

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/073/2017
(Present: A.S. Dasappan)
Dated: 12th October 2017

Appellant : Sri. Mambram Divakaran,
Managing Trustee,
Indira Gandhi Public School,
Mambram P.O., Kannur.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Pinarayi,
Kannur.

ORDER

Background of the case:

The appellant is a Low Tension consumer bearing consumer number 9197 under Electrical Section, Pinarayi, Kannur District. The tariff assigned to this connection is LT VI F and the sanctioned connected load in the premises is 18340 Watts. The appellant had applied for additional connected load of 56 kW for the newly constructed floors of the four storeyed building having the height of 16 metres. The respondent has directed the appellant to construct the internal distribution network, including the service line, transformer, switch gear etc at his cost. So the appellant had approached the Hon'ble CGRF (NR) by filing a petition in OP No. 159/2016-17. The Forum dismissed the petition with a direction that the respondent shall arrange a joint inspection with the petitioner in the premises and expedite the processing of the application for additional load as per Regulation 49 of Kerala Electricity Supply Code, 2014 vide order dated 20-05-2017. Aggrieved against this, the appellant has submitted this appeal petition before this Authority.

Arguments of the appellant:

The appellant is the Managing Trustee of Indira Gandhi Public School, Mambram in Kannur district. The appellant had submitted an application for additional load to the Assistant Engineer, Electrical Section on 27-07-2016. It was orally informed by the respondent that the arrangements for the

installations would be initiated from the part of the licensee after obtaining scheme approval from Electrical Inspectorate, as the premises belonged to high rise buildings. After obtaining scheme approval for high rise building from Electrical Inspectorate, the appellant approached the respondent for energisation. The respondent, as per letter dated 29-09-2016, directed the appellant to construct the internal distribution network, including the service line, transformer, switch gear etc at his cost, pursuant to Regulation 49 (5) of Kerala Electricity Supply Code, 2014. Aggrieved by this, the appellant filed a petition before the CGRF and the Forum, in its order 20-05-2017, has directed the appellant to construct at his cost, the required internal distribution network, including the service line, transformer, switch gear etc. It was mentioned in the letter dated 05-04-2017 of Electrical Inspector, Kannur, that since this particular consumer is a school and sufficient space is available, KSEB Ltd may install transformer after ensuring the necessary deposits for SOP and keeping all the official formalities. The appellant has contended that they have suitable space to install transformer in the compound and their connected load and maximum demand are below 100 kVA and 35 kVA respectively. The appellant requests to direct the respondent for taking action to install the transformer on the basis of the scheme approved by the Electrical Inspectorate.

Arguments of the respondent:

The respondent has submitted a statement of facts in which he adduced the following arguments.

The appellant has applied for addition load of 56 kW to the existing electricity connection bearing consumer number 9197. The tariff of this school institution comes under LT VI F tariff having existing connected load of 18340 Watts. On receiving the application for additional connected load, the respondent conducted an inspection in the premises of the consumer on 03-08-2016. It is revealed that the existing building was reconstructed as four storied building having 16 metres height and hence directed the appellant to produce the approval from the Electrical Inspectorate with sketches showing the connected load of the building. The appellant has submitted a scheme received from Electrical Inspectorate on 22-09-2016. As the above scheme approval was for the electrification of high rise building, a letter dated 29-09-2016 was sent to the appellant for taking further steps in this regard. But without taking follow up action the appellant approached CGRF with a petition. The building of the consumer comes under the category of high rise buildings and the consumer has to bear the expenses required for the modification/upgradation of the distribution system as it is exclusively for giving connection to the consumer.

As per Regulation 49(5) of Kerala Electricity Supply Code, 2014, the builder or the developer or such other person, who constructs such high rise building shall construct the required internal distribution net work including service line, the transformer, switch gear etc. based on the detailed scheme approved by the Electrical Inspectorate for receiving power from the licensee. As the appellant not submitted the sketches of internal distribution works to be carried out as per the approved scheme by the Electrical Inspectorate, it is not possible to grant sanction for the work and to levy charges for the same.

Further the respondent has contended that they will initiate necessary steps on submitting the scheme approval of the Electrical Inspectorate in accordance with the regulation 49 of Kerala Electricity Supply Code, 2014.

Analysis and findings:

Hearing of the case was conducted on 08/08/2017 in the Court Hall of CGRF, Kozhikode. Sri A. Dinesh Babu, Mambram, appeared for the appellant and Smt. A.N. Sreela Kumari, Assistant Executive Engineer, Electrical Sub Division, Pinarayi and Smt. Vinaya P, Electrical Section, Pinarayi appeared for the respondent. In view of the arguments made by both parties, it appears that the foremost question to be decided in the matter is whether the appeal petition is maintainable or not. It is needless to enter into the merits of the case, if this Authority has no jurisdiction to entertain the same.

The appellant has no dispute in including the building under the category of high rise building, but the request is to effect the connection as approved by the Electrical Inspectorate. The present connected load of the appellant is 19 kW, connected to a 100 kVA transformer from which other consumers are being fed. The respondent's contention is that the appellant has to avail supply as per Regulation 49 of Supply Code, 2014. Regulation 49 of the Supply Code deals with the provisions of Electricity Connection to high rise building, colony and to residential, commercial and industrial complex reads as follows:

49. Electricity connection to high rise building, colony and to residential, commercial or industrial complex.-

(1) The expenditure for modification, upgradation and uprating of the distribution system of the licensee executed, if any, exclusively for giving connection shall be realized from the applicants in the following cases:-

- a) colony developed by development authority or private builder or promoter or*
- b) developer with a total load demand more than one megawatt (MW);*
- c) domestic or commercial or industrial complex with multiple consumers with a total load demand more than one megawatt (MW);*
- d) high rise buildings, irrespective of the load demand;*

e) a single consumer with a load demand above one MW.

(2) The total connected load of such colony or residential complex or commercial complex or high rise building shall, for the purpose of this regulation, be the connected load computed as per the norms approved by the Commission, on the basis of the area constructed or the load applied for whichever is higher:

(3) The connected load of the industrial complex shall, for the purpose of this regulation, be the total connected load as per the scheme of electrification approved by the Electrical Inspector.

(4) The development authority or the promoter or the builder or the developer or any other person who constructs a colony or a residential complex or a commercial complex or an industrial complex or a high rise building shall prepare and obtain approval from the Electrical Inspector, a detailed scheme of electrification of the entire colony or complex or high rise building, with all necessary equipment namely transformer, ring main unit (RMU) etc., and shall submit the same to the licensee along with application for service connection.

(5) The development authority or the promoter or the builder or the developer or such other person, as the case may be, who constructs such colony or complex or high rise building under the clauses (a), (b) and (c) of sub regulation (1) above, shall, at his cost, construct the required internal distribution network, including the service line, transformer, switchgear etc., as per the detailed scheme approved by the Electrical Inspector, for receiving power from the licensee and for distributing it and shall handover such internal distribution network up to and including the metering point to the licensee before commencement of supply of electricity.

(6) The security deposit and other charges if any payable by the individual consumer therein shall be borne by each of them at the time of applying for separate electricity connection.

(7) In the case of colony or residential complex or commercial complex or industrial complex except high rise building, with total load demand of and below one megawatt (MW), the following conditions shall be applicable:-

- a) the licensee shall bear the expenditure for modification or upgradation or uprating of the distribution system;
- b) the responsibility for construction of the required internal distribution network, including the service line, switchgear etc. for receiving power from the licensee and distributing it, shall be that of the authority or promoter or builder or developer or any other person who constructs such complex;
- c) the security deposits and other charges if any payable by the consumer shall be borne individually by each applicant at the time of applying for electricity connection.

(8) If the authority or promoter or builder or developer or any other person submits an application for single point supply, the same shall be processed as per the regulations for single point supply under regulation 56 and such other relevant provisions in the Code.

Regulation 49 (1) (c) says the expenditure for modification, upgradation and uprating of the distribution system of the licensee executed, if any, exclusively for giving connection shall be realized from the applicants of high rise buildings, irrespective of the load demand.

Regulation 49(5) of Supply Code, 2014 lays down the procedure to be followed by the appellant that he shall, at his cost, construct the required internal distribution network, including the service line, transformer, switchgear etc., as per the detailed scheme approved by the Electrical Inspector, for receiving power from the licensee and for distributing it and shall handover such internal distribution network up to and including the metering point to the licensee before commencement of supply of electricity.

Regulation 49 (7)(b) contemplates the responsibility for construction of the required internal distribution network, including the service line, switchgear etc. for receiving power from the licensee and distributing it, shall be that of the authority or promoter or builder or developer or any other person who constructs such complex.

From the aforesaid provisions, make it is clear that it is the responsibility of the consumer to construct the internal distribution network including the service line, transformer, switchgear etc at his cost, as per the detailed scheme approved by the Electrical Inspector. To give clarity of the issue, it would be advantageous to quote Regulations 11(3) and 37 and an amendment to Regulation 37 by inserting Regulation 37A vide notification dated 24 the January 2017 of Supply Code, 2014.

Regulation 11(3) reads as under.

(3) An applicant occupying multi-storeyed building may be given service connection at low tension on his application, even if his connected load or contract demand is more than 100 kVA, by providing bus ducts or cables of adequate current carrying capacity and complying with the provisions of the Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010, provided the developer or builder of the multi storeyed building, installs and maintains at his cost, the transformer station of adequate capacity and associated apparatus including the internal distribution system for this purpose and enhances the capacity of the transformer to meet the load growth if any.

Regulation 37 reads as under.

37. Expenditure for service line, plant etc., for providing supply.- (1) The consumer shall bear the expenditure for the service line or of the plant or of both, provided exclusively for him by the licensee.

(2) The expenditure for line and plant mentioned in subregulation (1) above shall be determined as per the cost data approved by the Commission.

It is pertinent to note that the Sub Engineer in charge of Electrical section, Pinarayi in his letter dated 29-09-2016 and the Executive Engineer, Electrical Division, Thalassery, in his letter dated 15-11-2016, have directed the consumer to provide the internal distribution works for the new added portion of the building as per the detailed scheme approved by the Electrical Inspector. This was not done by the appellant. At the same time, the Electrical Inspector, Kannur has furnished a reply to the letter dated 29-09-2016 of the Assistant Engineer, Pinarayi that the Electricity Supply Code is framed exclusively for ensuring the tariff, without going through the provisions in the Code. However, the respondent has also not taken any further action to solve the issue by contacting and explaining the facts to the consumer. On the facts and circumstances presented and materials placed also, I find the order issued by the Forum is sustainable and hence disposed of with the following directions.

Decision:

In this case, it is noted that the appellant is the owner of the High rise building having a LT connection No 9197 and requires additional load, in the extended multi storeyed building having four floors. From the analysis done and the conclusions arrived at I take the following decisions on the reliefs sought above by the appellant.

For additional electric load (Power) demanded, the consumer is bound to act as per the Regulations made under Electricity Supply Code, 2014, i.e. under clause 49(4) and 49(5), which requires the installation of an exclusive transformer, in case for a High rise building, irrespective of the load demand. That being a specific rule, the contentions of the appellant does not deserve merit and therefore he is found liable to provide an exclusive transformer for meeting his additional load demand.

After obtaining scheme approval from the Electrical Inspectorate and submitting to the respondent, the consumer shall take steps for installing a separate Transformer of suitable capacity and complete other works, for catering the power load for the LT service connections of the High rise building, at his cost. The respondent shall prepare a demand on the estimate cost of work at their end for giving supply to the appellant and serve, at any rate

within a period of 7 days from the date of receipt of intimation regarding the scheme approval by the Electrical Inspector and carry out the works on remittance of the estimate cost by the appellant. The respondent shall take proper action to provide the connection without any further delay.

Having concluded and decided as above it is ordered accordingly. The order dated 20-05-2017 of CGRF (NR) in OP No. 159/2016-17 is upheld. The Appeal Petition filed by the consumer, Sri. Mambram Divakaran, is decided as above and stands disposed of. No order on costs.

ELECTRICITY OMBUDSMAN

No. P/073/2017/ _____ /Dated: _____

Delivered to:

1. Sri. Mambram Divakaran, Managing Trustee, Indira Gandhi Public School, Mambram P.O., Kannur.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Pinarayi, Kannur.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Gandhi Road, Kozhikode