

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/067/2019  
(Present: A.S. Dasappan)  
Dated: 29<sup>th</sup> October 2019

Appellant : Sri Salim C.K.  
Maaramveedu,  
Thalayzham P.O.,  
Vaikom, Kottayam

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division, KSEBL,  
Vaikom, Kottayam

### **ORDER**

#### **Background of the case:**

The appellant is the consumer under the Electrical Section, Thalayazham, Vaikom. The appellant has applied for electric connection under domestic tariff. The respondent has informed the appellant that since weather proof wire has to be drawn across the public road, a support post has to be erected and for this the appellant has to remit a total cost of Rs. 9,190/- including GST. Aggrieved by this, the appellant approached the CGRF. Since further action has not been taken by the respondent, the appellant filed petition before the CGRF, Kottarakkara in OP No. 59/2019 requesting to exempt him from remitting the amount. Being not satisfied by the decision of CGRF to dismiss the petition, the appellant has filed this Appeal petition before this Authority against orders dated 06-08-2019 issued by the CGRF.

#### **Arguments of the appellant:**

The appellant is a member of a financially backward family and he applied for an electric connection before the Assistant Engineer, Electrical Section, Thalayazham, on 21-01-2019, under domestic tariff. The proposed building of appellant is situated in the back side of commercial 3 shops and the said building is situated on the western side of Vaikom- Vechoor PWD road.

The already existing 3 phase electric line is passing through the opposite side of Vaikom- Vechoor road. In order to maintain statutory clearance at road crossing area, the respondent has prepared an estimate for 30 metre weather proof wire and support pole. Actually, this is not in need, because the electric post is situated in eastern side of the Vaikom-Vechoor road in opposite side and the building is situated, with only 22 metres difference and already there are 3 service wires connected to this building, from years back without support pole. But the respondent suggested that for providing one support pole for weather proof service connection and same having cost of Rs. 5,540-00 and the rate for providing one LT single phase service connection for Rs. 1,740-00 and hence the total ECSC amount comes to Rs. 7,280-00 and the GST amount for ECSC is Rs. 1,310-00. Furthermore, the cash deposit required under domestic tariff is Rs. 600-00 and thus, the appellant was intimated by the respondent to remit Rs. 9,190-00 for getting service connection to the premises of the appellant which was challenged by the appellant and the matter was referred to the Consumer Grievance Redressal Forum, Kerala State Electricity Board LTD-Southern Region, Vydhyuthi Bhavanam, Kottarakkara with, O.P. No. 59/2019 in which, the appellant was the petitioner. Even though, the Forum directed the respondent for a local inspection and report, he has not arrived at the spot nor inspected the site, but, he reported the matter as per his prior decision and accordingly the Forum on, 06-08-2019, passed the order stating that the appellant can be given electric connection on remittance of total amount of Rs. 9,190-00.

1. The Forum went wrong regarding the existing 3 service connections to the building without support pole.
2. The Forum not considered the argument of appellant that the respondent has not made local inspection at the spot but, he submitted a wrong report without visiting the site.
3. The financial condition of the appellant has not been considered by the Forum.
4. The height of present 3 service wires in the building, having only 25 metres from the road portion, is also not considered by the forum.
5. The appellant prayed that to allow the appeal in the interest of justice.

**Arguments of the respondent:**

Sri. C.K. Salim, Maaram House, Thalayazham has applied for electricity connection under domestic tariff to the Building No 15/279 of Thalayazham Panchayath on 21/1/2019. The application fee including GST was remitted by him vide receipt No. 101099/21.1.19. The applicants proposed building is situated in the back side of commercial shops on the left side of Vaikom -Vechoor Road near Maaram veedu Bridge. The meter board is fitted on the southern side of the two storeyed building at a height of 1.5 metre from the ground. The existing three phase electric line is passing through the opposite side of Vaikom -Vechoor road. In order to maintain statutory clearance at road crossing area one support

pole is required. As per safety regulations 2010 statutory clearance has to be maintained at road crossing areas. Hence an estimate is prepared with 30 metre weather proof wire and one WP support pole. As per the cost data of distribution works approved by the KSEERC for the financial year 2018-19, (Board order vide 1265/2018(KSEB/TRAC/cost data/R3/2018-19) dated 16-05-2018.) the rate for providing one support pole for weather proof service connection is Rs. 5,540/- and the rate for providing one LT single phase service connection is Rs. 1,740/-. Hence the total ECSC amount comes to Rs. 7,280/- and the GST amount for ECSC is Rs. 1310/-(18%). The total connected load of the said premises is 1380 watts. The cash deposit required under domestic tariff is Rs. 600 - (Rs. 300 – per kW). Hence the applicant was intimated to remit Rs. 9,190/- for getting service connection to the proposed building. (At present, 1% cess is also required. Hence the total amount comes to Rs. 9,268/-).

But the applicant was not satisfied with the amount as noted above. Hence on 10.6.2019, the petitioner filed an O.P. No. 59/2019 before the CGRF, Kottarakkara. As per the order issued on 6.8.19 in OP 59/2019 by the CGRF, the applicant has to remit Rs. 9,191/- for getting WP service connection with support pole including cash deposit.

If the applicant is a BPL household service connection can be effected under BPL priority, i.e. without collecting the ECSC amount as per Board Order vide 1265/2018(KSEB/TRAC/cost data/R3/2018-19) dated 16-05-2018. But in this case the total connected load of the premises is 1380 watts. Hence service. Connection to the said building can be effected only after remitting the ECSC amount.

### **Analysis and findings:**

The hearing of the case was conducted on 15-10-2019, in the office of the State Electricity Ombudsman, Edappally, Kochi 24 and Sri C.K. Salim, the appellant and Smt. Kalavathy T.R, Assistant Executive Engineer, Electrical Sub Division, Vaikom were present and they have represented the sides of the Appellant and Respondent respectively. On examining the Petition, the statement of facts filed by the respondent, considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision.

The request of the appellant is to provide service connection to his residence without any support pole, as three connections were already provided to the shops in front of his residence, without erecting any poles.

As per the respondent, the length of WP service is 25 metre whereas the service wire to the shops is 15 metre. The service connection can be given to the premises only with a support pole, as the pole from which the connection to be

tapped is on the other side of the road. The residential building is a two storied building and the appellant not comes under BPL category.

The following regulations in the Kerala Electricity Supply Code 2014 is relevant in giving a new service connection to an applicant.

*26. 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.*

*27. Obligation of the licensee to supply on request. - (1) The distribution licensee shall develop and maintain an efficient, coordinated and economical distribution system in its area of supply and shall supply electricity to any person on his request in accordance with the provisions of the Act and of this Code.*

*(2) 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.*

*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.*

The above provisions have to be adhered by the respondent before giving a new service connection. The respondent has also submitted a sketch relating to this supply. Considering the technical feasibility, erection of a pole is required for giving the supply to the appellant. As per existing provisions, the appellant is not exempted from the payment of expenditure under any condition. The financial incapacity is not a bar for collecting charges for a new connection. The other arguments raised by the appellant will not stand since these arguments have no legal validity.

### **Decision**

For the reasons detailed above, the appeal petition No. P/067/2019, filed by the appellant stands dismissed as it is found having no merits. The order dated 06-08-2019 in OP No.59/2019 of CGRF, Kottarakkara is upheld. Having concluded and decided as above, it is ordered accordingly. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/067/2019/ \_\_\_\_\_ /Dated: \_\_\_\_\_

Delivered to:

1. Sri Salim C.K., Maaramveedu, Thalayzham P.O., Vaikom, Kottayam
2. The Assistant Executive Engineer, Electrical Sub Division, KSEBL, Vaikom, Kottayam

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Kottarakkara - 691 506.