

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/078/2017
(Present: A.S. Dasappan)
Dated: 13th October 2017

Appellant : Sri. Tomy C. Vadayil
M/s Toms Pipes, Industrial Estate,
Industrial Nagar P.O.,
Changanacherry,
Kottayam

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd,
Thengana,
Kottayam

ORDER

Background of the case:

The appellant, Sri Tomy C. Vadayil, M/s Toms Pipes, is an industrial consumer with No. 14329 of Electrical Section, Thengana. The consumer had applied for enhancement of his 'connected load' from 111 kW to 155 kW and to reduce contract demand from 123 kVA to 99 kVA on 13-01-2017. But his request was denied by the respondent for the reason that the increase in connected load above 150 kVA is not possible under an LT service connection. Being aggrieved with the said decision, the consumer filed petition before the CGRF, Kottarakkara, on 06-02-2017. The CGRF dismissed the Petition on the ground that a consumer cannot claim to be retained as a LT service connection, when his 'connected load' has crossed the limit of 100 kVA (up to 150 kVA allowed to those as on the date of implementation of Electricity Supply Code, 2005) and hence found the petition devoid of merits. Here, the consumer has demanded his connected load to be increased to 155 kW, but at the same time he promises to limit his maximum demand (use of electricity) with in 'contract demand' of 99 kVA itself. Still aggrieved by the decision of CGRF vide order No. OP No. 361/2017 dated 19-06-2017, the appellant has filed the Appeal petition before this Forum on 10-07-2017.

Arguments of the appellant:

The following are the main contentions raised by the appellant in his appeal petition.

The appellant is an industry having LT IV (Deemed HT) Tariff. The present connected load as per the bill is 111 kW and permitted maximum demand is 123 kVA.

The appellant have obtained the connection prior to 2005, and hence have been enjoying the privilege of connected load and contract demand above 100 kVA. Since the appellant have to add additional motors, he likes to dispense with the privilege of enjoying maximum demand above 100 kVA. So the appellant wants to shift from the special provision, Kerala Electricity Supply Code (Removal of Difficulties) 3rd order 2014, to the general provision, Regulation 11 (2) of the Supply Code 2014. For that the contract demand is to be reduced below 100 kVA, suitably fitting with the Regulation 11(2) of the Supply Code, 2014 'The maximum contract demand permissible for low tension consumer who avails power under demand based metering shall be 100 kVA, irrespective of his connected load'.

The appellant submitted the completion report towards the addition of 44 kW physically connected load and also have remitted Rs. 85/- on 13-01-2017.

Complying with Supply Code Regulations 76, 77 and 100, the appellant requested the Assistant Executive Engineer to arrange for the inspection and for further proceedings, vide request letter dated 21-01-2017 along with the completion report dated 13-01-2017.

Complying with Supply Code Regulation 11 and Kerala Electricity Supply Code (Removal of Difficulties) 3rd order, 2014 the appellant also requested to reduce the kVA contract demand from 123 to 99 kVA. This was also not complied with.

As per Regulation 11 (2) of Supply Code, 2014, the appellant's tariff in contract demand is irrespective of physically connected load. The only limitation and restriction is that the maximum demand should not exceed 100 kVA. Here the requested maximum demand is only 99kVA, even though the connected load is 155 kW. Even though CGRF has confirmed the application for reduction of contract demand from 123 to 99 kVA, the Forum have not considered the present status of the LT. In the appellant's regular monthly bill the maximum demand is in the range 70 kVA. Since the maximum demand is below 100 kVA, complying with Supply Code Regulation 11, the appellant can have connected load more than 100 kW. The appellant's contract demand is

only 99 kVA, the appellant requests to give direction to KSEBL for the reduction of contract demand from 123 to 99 kVA.

Reliefs Sought for:

1. Direction may be given to the Assistant Executive Engineer to reduce the maximum demand from 123 kVA to 99 kVA.
2. Direct KSEBL, to enhance the physically connected load from 111 kW to 155 kW after accepting the completion report/declaration from consumer

Arguments of the respondent:

The respondent has raised the following contentions against the arguments of the appellant.

1. The complainant is a consumer under Electrical Section, Thengana bearing Con. No. 14329 under LT IV (Deemed HT) tariff with a sanctioned connected load of 111 kW. This industrial connection was effected on 27-09-2004 at Industrial Estate Plot. Since the connection had been effected before the implementation of Kerala Electricity Supply Code, 2005, had a sanctioned load exceeding the limit of 100 kVA may be permitted, subjected to realization of low voltage surcharge, to operate up to the same sanctioned load. The complainant had submitted an application for service connection for revising connected load to 155.22 kW on 13-01-2017 vide Rt. No. 101169-72 without completion report and the form in Annexure-II for the revision of connected load. Since the complainant is a deemed HT tariff billed consumer and permitted maximum connected load or contract demand 150 kVA, the application of upward revision of connected load is rejected and directed to change their voltage level to 11 kV.

2. The complainant had submitted an application on 21-01-2017 for regularization of physically connected to 155kW and reduce contract demand to 99 kVA. It is revealed that the complainant had physically connected the load 155 kW without any intimation or permission of the licensee. Hence, a notice dated 01-02-2017 was issued based on the Electricity Supply Code Regulation 64 (4) and directed to dismantle the additional load within 15 days; otherwise the service will be disconnected. Hence the petition came before the Hon'ble CGRF (South), Kottarakkara.

In the additional submission on 06-02-2017, the complainant had admitted the receipt of this office reply letter dated 01-02-2017 and the notice as per supply Code Regulation 64(5) issued.

3. As per the supply Code Regulation 11(1), the limit of connected load and contract demand for new LT connections is 100 kVA only. But the LT consumers who as on the date of implementation of the Kerala Electricity

Supply Code, 2005, had a sanctioned load exceeding the limit of 100 kVA may be permitted subject to realization of low voltage supply surcharge, to operate with same sanctioned load at the same voltage level of supply until an upward revision of connected load is sought for by the consumer.

4. The Kerala Electricity Supply Code (Removal of Difficulties) Third Order 2014 has been inserted a proviso to sub-regulation (2) of Reg. 11 of the Code. The following proviso is inserted namely:-

"Provided that the consumers existed on the date of implementation of the Kerala Electricity Supply Code ,2005, and who were permitted to operate at low tension up to a connected load or contract demand of 150 kVA in accordance with clause (b) of sub- regulation (5) of Reg. 4 of the Kerala Electricity Supply Code, 2005 [substituted by Reg.3 of the Kerala Electricity Supply Code (fourth amendment) Regulations 2008] shall be allowed to operate at the same voltage level and connected load or contract demand subject to realization of low voltage surcharge until an upward revision of connected load or contract demand is granted on application submitted by the consumer or becomes otherwise necessary".

5. As per the above regulations, the consumers existed on the date of implementation of the Kerala Electricity Supply Code 2005, and who were permitted to operate at low tension up to a connected load or contract demand of 150 kVA until an upward revision of connected load or contract demand. In this case the petitioner requested for the enhancement or upward revision of connected load of 44 kW and to a total connected load of 155 kW and hence the petitioner does not come under the purview of Reg. 11 (2) of Kerala Electricity Supply Code 2014. So as per Reg. 11(1) of Kerala Electricity Supply Code, 2014 and the Removal of Difficulties third order 2014 the petitioner is not entitled to continue LT connection since the upward revision of connected load above 100 kVA.

Analysis and Findings:

The Hearing of the Case was conducted on 19-09-2017 in my chamber at Edappally, and Mr. Shaji Sebastian appeared for the appellant's side and Smt. Shinamma Peter, Assistant Engineer-in-charge, Electrical Sub Division, Thengana represented the respondent side. On examining the Petition and argument note filed by the appellant, the counter to the petition of the Respondent, perusing the documents and considering the circumstances and facts of the case, this Forum comes to the following conclusions leading to the decisions thereof.

Though the consumer belonged to LT category (maximum 100 kVA load limit), he was sanctioned a contract demand (CD) of 123 kVA, as those consumers existing as on 2005 were eligible up to 150 kVA load, under LT

system. The appellant argues that even if his connected load is 111 kW, his maximum demand has never exceeded 70 kVA. Again the consumer has applied for enhancement of his connected load from 111 kW to 155 kW under LT tariff scheme, with also a request to change his CD (contract demand) of 99 kVA. The request to enhance the connected load above 150 kVA was denied by KSEBL, as it is the limit for LT consumers. The appellant's view is that even if he raises his connected load from 111 kW to 155 kW, his maximum demand will never go above his CD of 70 kVA.

The appellant is not provided with an exclusive transformer for his use, even though he is a deemed HT consumer having his CD or connected load is above 100 kVA. There is risk in maintaining supply to other consumers, in case it burns out due to the appellant using his load in excess of the capacity of the Transformer. In the case of HT/EHT consumers, the Transformer is exclusively provided for the consumer at his cost and is responsible for its care. But in LT system, Transformer capacity is shared by many consumers and if any one consumer put extra load, than its capacity rating for prolonged time, it can cause its failure.

In the table, as per Regulation 8 of the Kerala Electricity Supply Code, 2014, Maximum Connected load for 415V (three phases) is shown as 100 kVA. As per an insertion of proviso to sub regulation (2) of Regulation 11 of the Supply Code, 2014, the consumers existed on the date of implementation of the Kerala Electricity Supply Code 2005 and who were permitted to operate at low tension up to a connected load or contract demand of 150 kVA, are allowed to operate at the same voltage level and connected load or contract demand until an upward revision of connected load or contract demand. In this case the appellant has requested for the enhancement of the connected load from 111 kW to 155 kW, which cannot be allowable as the load capacity limit for LT supply is already fixed as 100 kVA and the benefit is admissible until an upward revision of connected load or contract demand. Further the appellant has a contention that he is eligible for the benefit of regulation 11 (2) which read as; "The maximum contract demand permissible for low tension consumer who avails power under demand based tariff shall be 110 kVA, irrespective of the connected load". But it is pertinent to note that Regulation 11 (2) is only a sub clause of Regulation 11 which deals with the subject of 'Limits of connected loads and contract demand for new LT connections'. Regulation reads as:

11. Limits of connected loads and contract demand for new LT connections.-

(1)The maximum connected load permissible for low tension three phase category shall be limited to 100kVA:

Provided that a low tension consumer who, as on the date of implementation of the Kerala Electricity Supply Code, 2005, had a sanctioned load exceeding the

limit of 100kVA, may be permitted, subject to realization of low voltage supply surcharge, to operate with the same sanctioned load at the same voltage level of supply until an upward revision of connected load is sought for by the consumer.

(2) The maximum contract demand permissible for low tension consumer who avails power under demand based metering shall be 100kVA, irrespective of his connected load.

(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 multistoried 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”.

Hence the above Regulation is applicable to new connections and subject to provision of Regulation 11 (1) which limits the maximum connected load for low tension three phase categories to 100 kVA.

The Hon’ble Kerala State Electricity Regulatory Commission has disposed a petition filed by KSSIA by issuing order dated 15th March 2011, in DP/84/2010, ordered that extending the capacity limit to 150 kVA for LT consumers having Maximum Demand based tariff cannot be allowed as the load capacity limit for LT supply is already fixed as 100 kVA.

The Hon. commission has categorically decided that the Licensee should be concerned with the Contract Demand of the consumer only and not with the connected load of the consumer, as in par with HT and EHT consumers, in the case of LT consumers opting for Maximum Demand based tariff. In this case, the consumer has opted for MD based tariff. But the Hon Commission has also made it clear that, extending the capacity limit to 150 kW for LT consumers having Maximum Demand based tariff, cannot be allowed as the load capacity limit for LT supply is already fixed as 100 kVA. Hence the prayer of the appellant to allot, 155 KW as connected load with 99 KVA as his Contract Demand, is not sustainable as per the above Hon Commission’s order.

Decision

From the analysis done and the Findings and conclusions arrived at, I take the following decision.

The consumer may either change over to HT category, if he requires 155 kW load or continue in the present connected load under LT category. He shall remove the excess load and may give application in Annexure 11 for reduction in contract demand, if he so desires.

Having decided as above, it is ordered accordingly. The appeal Petition filed by the appellant vide appeal petition No. P/078/2017 is disposed of with the said directions issued. No order on costs.

ELECTRICITY OMBUDSMAN

P/078/2017/ _____ /Dated: _____

Delivered to:

1. Sri. Tomy C. Vadayil, M/s Toms Pipes, Industrial Estate, Industrial Nagar P.O., Changanacherry, Kottayam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Thengana, Kottayam

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, Kottarakkara - 691 506.