

THE STATE ELECTRICITY OMBUDSMAN  
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REVIEW PETITION ON APPEAL NO. P/078/2017  
(Present: A.S.Dasappan)  
Dated: 11th January 2018

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 review 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. After hearing the matter in details this Authority passed the following order on 13.10.2017. "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."

According to the review appellant, the prevailing Regulation is Supply Code 2014 and also Kerala Electricity Supply Code (Removal of Difficulties) 3<sup>rd</sup> order 2014. As per Supply Code Regulation 8, 100 kVA limitation is separately applicable for Maximum connected load (for those without demand based metering) and 100 kVA limitation for Maximum contract demand (for those with demand based metering, in LT, 415V (Three Phase). As per the Supply Code 2014, the addition of 100 kVA for maximum demand based consumer were incorporated. Further the review appellant states that if he gives an application for new connection after disconnecting existing connection, he can enjoy 155 kW with 99 kVA demand. A consumer existed before 2005 cannot be a reason for burdening and penalization. The review appellant also points out a mistake in page no.5, 3<sup>rd</sup> paragraph, written as 110 kVA in the place of 100 kVA, by oversight.

The review respondent has contended that the connected load 155 kW requested by the consumer exceeds the limit of 150 kW LT tariff and on this ground the request of the review appellant is not sustainable.

The Hearing of the case was conducted on 14-12-2017 in my chamber at Edappally, Kochi. Kumari Jesna Jose represented the review appellant and Sri. Babu Y., Assistant Executive Engineer, Electrical Sub Division, Thengana appeared for the review respondent and argued the case on the above mentioned lines. On perusing the review petition, the statement of facts filed by the review respondent, the arguments of both sides in hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions thereof.

The arguments now raised cannot be considered for a review, as it was considered, decided and order issued accordingly. Regulation 11 of Supply Code 2014 is applicable to new connections and this fact is clearly mentioned in the orders issued in Appeal Petition No. 78/2017. Further the Hon. Commission have inserted a proviso to sub regulation (2) of regulation 11 of the Code, 2014 which reads as." 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 regulation 4 of the Kerala Electricity Supply Code, 2005(substituted by regulation 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.” This Authority has issued orders in the Appeal petition of the review appellant within the purview of the existing laws. Hence there is no cause or sufficient reason established by the review appellant, for the review of the order already issued. In the review petition nothing is pointed out which escaped the notice of this Authority while disposing the appeal petition. The review jurisdiction is limited to rectify a mistake or an error which is apparent on the face of records and it cannot be used as appellate jurisdiction. If the review appellant is aggrieved by the order of this Authority, it is free for him to challenge that order before the appropriate upper authority. In this background, this Authority didn’t find any reason to intervene the order already issued. In view of the above discussions, I hold that review petition is not maintainable and hence rejected.

In page 5 of the order, in paragraph 3 under the sub head ‘Analysis and findings’ the following correction is made as “100 kVA” in the place of “110 kVA” and the sentences may be read accordingly.

There is no other modification in the said order dated 13-10-2017.

## **ELECTRICITY OMBUDSMAN**

Review Petition 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, KSE Board Limited, Electrical Sub Division, 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.