

THE STATE ELECTRICITY OMBUDSMAN
Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,
Edappally, Kochi-682 024
www.keralaeo.org Ph: 0484 2346488, Mob: 91 9539913269
Email:ombudsman.electricity@gmail.com

APPEAL PETITION No. P/091/2017
(Present: Sri. A.S. Dasappan)
Dated: 10th November 2017

Appellant : Sri Midhun Das K.T.
Kadavil House, Udayamperoor P.O.,
Nadakavu, Thripunithura,
Ernakulam

Respondent : The Assistant Executive Engineer
Electrical Sub Division, KSEB Limited,
Thripunithura, Ernakulam

ORDER

Background of the Case:

The appellant is domestic consumer No.18656 of Electrical Section, Udayamperoor and has obtained the LT single phase electric service connection with connected load of 4915 Watts. The appellant applied for conversion of the same existing single phase connection to three phase connection by enhancing connected load to 6915 Watts. The Assistant Engineer, had directed the appellant to remit an amount of Rs. 23,960/- for the conversion. Being aggrieved, he filed petition before the CGRF and not satisfied by its decision, the appellant has filed the Appeal petition before this Authority.

Arguments of the Appellant: -

The arguments of the Appellant are based on the brief facts and circumstances which are narrated above. Further, the Appellant has adduced the following averments.

(1). A single phase electric connection is existing in his residential house. As there was necessity of higher load, he made a request for converting his single phase to 3 phase at the Section office. A demand notice was issued asking the Appellant to remit an amount of Rs. 23,960/- towards the estimate cost of conversion. The appellant's contention is that he is a lay man and not capable to expend this amount. At present 12 numbers of domestic connections are

given from this single phase line. The distance from the three phase line to his house is 112 meters. As per Regulation 35 of the Supply Code 2014, the line extension shall be done by the Licensee at their own cost. In a case of similar nature, the CGRF, Ernakulam, in its order no. 50/2015-16 dated 10-09-2015, had ordered to refund the conversion charges collected by the KSEBL to the consumer. According to the appellant, by converting the line to three phase at his expenses, the other consumers will also avail three phase connections from this line without expending any amount. The appellant requests to set aside the orders of the CGRF and also to exempt him from spending the amount for conversion.

Arguments of the respondent:

1. Sri Midhun Das K.T, Kadavil House Udayamperoor (P.O.) Nadakkavu is a registered consumer under Electrical Section, Udayamperoor with Con No. 18656. His electrical connection comes under LT 1 A tariff with connected load 4915 Watts.
2. In connection with additional connected load sanction the applicant required a 3 phase with connected load 6915 watts. The appellant paid Application Fee (AF) 25/- vide Rt No. 170218101129 and testing fee Rs 50/- Vide Rt No: 170218101130.
3. Presently there exists only a single phase distribution line. Hence an inspection had been conducted and an estimate was prepared for conversion of single phase to three phase at a cost of Rs. 23,960/-.
4. Aggrieved by this applicant has addressed his grievances in CGRF. The appellant was reluctant to remit the estimate cost for service connection (ECSC) at KSEB. The CGRF in Order No. CGRF- CR/Comp.13/2017-18/145 dated 28/06/17 directed the applicant to remit the charges for single phase to three phase conversion.
5. As per the KSERC Order dated 03/05/16, the applicant has to remit the estimated cost for the upgradation works such as single phase to three phase conversion. Hence he is liable to pay it.
6. As per regulation 37 of Kerala Electricity Supply Code, 2014, consumer shall bear the expenditure for the service line or of the plant or of the both, provided exclusively for him by the licensee.
7. It is noted that the single phase to three phase conversion is intended for developing a service line, in order to avail a 3 phase SC by the applicant. Hence the cost shall be borne by the applicant.

8. At present the existing infrastructure is capable of meeting the demand of the consumers connected to it. As the connected load of the applicant exceeds the mandatory limit of single phase supply, the proposed conversion is required and also the infrastructure is not capable of meeting the requirements. Hence the proposed conversion needs to be done to meet the exclusive requirement of the applicant. As per Reg: 37, cost of such works need to be borne by the consumer.

Analysis and Findings: -

The Hearing of the Case was conducted on 19-09-2017 in my chamber at Edappally, Kochi and Sri Thulasidas K.T. represented for the appellant and Sri. Sudev Kumar, Asst. Exe. Engineer, Electrical Sub Division, Tripunithura appeared for the other side. On examining the Petition, the counter statement of the Respondent, the documents attached and the arguments raised in the hearing and considering the facts and circumstances of the case the Forum comes to the following findings and conclusions leading to the decisions, thereof.

The appellant had requested for conversion of his existing single phase electric connection into a 3 phase connection along with additional connected load. The Service line from the nearest post (to the consumer) with 3 phase supply and up to the Meter point has to be converted into 3 Phase Line, for which the appellant has to remit fees at a rate as authorized by the Regulatory Commission. Hence it is evident that the request for conversion to 3 phase supply requires some work in the existing Lines of the Distribution Licensee and accordingly changes in the office records. In such a case, when a request or application is received by the Assistant Engineer, he has to proceed by the prevailing rules only.

The appellant's case is that he is not willing to spend the estimate amount for conversion of the single phase to three phase. The supply to the appellant is effected from an existing LT pole and the existing three phase supply is 112 metres away. The question to be answered is whether the appellant is required to bear the expenditure for conversion of the single phase line to three phase.

To decide the issue, it is necessary to notice the relevant provisions of the Supply Code 2014 as discussed hereunder.

Regulation 32 relates to Recovery of Expenditure. 32. (1) The licensee may recover from the owner or lawful occupier of any premises requiring supply, the expenditure reasonably incurred by the licensee for providing from the distributing main, any electric line or electrical plant required exclusively for the purpose of giving that supply:

The distributing main is defined in the Code as follows:

“distributing mains” means the portion of any main with which a service line is, or is intended to be, immediately connected;

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.

In a suo motu proceedings, the Hon'ble KSERC has issued an order dated 03-05-2016 that “Expenditure reasonably incurred by the licensee for conversion of a single phase low tension service line to a three phase low tension service line, on the specific request of the consumer, can be recovered from the consumer.”

The above provisions clearly show that the appellant has to convert his single phase connection to 3 phase connection as the total load exceeds 5000 Watts since he requested enhancement of connected load to 6915 Watts and hence the appellant has to bear the reasonable expenses for the conversion.

Decision

From the analysis done, the Findings and conclusions arrived at, I take the following decision. The appellant is liable to bear the expenditure for the conversion of his single phase connection to three phase. The order of CGRF is upheld. After completion of the work, the respondent shall prepare an evaluation statement of the work based on actual quantities and excess remittances if any shall be refunded by adjustment in the monthly current charges/ direct refund within a period of 3 months.

Having concluded and decided as above it is ordered accordingly. No order as to costs.

ELECTRICITY OMBUDSMAN

P/091/2017/_____ /Dated: _____

Delivered to:

1. Sri Midhun Das K.T., Kadavil House, Udayamperoor P.O., Nadakavu, Thripunithura, Ernakulam
2. The Assistant Executive Engineer, Electrical Sub Division, KSEB Limited, Thripunithura, Ernakulam

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, CGRF-CR, 220 kV, KSE Board Limited, Substation Compound, HMT Colony P.O., Kalamassery, PIN: 683 503.