

**BEFORE THE KERALA STATE ELECTRICITY REGULATORY COMMISSION**  
**THIRUVANANTHAPURAM**

**Present** : Shri. T.M. Manoharan, Chairman  
Shri. Mathew George, Member  
Shri. K. Vikraman Nair, Member

**No.2050/Com.Ex/KSERC/2014**

**In the matter of:** Non-compliance of the provisions of Kerala Electricity Supply Code, 2014 by KSEB Limited without extending power connection even after remitting the full cost of work and transformer as well as request for immediate connection, refund of the cost of transformer collected in contravention of the provisions of Supply Code and claim for compensation for delay in connection.

Sri. Muhammed Kunju,  
M/s Atlantic Care Chemicals,  
Industrial Development Plot, Vadackal,  
Punnapra, Alappuzha.

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**Petitioner**

**Versus**

The Assistant Engineer,  
Electrical Section,  
KSEBL, Punnapra.

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**Respondent**

**Order dated: 23.01.2015**

**Background of the Case:**

1. M/s Atlantic Care Chemicals is a low tension industrial consumer bearing consumer No.20048 under Electrical Section, KSEBL, Punnapra. The Proprietor, Sri. Muhammed Kunju, the petitioner, applied for enhancement of power to 100kVA on 17/2/2014 after remitting application fee and an advance amount of Rs.5,000/-. The petitioner has remitted Rs.2, 35,089/- on 28/3/2014 on demand by respondent. The work involved installation of one100kVA transformer in the existing 11 KV line. The transformer was not

installed even after six months from the date of remittance of cost of expenditure. Hence the petitioner approached this Commission with a petition for facilitating enhancement of power sanction and for getting eligible compensation from KSEBL for delay in connection.

#### **Averments of the petitioner in the petition:**

2. The petitioner submitted the following for the consideration of the Commission.
3. The petitioner had remitted an amount of Rs.2, 35,089/- on 28/3/2014 being the expenditure for the installation of a 100kVA transformer for enhancement of power as requested by him vide his application dated 17/2/2014. As per the time line fixed, the above works had to be completed within two months from the date of remittance of cost of expenditure.
4. The petitioner is eligible for refund of Rs.2,35,089/- as the enhancement of power has not been sanctioned till the implementation of Kerala Electricity Supply Code, 2014. Hence the regulation applicable in this case could be the new regulation. As per the Kerala Electricity Supply Code, 2014, for availing LT connection up to 100kVA, the applicant need not remit any amount towards cost of supply.
5. The petitioner requested compensation @ Rs.1, 000/- per day complying with Section 43 (3) of the Electricity Act, 2003 from the thirtieth day of the remittance of cost of transformer and its installation.

#### **Response of KSEBL**

6. The averments submitted by the respondent in reply to the contentions and the arguments of the petitioner are as quoted below:
  - (i) *The installation of 100kVA transformer is completed in specified time and requested the petitioner to avail the connection with new enhanced load after submitting the completion report. The consumer has not submitted the completion report till date.*

- (ii) *As and when the petitioner submits the completion report after completing the installation works, KSEBL is ready to sanction the enhanced load of consumer No.20048.*

### **Hearing of the petition**

7. Hearing of the matter was held on 07/01/2015 at the Commission's office at Thiruvananthapuram. Sri. Varghese K.J., Power of Attorney-holder of the petitioner appeared and presented the case on behalf of the petitioner. Sri. K.C. Sureshkumar, Sub Engineer in-charge, Electrical Section, KSEBL, Punnapra and Board's counsel Adv. B. Sakthidharan Nair were present.

- 1) Sri. Varghese K.J, on behalf of the petitioner, explained that there was delay in getting the connection even after remittance of the cost of transformer amounting to Rs.2,35,089/- as early as on 28/3/2014. He reiterated his request for immediate connection, refund of the cost of transformer allegedly collected in contravention of the provisions of Supply Code, 2014 and for compensation for delay in connection in accordance with the provisions of KSERC (Licensees Standards of Performance) Regulations, 2006.
- 2) In the preliminary objection Adv. B. Sakthidharan Nair and the Sub Engineer in charge of Assistant Engineer, Electrical Section, Punnapra informed that the works relating to installation of transformer has been completed and the delay in giving connection with enhanced connected load is on account of non-submission of required documents along with completion report.
- 3) Sri. Varghese K.J. admitted that there were some problems with their electrical contractor relating to submission of necessary records for granting connection with enhanced connected load.
- 4) The Sub Engineer informed that as soon as necessary records are submitted, connection with enhanced connected load can be effected.

- 5) The Commission granted time up to 16/01/2015 to the respondent for filing written statement of defence. The Commission observed that the pendency of this petition need not stand in the way of giving connection immediately on production of necessary certificates by the petitioner.
8. The statement of defence has been filed by KSEBL. The averments submitted by KSEBL are as quoted below.

- 1) *The complainant has not made out a prima facie case of "non-compliance" within the meaning of Section 142 of the Electricity Act, 2003. Hence the complaint is not maintainable.*
- 2) *This Hon. Commission lacks jurisdiction to determine the alleged grievances of an individual consumer especially the Licensee has established CGRF, further there is an Electricity Ombudsman to deal with such matters. Thus the complainant has no cause of action under section 142 of the Electricity Act, 2003. Hence the complaint may be dismissed in limine.*
- 3) *The statement of the complainant that in spite of the remittance of full estimated amount of Rs.2,35,089/- on 28/3/2014, the connection is not extended is not true. The complainant availed a 3 phase electric connection bearing consumer No20048 on 12/04/2012 with a connected load of 33570 watts under "Industrial tariff". The consumer has submitted an application for the enhancement of the connected load from 33570 to 100 kVA on 17/2/2014. The consumer remitted advance estimate on 17/2/2014 and the full estimate cost of Rs.2,35,089/- on 28/3/2014. The above load enhancement work was tendered and awarded the work to the contractor, who completed the work. On completion of the work the respondent requested the consumer to avail the connection after submitting the completion report. But the consumer did not submit the completion report stating that the Electrician who carried out the work for him was not co-operating. During the pendency of this proceeding the consumer submitted the test report and completion report on 08/01/2015 and action is being taken to effect the service connect ion. Thus there is no deliberate delay of laches on the part of the respondent.*

- 4) *The statement of the complainant that the regulation applicable for his connection is the regulation in force at the time effecting the connection and he need not remit the cost of supply up to 100 kVA as per Supply Code 2014 is misconceived and hence denied. The Rule applicable to the applicant is the Regulation which was in force at the time of his application, viz. 17/2/2014. The Supply Code 2014 came into force only on 1/4/2014. As per the earlier Supply Code he was bound to remit the cost of expenditure. Furthermore, the said expenditure was incurred for the installation intended exclusively for the applicant petitioner.*
- 5) *The complainant's claim for refund of Rs.2, 35,089/- and also the claim for compensation for Rs.1000/- per day are without any basis and hence denied. The delay in submitting the test report and completion certificate was the reason for the delay in giving the connection. The complainant has no cause of action. No relief is allowable."*

### **Analysis and decision of the Commission**

9. M/s Atlantic Care Chemicals, an industrial consumer bearing consumer No. 20048 under Electrical Section, KSEB Ltd. Punnapra, applied for enhancement of power to 100kVA on 17/2/2014. Based on the application, the respondent had raised a demand note for Rs.2,35,089/- being the expenditure for the installation of a 100kVA transformer and the petitioner had remitted the amount on 28/3/2014. Since the demand raised by the respondent was strictly as per the provisions of the Kerala Electricity Supply Code, 2005, which was in force at that time, the petitioner is not eligible to get refund of Rs.2,35,089/-.
10. As admitted by the petitioner, necessary completion report and other relevant document of the installation of the premises had not been submitted by the petitioner even on the date of hearing and the Sub Engineer in-charge, Electrical Section, Punnapra, the respondent in this case, was ready to give connection as soon as records are submitted. Hence no deliberate delay is observed on the part of the respondent as alleged by the petitioner.

11. If there is delay in getting connection even after submission of necessary and sufficient records, as specified in Regulation 8 of the Kerala Electricity Supply Code, 2005, the petitioner may prefer for compensation in accordance with the provisions of KSERC (Licensee's Standards of Performance) Regulations, 2006.

### **Order of the Commission**

12. The petitioner is not eligible to get refund of Rs.2,35,089/- which he had remitted on 28-03-2014, since the demand raised by the respondent was strictly as per the provisions of the Kerala Electricity Supply Code, 2005, which was in force at that time.

13. As admitted by the petitioner, necessary completion report and other relevant documents had not been submitted even on the date of hearing, and the Assistant Engineer was ready to give connection as soon as such records are submitted. Hence no deliberate delay can be alleged against the respondent. If there is delay in getting connection, even after submission of necessary and sufficient records, as specified in the relevant regulations, the petitioner may prefer for compensation in accordance with the provisions of KSERC (Licensee's Standards of Performance) Regulations, 2006.

14. The petition is disposed off accordingly.

Sd/-  
Mathew George,  
Member (Fin)

Sd/-  
K. Vikraman Nair,  
Member (Engg)

Sd/-  
T.M. Manoharan,  
Chairman

Approved for issue

SECRETARY

