

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/069/2019
(Present: A.S. Dasappan)
Dated: 28th October 2019

Appellant : Sri. V.R. Joy
Valiyaveettil House,
Mathilakam P.O.,
Thrissur

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Perinjanam,
Thrissur

ORDER

Background of the case:

The appellant is a domestic consumer under Electrical Section, Mathilakam. The appellant was utilizing the agricultural service connection bearing consumer number 4078 registered in the name of Sri Raphel and later changed in the name of Smt. Thressia Raphel, mother of the appellant. This connection which was used by the appellant was disconnected and shifted to another spot on request by the registered owner. The appellant submitted a petition before Assistant Engineer, Electrical Section, Mathilakam against disconnection through an email on 21-02-2019. Since no action was taken by the Assistant Engineer, the appellant filed a petition before the CGRF, Ernakulam which was dismissed due to lack of jurisdiction, vide OP No.117/2018-19 dated 28-06-2019. Against the above order, the appellant has filed this appeal petition before this Authority with a request to reinstate the same connection.

Arguments of the appellant:

The 3-phase agriculture connection was registered in the name of Sri Raphel (Father of appellant) on 22-12-1986. The service was disconnected on 11-02-2019 without any notice. The energy charge was being remitted by the Agricultural Department. The reason for the disconnection was not due to the non-remittance of energy charge. Afterwards new connection to the nearby premises was effected by the respondent by dismantling the meter and erected in the new place. It is understood that the nearby property belongs to Mr. Cleetus, brother of the appellant. New service connection was given in the nearby premises with the same consumer number for the same purpose. The ownership of the connection was changed from Sri. Raphel to Smt. Thressia in 2013 without the knowledge or consent of the appellant, the youngest son of Raphel and there are five legal heirs of land.

The request of the appellant is to reinstate the same connection.

Arguments of the respondent:

Mr. Raphel, Valiyaveettil House, Mathilakam was the registered LT 5 A consumer with consumer number 1156616004078, connected load 2238 Watts and LT 3 phase supply since 22-12-1986. On 16-12-2013, Smt. Thressia, W/o Raphel, Valiyaveettil House, P.O. Mathilakam had applied for ownership change with required documents. Based on that Assistant Engineer, Electrical Section, Mathilakam changed ownership to the name of Smt. Thressia, W/o Raphel, Valiyaveettil House, EO. Mathilakam after field verification.

On 31-01-2019, Smt. Thressia, W/o Raphel, Valiyaveettil House, P.O. Mathilakam submitted an application in Annexure-10 of Supply Code-2014 with relevant documents for changing connected load, phase conversion and meter shifting due to the scarcity of water in the present spot. As there was no anomaly detected in field verification conducted by concerned Sub Engineer, the service was effected by changing 3 phase to single phase supply. load changed to 1119 Watts and meter shifted to the new spot.

On 21.02-2019, one complaint is received in this office from Sri. Joy, S/o Raphel, Valiyaveettil House, P.O. Mathilakam through email. Thereafter inspected the spot and requested appellant to submit originals of the following.

- i) Property Document (Adharam)
- ii) Concerned land tax receipt
- iii) Concerned document if any

But he could not submit the original document of property and land tax receipt.

The appellant had not filed any complaint during 16/12/2013 and 31/01/2019 regarding the ownership change and meter shifting respectively. Though an opportunity was given to submit the documents in proof of the complaint, he failed to submit the documents.

As per the Order of CGRP - CR vide Order No. 117/2018-19/136 dated 18/06/2019, Ernakulam, the appellant has liberty to submit an application along with the required documents to avail the agricultural connection. But the appellant has not approached Electrical Section, Mathilakam since 23-09-2019 for getting service connection.

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 Michel Martin and Smt. Limsy Joy, represented the appellant and Smt. K.C. Abhish Kumar, Assistant Executive Engineer, Electrical Sub Division, Perinjanam 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 issue referred in this appeal is with respect to the disconnection and shifting of an agricultural connection used by the appellant to another without his consent, but on request of the registered owner. The registered owner of the connection is his mother Smt. Thressia Raphael. This three phase connection was disconnected and shifted to another plot by submitting an application by the registered owner. The phase conversion from three phase to single phase and reduction of connected load also done along with the shifting of connection. Regulation 94 and 95 of Supply Code 2014 deals procedure for shifting of meter or service line within the premises of the consumer and with procedure for shifting electric line or electric plant of the licensee. these regulations read as follows:

Procedure for shifting of meter or service line within the premises of the consumer.-

- (1) *The consumer shall apply for shifting the meter within the existing premises or for deviation of existing service lines within his property, in the format specified in Annexure - 10 to the Code.*
- (2) *The licensee shall process the application in accordance with the provisions of the Code.*

(3) *For site inspection as well as issuance and payment of demand note for the estimated expenditure for works, both the licensee and applicant shall follow mutatis mutandis, the procedure and timelines as laid down in regulations 77 to 83 of the Code.*

(4) *The following time schedule shall be observed for completing the works from the date of payment of expenditure: -*

<i>Sl. No.</i>	<i>Purpose</i>	<i>Time Schedule</i>
<i>(i)</i>	<i>shifting of meter or weather proof service line or both</i>	<i>seven days</i>
<i>(ii)</i>	<i>shifting of LT service line</i>	<i>thirty days</i>
<i>(iii)</i>	<i>shifting of HT service line</i>	<i>forty-five days</i>
<i>(iv)</i>	<i>shifting of transformer</i>	<i>thirty days.</i>

(5) *Excess payment if any, made by the consumer shall be adjusted by refund and deficit payment if any, shall be realised by way of an additional demand note.*

95. *Procedure for shifting electric line or electrical plant of the licensee: -*

(1) *The owner of the land or his successor in interest who has given right of way for the construction of an existing electric line or electrical plant over, under, along, across, in or upon the said land, may apply for shifting the electric line or electrical plant to any other portion of his land for genuine purposes.*

(2) *The application for shifting the electric line or electrical plant shall be submitted in the local office of the licensee.*

(3) *On receipt of the application the licensee shall inspect the site and assess the technical feasibility of the proposed shifting.*

(4) *The application for shifting an electric line or electrical plant shall be granted only if: -*

(a) the proposed shifting is technically feasible; and

(b) the owner of the land or his successor in interest gives consent in writing to shift the electric line or electrical plant to any other portion of his land or to any other land owned by him; or any alternate right of way along any public path way available for shifting the electric line and the electrical plant; and

(c) the applicant remits the labour charges required for shifting the electric line or electrical plant.

(5) The licensee shall shift the electric line or electrical plant if the conditions specified in sub regulation (4) are complied with by the applicant.

It is found that the respondent has shifted the connection bearing consumer number 4078 in another place having no ownership acquired by the present registered owner. It is found that the ownership of the service connection bearing consumer number 4078 was changed in the name of Smt. Thressia wife of Sri. Raphel, on 16-12-2013 on receiving an application. For a change of ownership of a connection proof of ownership/ legal occupancy of premises is required. Further as per rules, NOC from other legal heirs in case connection is to be changed in the name of one of the legal heirs is also required. The appellant's allegation is that the ownership of the connection was changed without his consent. It is found that there are total five legal heirs for the property of late Raphel and the property is not partitioned till date. Hence the action of the respondent to change the ownership in favour of Smt. Thressia Raphel is not in accordance with the rules.

The connection having consumer number 4078 was being used by the appellant and it was shifted to another premises by disconnecting the connection. Regulation 146 of Electricity Supply Code, 2014 says "In case of consumer requests for disconnection of supply or for dismantling of service, while the supply is being utilised and paid for by a lawful occupier of the premises, the supply shall not be disconnected and service shall not be dismantled".

Decision

From the findings and conclusions arrived at as detailed above, I decide as follows:

The appellant who was enjoying the benefit of the agricultural connection even after the change of ownership is not responsible for the lapses in the shifting of the connection to another premises. The officials of the Licensee involved in the changing of the ownership and the shifting of the connection in another premises is responsible for the lapses. As such the service connection shall be reinstated in the original premises within a period of 30 days on receipt of this order after issuing a notice to the consumer and the respondent shall bear the expenses for the same. The phase conversion and reduction of connected load effected is also quashed.

Having concluded and decided as above, it is ordered accordingly and the Appeal Petition filed by the appellant is allowed. The order of CGRF, Ernakulam in 117/2018-19 dated 28-06-2019, is set aside. No order on costs.

ELECTRICITY OMBUDSMAN

P/069/2019/_____ /Dated: _____

Delivered to:

1. Sri. V.R. Joy, Valiyaveettil House, Mathilakam P.O., Thrissur
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Perinjanam, Thrissur

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 Substation Compound, KSE Board Limited, HMT Colony P.O., Kalamassery, PIN: 683 503.