

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/084/2019  
(Present: A.S. Dasappan)  
Dated: 7<sup>th</sup> January 2020

Appellant : Smt. Sainamma Jose,  
Mulanchira House, Thellithodu,  
Mankuva P.O.,  
Idukki

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd, Chithirapuram,  
Idukki

### **ORDER**

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

The appellant was an applicant for electricity connection for her house under the "Total Electrification Scheme" (TES) of the Kerala State Government for the year 2014. She had applied for service connection on 19-11-2014 under Kambilikandam Electrical Section and cash deposit (CD) Rs. 300/-, Electricity Charge for Service Connection (ECSC) for Rs. 2,150/- and Rs.50/- as AF have been remitted by the appellant in 29-11-2014. The respondent had denied electricity connection to her on the basis of various grounds including non getting of consent from other property owners and missing of application form in the Section Office. So the appellant had approached the CGRF Ernakulam by filing a petition in OP No. 31/2019-20 which was disposed of with a direction to the respondent to give service connection to the appellant under any other scheme approved by KSEBL vide order dated 04-09-2019. Still not receiving the service connection, the appellant has submitted this appeal petition before this Authority on 31-10-2019.

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

The Appellant, Smt. Sainamma Jose, Mulanchira House, Thellithodu, Mankuva is residing within the jurisdiction of Electrical Section, Kambilikandam. The appellant had applied for an electric connection on 19/11/2014 under total electrification scheme. The

appellant gave Rs. 3,000/- to the Assistant Engineer for remitting application fee, ECSC charges and double cash deposit. It is stated that sufficient poles were unloaded there for effecting service connection at that time. After that no actions have been made by KSEB for a long time and poles were transported to some other place.

After some time, the appellant enquired about the connection and it is understood that Asst. Executive Engineer Sri. Ajayakumar rejected her application for want of consent letters from neighbours. Then the appellant contacted Kambilikandam office and get to know that the CD had already been remitted and the file had to be submitted to the ADM to get the land owners consent. As a part of that, registered notices had been sent to neighbours on 3/10/2017 and after receiving the notices both parties submitted their consent for drawing service wire along their properties.

The appellant reported that it was known that the KSEB was delaying the service connection for several reasons. It is argued that the appellant telephoned many times in March hoping to get a connection but did not receive a reply from the office. At last on 27/3/2018, the Assistant Engineer informed that the application which she had submitted was not found in the office and she had to submit a new application form. So, appellant suspected that the connection would not be granted intentionally by raising a number of reasons.

An amount of Rs. 300/- towards Cash Deposit vide Receipt No. 57101411, Rs. 2,150/- towards ECSC charge vide Receipt No. 00349 and Rs. 50/- towards Application Fee were remitted by the appellant. The respondent had to inform the appellant regarding any defects of the application and had to effect the service connection when the neighbours issued consent in written. As such the action of the respondent is the denial of human right and justice to the appellant. The appellant suspects deliberate attempt to exclude her from the Total Electrification Scheme by delaying the processing of the application for the connection. An agreement in a stamp paper worth Rs. 200/- was got signed by the appellant in 09/2017. The appellant filed petition before the Executive Engineer and Deputy Chief Engineer, but not received justice. The service connection could have been effected under Total Electrification Scheme even in 2017 by the respondent against the request of the appellant for the connection in 2014 under the then scheme.

The request of the appellant is to effect the service connection under Total Electrification Scheme.

**Arguments of the respondent:**

Smt. Sainamma Jose had applied for service connection on 19-11-2014 under Kambilikandam Electrical Section under total electrification scheme after drawing approximately 260m OH and 30m Weather proof. Cash Deposit (CD) / Electricity Charge for Service Connection (ECSC) has been remitted by the consumer in 29-11-2014 vide Rt. no. 5710141100349

Rs. 300/- as CD and R1. no. 5710141100350 Rs. 2,150/- ECSC and AF  
Rs. 50/- Vide Rt. no. 5710141100348

While effecting the service connection, the drawing of OH line has to cross the property of 2 neighbours and they objected during the construction time and work stopped due to the above objection and kept pending for clearing of objection amicably by the appellant. Notices were served to the parties disclosing the service connection procedure on 9/2017.

After receiving the notices both parties submitted the consent for drawing service wire along the property for providing service connection to the appellant. While constructing OH line again they had objected and informed that they had given consent for drawing service wire only along the property and again kept idle for settlement by the appellant and neighbours.

Presently it is learned that the appellant had purchased the land for the pathway and OH line can be constructed through the above pathway. For constructing the new OH line through the pathway necessary payment may be realised. Presently the scheme for total electrification has been closed by KSEBL. Hence the scheme cannot be applicable in this case as now. Only BPL persons can apply for the OH line under the Soubhagya scheme. No other schemes are available for doing the OH line as free of cost.

**Analysis and Findings: -**

The hearing of the case was conducted on 19-12-2019 in the chamber of Electricity Ombudsman at Edappally, Kochi. Sri Jose Mulanchira, represented the appellant and Sri. Dennis Rajan, Assistant Executive Engineer, Electrical Sub Division, Chithirapuram, has appeared for the respondent's side. On examining the petition, the counter statement of the respondent, the documents attached and the arguments made during the 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 subject matter pertains to the Total Electrification Scheme for the year 2014. The connection could not be effected during that time because of non-getting consent from other property owners. The length of the OH line at the time of preparing estimate was 260 metres+ 30 W/P line. The line proposed was through the property of two other persons who objected drawal of the connection at the initial stage. The respondent had not taken up the matter with District Collector for the orders for drawing the line, as per the existing rules. During the hearing the respondent has stated that at present there is a pathway to the house of the appellant, having a distance of about 250 metres. As per the appellant already there was a pathway in 2014 itself. Consent obtained from the other property owners on 15-03-2018 and submitted by the appellant. The length of the

line to be constructed along the road will be about 160 metres and through the pathway/other property will be about 100 metres + 30 in W/P. The total estimate prepared for effecting the service connection is Rs. 1,03,041/- and the appellant is willing to share a part amounting to Rs. 10,000/-.

On going through the records, it is found that there was serious lapses and laxity in processing the application for new service connection of the appellant under the procedures and processes prescribed under regulations 76, 77, and 78 of Kerala Electricity Supply Code 2014. Since the appellant was applicant under Total Electrification Scheme and the respondent had the responsibility to clear the objections as provided in Section 67 and 164 of the Electricity Act 2003 and regulation 47 of the Supply Code 2014. It is pertinent to note that another Total Electrification Scheme was launched by the State Government in 2016 and at that time also no action was taken by the respondent to settle the issue of the appellant. The appellant had submitted the consent letters of the property owners on 15-03-18. But the application form of the appellant was found missing in the Section office. The eligibility of the appellant to get service connection under TES is not questioned by the respondent, but the only argument of the respondent is the scheme is not existing now and hence could not be effected now. The delay in taking timely action to process the application is the main reason for the denial of the connection to the appellant.

### **Decision**

This is a clear case of negligence and irresponsible action on the part of the employees of the licensee. The respondent had failed to perform their duties as stipulated in the Act and the Code. The following deficiencies noted on the side of the respondent. 1. There was clear violations of the provisions of the Supply Code for providing a new connection to an applicant. 2. Dereliction of duty in taking up the subject with District Magistrate for orders to draw the line through the private property. 3. Failure to implement the Government orders for Total Electrification Scheme by taking timely action. 4. Lapses in maintaining application form for electric connection in the office. 5. Delayed the application for service connection for a period of five years.

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

1. The respondent shall select a technically feasible and shortest route for drawing single phase line to provide the electric connection to the appellant.
2. The appellant shall bear Rs.10000/- of the estimated cost of the line and weatherproof service connection.
3. The licensee shall bear the balance amount of expenses required for the single phase domestic connection to the appellant.

4. The licensee is directed to take appropriate action against the staff concerned who had committed dereliction of duties and negligence in this case and to recover the loss from the concerned after fixing responsibility.
5. The respondent shall carry out the work within a period of 30 days.
6. If any dispute in drawing the line occurred that shall be taken up with the District Magistrate immediately.

Having concluded and decided as above, it is ordered accordingly and the Appeal Petition filed by the appellant, stands allowed. The order of CGRF, Ernakulam in 31/2019-20 dated 04-09-2019 is set aside. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/084/2019/\_\_\_\_\_ /Dated:\_\_\_\_\_

Delivered to:

1. Smt. Sainamma Jose, Mulanchira House, Thellithodu, Mankuva P.O., Idukki
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Chithirapuram, Idukki

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