

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/011/2019
(Present: A.S. Dasappan)
Dated: 16th April 2019

Appellant : Sri. Madhusoodanan Pillai
TC 32/2019 (1), GYM Lane,
Winners Nagar, Peroorkada,
Thiruvananthapuram

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Vellayambalam,
Thiruvananthapuram

ORDER

Background of the Case:

The Appellant Sri. Madhusoodanan Pillai is a registered Consumer of Electrical Section, Peroorkada having Consumer No. 32107 (effected on 24.09.2016) having construction tariff LT VI F of Electrical Section, Peroorkada under Electrical Sub Division, Vellayambalam. The appellant's grievance is that the respondent has not provided a permanent connection to his premises by erecting 2" dia GI Pipe as requested by him, instead demanded an estimate cost Rs. 10081/- on 29.10.2018 with the pole insertion and allied works, for the work. The appellant filed a complaint before the CGRF for effecting the domestic connection using GI pipe. The CGRF disposed the case stating that there is no provision to effect the supply by using a metallic pipe as weather proof support suggested by the petitioner and hence the petitioner is liable to remit the estimate cost demanded by the Assistant Engineer vide its order dated 17-01-2019 in OP No. 143/2018.

Arguments of the appellant

The appellant had submitted an application for shifting of the energy meter to the newly constructed house on 22.10.2018 and remitted the A/F Rs. 130/-. The Assistant Engineer of the Peroorkada Electrical Section has

given the estimate costing Rs. 10,081/- on 29.10.2018 with the pole insertion and allied works, for the work. The basis of the Pole insertion has not given in the estimate. The appellant proposed to put a 2" dia GI Pipe, at the corner of the plot, for supporting the service cable, as such arrangement is already existing for about 10 houses in his surrounding area having 50M radius.

The appellant had represented his case to AEE, EE and the DyCE, TVPM. All the officials visited the site and accepted that many service connections in his area are supported on 2"GI pipes. The matter was also informed to Chief Safety Commissioner. When many service connections supported on 2" GI pipes, why KSEB is denying to provide service connection on 2" GI pipes for him. The appellant's representations to Executive Engineer, Deputy Chief Engineer and Chief Safety Commissioner are yet to be replied.

Reliefs sought for:-

- 1) The KSEBL should provide the supply to him through service connection on GI supports, without any further delay.
- 2) The tariff should be converted to normal one w.e.f. 22.10,2018, against the construction power tariff (commercial) being charged from him.
- 3) Compensation for harassment by KSEBL officials,

Arguments of the respondent:

The temporary service connection of the appellant was effected as a W/P connection from the nearby post PKKR 27/3 H. As the temporary connection for construction purpose was given with the help of a temporary wooden support for avoiding the property crossing through the neighbouring premises.

At the time of effecting the temporary service connection, a declaration was submitted by the consumer to abide by the procedures for availing permanent domestic connection as instructed by the licensee and to meet the expenses incurred for inserting a post between the existing poles to avoid property crossing or consent from the neighboring consumer, if required.

The appellant has requested for shifting the meter on completion of his house construction and applied for permanent domestic connection. The domestic service connection can be effected only by inserting a post in the existing 3 phase line or by obtaining a consent from the neighbouring consumer.

On receipt of the request of the appellant, an estimate for effecting permanent domestic connection was prepared from the office of the Assistant

Engineer, Electrical Section, Peroorkada amounting to Rs. 10,068/- and served to the consumer on 27-10-2018.

7. Subsequently, on receipt of the estimate, the appellant filed a complaint before the Asst. Executive Engineer stating that he is not willing to pay the estimate amount. He further stated that there is no need to insert a pole as suggested in the estimate and he is ready to install a 2'/3' dia separate GI pipe at his cost in the corner of his plot instead of providing a pole insertion as shown in the estimate.

There is no provision in the Supply Code 2014 to effect the supply through a metallic GI pipe as suggested by the consumer due to safety considerations. It is further submitted that CEA (Safety Regulations) 2010 restricts the licensee to provide electric supply using GI pipe.

During site inspection it was noticed that certain nearby consumers replaced the wooden support pole with GI pipe without intimating to the office and such consumers were given instruction to contact licensee's office immediately for avoiding such dangerous situations.

In the complaint, the appellant also stated that KSEB should meet the expenditure, if it feels that the pole insertion is essential for providing supply to him. Regulation 32 of the Supply Code, 2014 stipulates the Recovery of Expenditure from the owner of the premises which is depicted below:

32. Recovery of expenditure.-

- (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:

Provided that, the licensee shall not be entitled to recover such expenditure if such expenditure is incurred under any scheme approved by the Commission:

Provided further that, the licensee may exempt any person requiring connection from the payment of expenditure if the State Government directs the licensee to provide new electric connection to any category of consumers and pays in advance to the licensee, the expenditure at the rates in the cost data approved by the Commission.

- (2) The expenditure charged by the licensee shall be based on the cost data approved by the Commission and published by the licensee effective for the period mentioned therein.

- (3) The licensee shall not include the cost of meter while preparing the estimate of the expenditure to be recovered from the consumer under sub-regulation (1) above. There is no provision to provide supply to any applicant without collecting the reasonable expenditure incurred for the alteration / construction of line or cost of materials exclusively needed for effecting the electric connection.

The distributing main near to the applicant is 8 m away from the metering unit i.e., Post No. PKKR 23/3H. If the KSEBL provide W/P connection to this applicant directly from the distributing main, it will cross through the nearby property and hence consent from the nearest property owner is needed.

In order to avoid the property crossing, a new pole to be inserted in the line. This insertion pole can be erected outside the compound of the applicant's property. Even with repeated requests to the consumer either for remitting the amount or by providing property crossing consent from the neighbouring consumer, the appellant did not remit the same or submitted the consent till date.

Analysis and Findings: -

The hearing of the case was conducted on 04-04-2019, in the Court Hall of CGRF, Kottarakkara. Sri Madhusoodanan Pillai, appellant represented the appellant's side and Smt. S.Bindu, Assistant Engineer, Electrical Section, Peroorkada, KSEBL, represented the respondent's side. On perusing the Appeal Petition, the counter of the Respondent, the documents submitted, arguments during the hearing and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions there of.

The requirement of the appellant is to give service connection to the new building by providing GI pipe/insulated pipe in his property, as done by the respondent in various locations in that area, as a weather proof support.

As per the respondent, the weather proof service connection can be given by (1) drawing W/P wire from the existing pole, but which will cross the property of the nearby property owner and hence consent is required. The appellant has not produced any consent. (2) by providing a pole in the appellant's property as a weather proof support, but the portion of the W/P line will pass in parallel with the LT overhead line. (3) by erecting a pole in the existing line and draw W/P line which is the most technically feasible proposal.

The Clause 4 (3) in the Supply Code 2014 says "3) The licensee shall ensure that all electricity supply lines and equipment that are belonging to the

licensee or under its control in the premises of the consumer, are in a safe condition and are fit in all respects for supplying energy and further the licensee shall take adequate precaution to avoid danger that may arise in such premises from such supply lines and equipment”.

Further Regulation 26 (1) and (3) stipulates that “Safety of electrical installations.- (1) The provisions of the Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010, as amended from time to time, shall be complied with in every respect by the licensee and by the consumer.

(3) In the case of electrical installation using electricity at LT level, the licensee may give the connection after inspection and ensuring that the installation is safe for energisation”.

Regulation 27 (2) says “ The licensee shall, on an application in the proper form from the owner or lawful occupier of any premises located in his area of supply, give supply of electricity to such premises within the time specified in this code, if:-

- (a) the supply of electricity is technically feasible;
- (b) the applicant has complied with the conditions specified in this Code; and
- (c) the applicant bears the expenditure for providing supply and services as specified in this Code.

It is observed that the proposal made by the respondent for providing electric supply to the new building by inserting a pole in the existing Low Tension line is the most technically feasible and safe on the ground that consent from the nearby owner is not received for crossing the W/P line from the existing pole.

The CGRF has found that there is no provision to effect the supply by using a metallic pipe as weather proof support and this Authority also agrees with the findings of CGRF since no rules allows the installation of a metallic pipe considering the safety aspects. Any violation of the rules by the licensee not confers a right to the appellant by demanding such illegal acts. It is the responsibility of the licensee to rectify such illegality, if any, occurred.

The appellant is now using a temporary connection under LT VI F tariff. The appellant is eligible to categorize under domestic tariff only after effecting the permanent connection. Hence his request to convert the tariff with effect from 22-10-2018 is also not allowable. The KSEBL officials abided the rules and it cannot be considered as a harassment as alleged by the appellant.

Decision:

In view of the above factual position I don't find any reason to interfere with the findings and decision taken by the CGRF, Kottarakkara in this case and hence the order of CGRF in OP No. 143/2018 dated 17-01-2019 is upheld. Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/011/2019/ _____ /Dated: _____

Delivered to:

1. Sri. Madhusoodanan Pillai, TC 32/2019 (1), GYM Lane, Winners Nagar, Peroorkada, Thiruvananthapuram
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Vellayambalam, Thiruvananthapuram

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.