance to revise the application based on the availability of the load. This fact was not revealed to the applicant with an intention to give power to Universal Plywoods.

(5). Huge amount is required for conversion of this connection to HT. Since the firm is facing financial problem, it is not possible to change the ownership of the connection at present.

(6). The CGRF has not considered the fact that the industries availed connection before 2-3-2005 is eligible for benefit of connected load up to 150 KVA under LT, as per the Board orders No.BO(FB)General/No.510/2010 (DPC II/AE/T&C 7Supply 02/2009) dated 24-2-2010.

(7). Considering the above facts, the appellant requests to sanction additional power to him, which is eligible as per Board order dated 2/3/2005, limiting 150 KVA under LT from the 250 KVA T'rfr, installed in the premises of the appellant. The power of 48 KVA connected load may be given to Sri. T.P. Muhammed after installing a separate transformer as per rules.

(8). It is also requested to stay the orders issued by the CGRF regarding the additional load sanctioned to Universal Plywoods.

During hearing the appellant claimed that at present he has a connected load of 122 KVA and wants to be raised up to 150 KVA.

Arguments of the Respondent: -

(1). Sri. T.P. Muhammed, M/s Universal Plywood at Odakkali has submitted an application for permanent additional load to the extent of 48 KW in connection with the enhancement of his industry vide consumer no. 11496 in April 2013 at Electrical Section, Kuruppampady.

The connection is feeding from the 250 KVA Star transformer which was installed during 2011 under minimum guarantee scheme on the joint application of Sri. T.P.Muhammed and K.V.Abbas (Star Plywood) with equal status. As per the MG agreement 7/26.11.2011, the transformer was installed for issuing 47.5 HP power to both consumers. Supply to Sri. T.P. Muhammed was for starting a new industry named universalPlywood and to Sri. K.V. Abbas is for availing additional load to his existing industry named Star plywood. As per the report of the Asst. Engineer the present load sharing of the 250 KVA transformer is as follows:

- i. 36 KW to M/s Universal plywood
- ii. 110 KW to M/s Star Plywood
- iii. 2 KW to other domestic consumers. Total 148 KW equivalent to 164 KVA.

(2). As the 250 KVA transformer is having sufficient capacity, which was installed according to the MG agreement executed by the joint request of the above parties, we gave power sanction to the applicant on 8.4.2013 on report of the concerned Asst. Engineer. But on 18. 5.2013, Sri. Anthru, the present owner of M/s Star plywood has submitted an application and argued that, previous

owner Sri. KA Abbas has been submitted an application on 30.9.2010 for allotment of additional load to Star Plywood and the same has not been sanctioned. Now he is requesting 80 Hp additional load as per the previous owners request.

(3). The owner of the Star Plywood is Sri. K.A. Abbas, who has submitted an application for 13 KW additional load on 30.9.2010 and there after he did not turned up to the office. As per the office records, Sri. K.A. Abbas is the registered consumer and so the complaint of Sri. Anthru can be considered only after changing the ownership and a reply was given to the complainant stating this fact on 23.5.2013.

(4). Both the parties have given complaint to higher officials of Board and the power sanction to Sri. T.P.Muhammed has been kept freezed as per direction of the Deputy C E, Perumbavoor. Both the parties were given complaint to CGRF also and the CGRF upheld the decision and granted additional power to Sri. T.P.Muhammed and dismissed the petition of Sri. Anthru. Being aggrieved by the decision of the CGRF, the complainant has approached this Forum.

(5). The installation of the transformer was done by KSEB under MG scheme by the joint request of Sri.T.P.Muhammed and Sri K.A.Abbas with equal status. No expenses have been spent by the guarantors during the installation. The installation cost was completely met by KSEB and it is a KSEB property only. The application for power submitted by the previous owner was on 30.09.2010. The connection is still owned by Sri. K.A. Abbas as per office records. But after a long period the present owner requested to grant the power as per the previous application. The ownership of the company is not changed to the present owner so far. We are ready to consider the request of the complainant after changing the ownership. This has been conveyed to the complainant.

(6). On 17.6.2013, another person named M.N. Sajeev has submitted a letter to this office stating that he is the managing partner of M/S Star Plywoods and now he does not require any additional power to his industry and he did not deputed anybody for this purpose.

(7). The power load sanctioned to Sri.T.P. Muhammed is right and the action of the Asst. Executive Engineer is upheld by the CGRF vide its order dated 03.7.2013.

(8). The averments made by the consumer that he is unaware of the maximum load limit of the LT connection is false. KSEB has informed the maximum limit of the LT connection during meetings. As an MD of the industry with 110 KW, he knows the basic rules regarding the power allocation.

(9). The argument of the petitioner that he is eligible for 150 KW load in LT connection is baseless and against rule. The LT connection is limited to 150 KVA. The party is arguing such unnecessary request every time without any legal support. It is heard that certain disputes exists between the complainant and co-guarantor and the complainant wants to include KSEB in these unnecessarily. His complaint is mainly for blocking the power allocation to the co guarantor.

During the hearing, the respondent stated that at present the 250 KVA Transformer is loaded up to 218 KVA and if the 13 KW load requested is allowed, then the total load on the transformer would be 232.2 KVA which is more than 90% of the T'rfr capacity and is not allowed.

Analysis and Findings: -

The Hearing of the case was conducted in my chamber at Edappally, Kochi on 04.02.2014 and 20.02.2014. Sri. P.A. Anthru, the appellant and the learned Advocate Sri.K.I. Sageer Ibrahim, has appeared for the appellant and Sri. M.P. Poulouse, AEE, KSEB, Kuruppampady, represented for the respondent's side. On perusing the Appeal Petition, the counter statement of the Respondent, the

documents submitted, the averments made during the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions there of.

1.0. The appellant is the Managing Partner of the Firm, 'Star Plywood industries'. The appellant has approached KSEB on 18.5.2013 for additional power of 80 HP with an argument that, previous owner of the firm had submitted an application for additional power of 80 HP on 30.9.2010. This is not found correct, but Sri Abbas has made a request for 13 KW additional load on 30.9.2010. It is also a fact that Sri K.V. Abbas, the previous MD and Sri. T.P. Muhammed, another consumer had jointly executed an MG agreement for a 250 KVA transformer on 26.11.2001. Sri.K.V.Abbas had availed 36 KW load to his existing load of 74 KW totalling to 110 KW and Sri. T.P. Muhammed of Universal Plywood had availed 36 KW from this 250 KVA transformer for starting a new industry.

1.1. Sri K.A Abbas had submitted another application for additional load of 13 KW on 30.9.2010. There is no dispute regarding the receipt of an application for additional power from the previous owner on 30.9.2010. As per Regulation 6 of the Kerala Electricity Supply Code 2005, "*the licensee shall provide electricity connection to the owner or occupier of any premises requiring supply as per the time frame under clause 8 subject to the payment of required fees, charges and security and satisfying the conditions stipulated in the approved 'Terms and Conditions of supply' of the Licensee by such owner or occupier of the premises:*

Provided that, the Licensee shall not be responsible for delay, if any, in extending supply, if the same is on account of delay in getting statutory clearances, right of way, land acquisition or the delay in consumer's obligation to provide necessary clearances or payment of required cost of work as per clause 7 and security deposit as per clause 13, or for any other similar reasons beyond the reasonable control of the Licensee. In all such cases, the Licensee shall take all reasonable steps to avoid delay:"

1.2. The 1st step, as per the time frame stipulated in the Supply Code is to inspect the applicant's premises and prepare cost estimates including initial security deposits and notify the applicant within 7 days from the date of application. But this procedure was not been adhered to, by the Board for the reason that the applicant did not pursue the matter after filing his application. At least, it would have been proper, had the KSEB issued a reply to the applicant stating the reasons.

1.3. Later on 17.6.2013, Sri Sajeev claiming to be another Managing partner of the firm has submitted a letter to the Board that no additional power is required to his firm and he did not deputed anybody for this purpose.

1.4. The claim of the appellant that he expended the complete amount for installation of 250 KVA transformer in his premises is not proved, as no documents of any amount paid is produced by the party. The transformer was installed under MG scheme and Board has met the expenses.

DECISION : -

From the analysis done and the findings and conclusions arrived at, which are detailed above, I take the following decision.

(i). The existing 250 KVA transformer feeding power to the appellant ('Star Plywood industries') and the Co-Guarantor (Universal plywood) has executed the Minimum Guarantee Scheme (MG) for installing a common transformer so as to meet their Power demands. The appellant has added an additional load of 36 KW to his existing demand of 74 KW thus totalling to 110 KW load. The other party (Universal plywood) started a new unit with 36 KW as initial load. As per the CGRF's

order he was allowed a further load of 48 KW thus totalling to $(36 + 48) = 84$ KW. Since the Trfr was installed on MG basis by the 2 parties as co-guarantors, there is no need to go for a separate Trfr, as long as the present one has enough surplus capacity. Therefore the appellant's argument to direct the other party (Universal plywood) to go for a new Trfr to connect his additional loads is not maintainable.

(ii). The existing Transformer has a capacity rating of 250 KVA. The appellant is having a connected load of 122 KVA at present. The other party is having a connected load of 84 KW i.e. 93 KVA load. Other loads come to 2 KVA. Thus the total load on the Transformer is $(122 + 93 + 2) = 217$ KVA. The appellant has requested for 13 KW i.e. 14.4 KVA load. If the request is accepted, the total load would be $(217 + 14.4) =$ say 232 KVA. Normally, for industrial consumers, a diversity factor of 1.2 to 2 is allowed to take the fact that the total connected load is seldom used simultaneously. Even if a minimum value of 1.2 is assumed as the Diversity, the maximum load that can be connected to the transformer is $250 \times 1.2 = 300$ KVA safely. Hence the appellant can be issued 13 KW load from the said 250 KVA transformer.

(iii). The respondent is directed to allot 13 KW load to the appellant's Firm for which they may collect the necessary amounts. The load can be connected to KSEB system, if the consumer submits necessary papers as per rules and pays the fees for the same.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is disposed of having allowed the plea to the extent it is ordered. The CGRF's Ernakulam, order in No. CGRF-CR/Comp.48 /13-14 dated 4.07.2013 is set aside. No order on costs. Dated 17th March, 2014,

ELECTRICITY OMBUDSMAN.

Ref. No. P / 395 / 2013 /2168/Dated 23.01.2014.

Forwarded to : (1). Sri P. A. Anthru
Managing partner, M/S Star Plywood Industries,
Odakkali, Asamannoor P O, Ernakulam Dt.

(2). The Assistant Executive Engineer,
Electrical Sub Division, KSEB,
Kuruppampady, (Via) Perumbavoor.

Copy to: (1). The Secretary, Kerala state Electricity Regulatory Commission,
KPFChavanam, VellayambalamThiruvananthapuram-10.
(2). The Secretary, KSEBoard,
Vydyuthibhavanam, KSEBoard, Pattom, Thiruvananthapuram-4
(3).The Chairperson, Consumer Grievance Redressal Forum,
KESB, Power House Building, Ernakulam- 682018.