

BEFORE THE KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM

Present : Shri. T.M. Manoharan, Chairman
Shri. Mathew George, Member

O.P. No.12/14

In the matter of: Request to penalise Kerala State Electricity Board Limited under section 43(3), 142 and 146 of the Electricity Act, 2003 for non-compliance of Electricity Act 2003, Kerala Electricity Supply Code 2005, Terms and conditions of supply, 2005, Kerala State Electricity Regulatory Commission (Licensees' Standards of Performance) Regulations, 2006, KSEB's Circular No. 77/IGP Camp/2010/135 Dated: 31.03.2010, and KSEB Order No. B.O (FB) No. 2518/2013 (KSEBITRAC/S Code /R2/2009) dated 28-11-2013

Sri.P.E.Thomas, ManagingDirector,
M/sGroveLimited, Grove centre,
45A Development Plot, Kalamassery,
Ernakulam -68310

- **Petitioner**

Versus

1. The Chairman & Managing Director,
Kerala State ElectricityBoard Ltd
VydyuthiBhavanam, Pattom
Thiruvanathapuram
2. The Secretary, Kerala State Electricity
Board Ltd, VydyuthiBhavanam, Pattom,
Thiruvanathapuram
3. Deputy Chief Engineer, ElectricalCircle,
Perumbavoor, PIN-683 542
4. Executive Engineer, ElectricalDivision,
Aluva
5. Asst. Executive engineer, Electrical Sub-Division,
Kalamassery
6. Asst. Engineer, Electrical Section
Kalamassery
7. Special Officer (Revenue), Vydyuthi
Bhavanam, Pattom, Thiruvanathapuram

- **Respondents**

Order dated: 22.01.2015

Background of the Case:

1. M/s Grove Snacks Pvt Limited is an HT industrial consumer, engaged in the manufacture and marketing of banana and cassava chips and started its commercial production during the year 2009. As per official records, the contract demand of the consumer is 70 KVA and connected load is 197.29 KW
2. On 14.05.2007 a power allocation for 235 KVA was granted to the consumer vide PA. No. 29/06-07/3401/14.05.07 .On the request of the company, the power allocation was extended up to 31.05.2009 vide PA No. 19/2008-09/3401/01.12.08. Subsequently on 25.05.2009 company submitted an application to the Asst. Engineer, Electrical Section, Kalamassery for reducing the contract demand to 180 KVA from 235 KVA.
- 3 On 12.11.2012 an inspection was conducted by APTS, Ernakulam and consequently a provisional penal bill was issued by the Asst. Engineer, Kalamassery for unauthorized use of electricity. The penal bill was for Rs. 55,54,261/- (Rupees fifty five lakh fifty four thousand two hundred and sixty one) for a period of forty two months and three days.
- 4 On 25-06-2013, the company had submitted another application for regularization of connected load of 274.33 KW+40 kVA for a contract demand of 170 kVA along with an application for change of ownership from M/s Grove Snacks Private Ltd to M/s Grove Ltd.

Averments of the petitioner in the petition:

5. The petitioner M/s. Grove Limited submitted the following for the consideration of the Commission.
6. M/s. Grove Limited, the petitioner submitted that it is an industrial HT consumer, engaged in the manufacture and marketing of banana and cassava chips and started its commercial production during the year

2009.As per official records, the contract demand of the consumer is 70 KVA and connected load is 197.29 KW.

7. Petitioner approached this Commission to penalize KSEB under Section 43(3), 142 and 146 of the Electricity Act, 2003 on the grounds of non-compliance of various provisions of the Electricity Act 2003, Kerala Electricity Supply Code 2005, Terms and Conditions of supply, 2005, Kerala State Electricity Regulatory Commission (Licensees' Standards of Performance) Regulations, 2006 and Circular Ltr No. 77/I GP Camp/2010/135 dated 31.3.2010, and order No. B.O. (FB) No. 2518/2013 (KSEBITRAC/ S Code/ R2/2009) dated 28.11.2013.
8. According to M/s. Grove Limited, it is an "affected party" under regulation 22(d) of the KSERC (conduct of business) Regulations, 2003
9. The petitioner submitted that, a Power Allocation for 235 KVA was granted on 14.05.2007 to the company vide PA No. 29/06-07/3401/14.05.07. On the request of the company, the power allocation was extended up to 31.05.2009 vide PA No. 19/2008-09/3401/01.12.08. Subsequently on 25.05.2009 company submitted an application to Asst. Engineer, Electrical Section, Kalamassery for reducing the contract demand to 180 KVA from 235 KVA and for execution of power supply agreement along with scheme approval No. T1 1484/2009/EIE dated 25.02.2009 for connected load of 226.82 KW + 20KVA + 100 KVAR and sanction for energisation vide order No. T1 1484/2009/EIE dated 25.02.2009 from Electrical Inspectorate, Ernakulam. According to the petitioner, KSEB has neither processed the application nor given any reply.
10. On 12.11.2012 an inspection was conducted by APTS Ernakulam and consequently a provisional penal bill was issued by the Asst. Engineer, Kalamassery for unauthorized usage of electricity. The provisional bill was for Rs. 55,54,261/- (Rupees fifty five lakh fifty four thousand two hundred and sixty one) for a period of forty two months three days. It is alleged that the provisional bill was prepared without complying with provisions of supply code 2005 and terms and conditions of supply and on the assumption that the sanctioned load is 88 KW instead of 197.29 KW as approved by KSEB.

11. The company made an application to Assistant Engineer, Kalamassery on 22.03.2014 for final order of assessment. The Assistant Engineer issued an 'undated order' by hand on 7.6.2014 for remitting the amount as per the assessment order, which, according to the petitioner was not detailed, comprehensive and speaking, and did not contain the detailed calculations involved in arriving the final assessed amount. It is also alleged that the assessment officer did not record his findings on each of the averments based on an analysis of the available evidence and records, after considering the objections presented by the consumer. It is further alleged that the assessment order was issued without complying with relevant provisions of Electricity Act 2003, rules, regulations, orders or circulars issued there under, compelling the petitioner to remit 50% of the assessed amount, and threatening the disconnection and ultimate closing a small scale unit. The final bill and assessment order should be in accordance with law in force. The petitioner requested that the KSEB and such officers may be penalized for such misbehavior under Section 142 and 146 of the Electricity Act, 2003.

12. The main submissions and arguments submitted by the petitioner vide paragraph 6 to 21 are quoted as follows.

(1) The company had made an application for reducing contract demand to 180 KVA from 235 KVA and execution of power supply agreement on 29.05.2009. The company had not received any reply from KSEB regarding this application except a letter informing the application is in progress vide letter No. DB1/09-10/26/ dated 06-06-2009 from Assistant Engineer, Electrical Sub Division, Kalamassery.

Section 43(1) of the Electricity Act, 2003 says "Save as otherwise provided in this Act, every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply."

*Also Clause 5(5) of the supply code, 2005 says "**If an application is incomplete in any respect, the Licensee shall within 7 days of receipt of the application, inform the applicant of all***

deficiencies in writing.”

The KSEB would have to inform the consumer the defects, if any, in the application well before 05.06.2009. However the KSEB has claimed the strange procedure of returning the application, without quoting the defects in the covering letter after 87 days from its submission, which is squarely against section 43(1) of Electricity Act, 2003 and clause 5(5) of supply code 2005. The company has not received the application returned from KSEB. There is no provision in the Electricity Act, 2003 or any rules or regulations framed there under to return an application to consumer without intimating its defects. Under the above circumstances, the contract demand to be re-fixed as per application submitted by M/s. Grove Limited on 29.05.2009 w.e.f 28.06.2009 as was held by the Hon. Commission in OP 35/2012 dated December 13, 2012.

- (2) *KSEBL had issued a provisional penal bill for unauthorized usage of electricity for Rs. 55,54,261/- (Rupees fifty five lakh fifty four thousand two hundred and sixty one) on 14.02.2013 for a period of forty two months three days. The Bill was prepared on the assumption that the sanctioned load was 88 KW, instead of 197.29 KW. The sanctioned load of the company as on the date of inspection was 197.29 KW, as per official records of KSEBL.*
- (3) *The provisional bill was prepared in such way that the fixed charge penalty was deemed to be charged at four times the demand charge for certain period of time instead of twice the tariff applicable, for the unauthorized load, for augmenting the penal charges which was against section 126(6) of the Electricity Act, 2003 and clause 50(6) of the terms and conditions of supply, 2005. Section 126(6) of the Act and clause 50(6) of the terms and conditions of supply provides as follows*

“The assessment under the section shall be made at a rate equal to twice the tariff rates applicable for the relevant category of services specified in sub-section (5)”

(4) The penalty is calculated for 42 months and three days without complying with the relevant provisions of the Act.

Section 126(5) of the Electricity Act says

“If the assessing officer reaches to the conclusion that unauthorized use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorized use of electricity has taken place cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection”.

KSEB has not provided any solid evidence to the effect that Company has started usage of electricity in unauthorized manner for forty two months and three days ie right from 29.05.2009. The company has been paying excess demand charges, solely due to the reason that the company's application for to regularize the contract demand submitted on 29.05.2009, was handled irresponsibly by the KSEBL, The total excess demand charges collected by KSEBL from June 2009 to March 2014 will come to Rs. 5,07,095/- (Rupees five lakhs seven thousand and ninety five only)

(5) The company has never used electricity by any artificial means, or through a tampered meter or unauthorized purpose or in any unauthorized premises. The alleged connection to electrical system of the licensee was as per energisation order issued by Electrical inspectorate under Clause 43(4) of the CEA (Measures relating to Safety and Electric Supply) Regulations, 2010.

Section 126(6) Explanation (b) of the Electricity Act, 2003 says

“Unauthorised use of electricity” means the usage of electricity

- (i) By any artificial means; or*
- (ii) By a means not authorized by the concerned person or authority or licensee; or*
- (iii) Through a tampered meter; or*
- (iv) for the purpose other than for which the usage of electricity was authorized; or*

(v) for the premises or areas other than those for which the supply of electricity was authorized.

Section 2(6) of the electricity act says

“Authority” means the Central Electricity Authority referred to in sub-section (91) of section 70

Hence as per clause (ii) of Explanation (b) to section 126 (6) read with section 2(6) of the electricity Act 2003, where a consumer connects his apparatus / installations to supply system in a manner authorised by Central Electricity Authority it cannot be considered as unauthorised usage of electricity. The Central Electricity Authority by clause 43(4) of the CEA (Measures relating to Safety and Electric Supply) Regulations, 2010 has permitted the owner of any installation, who makes any addition or alteration to his installation to connect his installation to supply lines after the alteration or addition has been approved in writing by the Electrical Inspector.

Clause 43(4) of the CEA (Measures relating to Safety and Electric Supply) Regulations, 2010 says

“The owner of any installation of voltage exceeding 650 V who makes any addition or alteration to his installation shall not connect to the supply his apparatus or electric supply lines, comprising the said alterations or additions unless and until such alteration or addition has been approved in writing by the Electrical Inspector”.

Hence as per section 126(6) Explanation (b) (ii) read with section 2(6) and clause 43(4) of the CEA (Measures relating to Safety and Electric Supply) Regulations 2010, where a consumer connects his installations in accordance with energisation order issued by Electrical inspector, it cannot be considered as unauthorised use of electricity. Hence where a consumer is penalised by licensee for unauthorised usage, even after the consumer complied with clause 43(4) of the CEA Regulations; it can be considered as violation of Electricity Act, 2003 by licensee, inviting penalisation to licensee under section 142 of the Electricity Act, 2003.

(6) *The company had submitted another application for regularisation of load to KSEB on 25.6.2013 with scheme of approval No. T1 – 5904/13/EIE dated 26.4.13 for a connected load of 274.33KW + 40 KVA +100KVAR along with energisation order No. T1-5904/13/EIE dated 12.6.13 with a fee of Rs. 5000/- vide receipt No. 513154 for a contract Demand of 170 KVA. Along with said application an application for change of ownership from M/s. Grove Snacks Private Limited to M/s. Grove Ltd, consequent to amalgamation of both companies, with ownership certificate from Kalamassery Municipality, was submitted. With continuous follow up, KSEB has returned the application on 1.03.2014 with baseless reasons, after 248 days of its receipt, even though there were clear provisions in the Electricity Act, 2003, Kerala State Electricity Regulatory Commission (Licensees' Standards of Performance) Regulations, 2006 to process such application within 30 days of its receipt. In addition clause 5(5) of the supply code says the defects, if any in the application submitted should be informed to the applicant in writing within 7 days of its receipt. An application for change of ownership should be processed within 15 days of its receipt. Reply received from KSEB in this connection on 1-03-2014. On receipt of the above letter, the company filed their reply on 25.03.2014 with all documents to Assistant Engineer, Kalamassery. However KSEB has neither processed our application nor give any reply to us so far, for which KSEB may be penalised as per section 43(3) read with section 142 of the Electricity Act, 2003.*

(7) *On 22.03.2014, the company approached the Assistant Engineer Kalamassery with their objections against the provisional bill .After hearing on 29.04.2014, the Assistant Engineer Kalamassery issued a final order, which was **undated not detailed, comprehensive and speaking, and not contained the detailed calculations involved in arriving the final assessed amount and not recorded his findings on each of the averments based on an analysis of the available evidence and records, without***

considering their objections and not in compliance with relevant provisions of Electricity Act, 2003, rules regulations, orders or circulars issued there under.

Clause 3(d) of the circular Ltr No. 77/IGP Camp/2010/135 dated 31.03.2010 (Procedure to be adopted for inspections at consumer premises, issuing assessments, addressing disputes etc Detailed Guidelines), issued by KSEBL says

*“If the consumer prefers an objection against the provsional assessment, the Assessing Officer is **bound to admit it**. The assessing officer should take a decision on the objection, if any, within 30 days from the date of issue of the provisional assessment and a final order be issued. The final order of assessment thus issued should be **detailed, comprehensive and speaking**. The final assessment order should be served to the consumer under proper acknowledgement.”*

Also

The order of the KSEBL vide No. B.O (FB) No. 2518/2013 (KSEBITRAC/S Code/R2/2009) dated 28.11.2013 says

Part III

Clause 11:- *“The assessing officer is expected to consider all the evidence produced by the consumer and his statements along with the findings made at the time of inspection and records thereof and need to come to a conclusive finding on the facts of the matter.”*

Clause 12:- *“The final order of assessment prepared after considering the plea and the documentary evidence(s), if any, submitted by the consumer as well as the findings during the inspection and the records available at the time of disposal of objections should be detailed, comprehensive and speaking and shall contain the detailed calculations involved in arriving the final assessed amount. The assessing officer shall provide in the final order a brief of all the averments made by the consumer and shall record his findings on each of these averments based on an analysis of the available evidence and records’.*

Clause 13:- *'Based on the findings in the final order of assessment, the assessing officer shall revise / finalize the amount payable by the consumer and the final invoice/bill shall be prepared'.*

The hearing before the Asst. Engineer was just like a mock drill. He was silent with pre-set mind asked his steno to note down all oral contentions of the consumer. He has not asked us to produce any evidence based on our oral contentions, even though we attended hearing with all evidences. He acted according to the wishes of his superiors. He also hesitated to provide a copy of the recorded statement to us.

(8) *The Assessing officer is carrying out a statutory responsibility which is quasi judicial in nature and he is expected to reach final conclusion based on the records available at the time of disposal of objections. The Commission in its order dated 25.02.2014 in O.P No. 33/2013 directed the assessment officers to follow the guidelines as prescribed by KSEBL vide order No. BO (FB) No. 2518/2013 (KSEB/TRAC/S Code/R2/2009) dated 28.11.2003.*

Section 142 of the Electricity Act, 2003 says

"In case any complaint is filed before the Appropriate Commission by any person or if that Commission is satisfied that any person has contravened any of the provisions of this Act or the rules or regulations made there under, or any direction issued by the Commission, the Appropriate Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, which shall not exceed one lakh rupees for each contravention and in case of a continuing failure with an additional penalty which may extend to six thousand rupees for every day during which the failure continues after contravention of the first such direction".

Also section 43(3) of the Electricity Act, says

“If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default”.

(9) It is therefore prayed before the Commission that

- (i) under the circumstances and submissions as detailed in the above paras, the order of the Commission as per OP 35/2012 dated December 13,2012 must be applicable to the company and the contract demand may be re-fixed as per our application dated 29.05.2009 and waive all further proceedings thereafter and penalize KSEBL for non compliance of respective provisions of Electricity Act, 2003, rules regulations orders issued there under section 43(3) and 142 of the Act, and refund the excess demand charges collected from us.*
- (ii) under the circumstances as detailed in the petition, the final order of the assessment issued by the Asst. Engineer may be nullified and penalise KSEBL for non compliance of respective provisions of Electricity Act, 2003, rules regulations orders issued there under Seciton 43(3) and 142 of the Act and direct the assessment officer to carry out the assessment proceedings in a quasi-judicial manner and issue a speaking order.*

Interim Relief:

13. The petitioner prayed for an interim relief of stay of the impugned order of the assessing officer and disconnection notice pending proceedings of the commission.

Response of KSEBL:

14. The averments submitted by KSEB Ltd in reply to the contentions and arguments of the petitioner vide paragraph 3 to 5 of their statement are as quoted below.

(1) The contention that the application for regularizing the additional load was submitted on 29-05-2009 and no reply was received from KSEB, is not maintainable on face of records. The application was returned by Deputy Chief Engineer Electrical Circle, Perumbavoor on 13-08-2009 indicating the defects in the application. The Asst. Executive Engineer,

Electrical Sub Division, Kalamassery intimated the same to the Petitioner vide letter No. DB1/09-10/59 dated 24-08-2009.

- (2) The Petitioner had admitted the above transactions for rectifying defects in the application vide written statement at the time of receiving the site mahazar on 12-11-2012 that "Grove Ltd. submitted 6 copies of commission report on 10th July 2009 before Asst. Executive Engineer, Kalamassery vide letter No. 5400/537/09-10-2009 thereafter on 24th September 2009, we have submitted all other documents required for additional power requirement.....". The above written statement of the Petitioner provided below the site mahazar reveals that the application submitted on 29-05-2009 was not complete and KSEBL has communicated the discrepancies in the application and the Petitioner is in the knowledge of the anomalies in the application. As a licensee, KSEBL has taken adequate measures to process the application of the Petitioner, but the Petitioner has failed to submit the essential documents for granting his requested change of the load.*
- (3) As stipulated in Section 43 of the Act, it is the responsibility of the Consumer to submit necessary documents enabling the Licensee to consider the request of the Consumer. Here the Licensee has intimated the Petitioner to submit the relevant documents and the Petitioner has admitted the same on receipt of the site mahazar by noting it under the site mahazar. Thus, it is submitted that the contention of the Petitioner that KSEBL failed to process the application dated 29-05-2009 is without any basis.*
- (4) The main averment of the Petitioner is that the Assessing Officer has prepared the bill on baseless manner without complying with statutory provisions. The bill was prepared by the Assessing Officer based on the rates notified by the Hon'ble Commission through the Tariff Order. It appears that some apparent error has crept in the assessment of the final bill issued by the Assessing Officer. Unfortunately, the Petitioner did not bring this apparent error to the notice of the higher officers of the Board. If the Petitioner has got any objection regarding the bill issued to him, he is free to challenge the same before the Appellate Authority. It appears that the Petitioner has chosen to approach the Hon'ble*

Commission due to the onerous condition stipulating remittance of 50% of the assessed amount for proceeding with the Appeal as per statutes. Even though Petitioner is having ample opportunity to present his contentions before the Appellate Authority, it seems that requirement of making remittance of 50% of the assessed amount is the major obstacle faced by the Petitioner in redressing his grievances. In view of the apparent error in the assessment, which has a major bearing on the amount of penalization, KSEB Ltd. is ready to advise the Appellate Authority for processing the Appeal of the Petitioner by collecting an affordable amount only from the Petitioner. This will facilitate the settlement of the grievances as per provisions in the statutes itself.

(5) The Hon'ble Supreme Court in the case of M/s Seetharam Rice Mills (2011 KHC 4978) has held that Section 126 and 127 of the Electricity Act, 2003 are 'a code in itself' providing for provisional assessment, scope for filing objections, final assessment, appeal against final assessment etc. Considering that the Petitioner has not exhausted the legal remedies available to him under the statutes, along with the willingness of KSEBL to provide a fair opportunity to the Petitioner for settling his grievances and also in view of the issues of jurisdiction as contemplated in the order of the Hon'ble Supreme Court, it is humbly submitted that the Petition may be dismissed with a direction to the Petitioner to approach the Appellate Authority in the matter.'

Hearing of petition:

15. Hearing on the matter was held on 6/8/2014 at the Commission's office at Thiruvananthapuram. Sri. Joby Mathew, Manager (Corporate Affairs), M/s Grove Ltd. presented the case in detail. He submitted that the disconnection of supply of power to the petitioner is illegal. He has presented various documents of Exhibits in support of his claim. The main prayers of the petitioner were

- (i) To suspend the impugned order of the Assessing Officer, namely the Assistant Engineer, Electrical Section, Kalamasery dated 5/5/2014 and the disconnection notice.

- (ii) To direct the Assessing Officer to issue final order after considering all documentary and oral evidences and relevant records.
 - (iii) To give immediate reconnection to the petitioner.
16. Sri. Thankachan N.J., Senior Superintendent, Law Section, KSEB Ltd., VidyuthiBhavanam, Thiruvananthapuram gave a detailed response on the petition. It was submitted that there were some procedural lapses on the part of the Respondents while issuing the impugned order dated 5/5/2014. It was also admitted that the relevant power supply agreement and connected records which are available with the agreement authority, namely the Deputy Chief Engineer, Electrical Circle, Perumbavoor were not examined by the Assessing Officer before issuing the impugned order. The Deputy Chief Engineer, Electrical Circle, Perumbavoor, Executive Engineer, Electrical Division, Aluva, Assistant Executive Engineer, Electrical Sub Division, Kalamassery, the Assistant Engineer, Electrical Section. Kalamassery were also present during the hearing. The Respondents expressed their willingness to re-examine the entire case if it is remanded back to them.

Interim Order

17. In view of the above facts and circumstances, the following interim order were issued by the Commission.
- (i) *The impugned order dated 5/5/2014 issued by the Assistant Engineer, Electrical Section, Kalamassery is suspended.*
 - (ii) *The Respondents were directed to re-examine the entire case after giving one more chance to the petitioner for personal hearing and issue fresh detailed speaking order after considering the oral and documentary evidences presented by the petitioner, B.O.(FB) No.2518/2013 (KSEB/TRAC/S.Code/R6/2009/TVM dated 28/11/2013 issued by the KSEB Ltd. And relevant regulation.*
 - (iii) *Reconnection may be given to the petitioner immediately and further course of action with regard to continuance of supply of power or otherwise may be taken in accordance with law and in view of the final order issued by the Assessing Officer namely, the Assistant Engineer, Electrical Section, Kalamassery.*

18. The Assistant Engineer, Electrical Section, Kalamassery vide his letter No.DB1/14-15/732 dated 27/10/2014 reported that as per the interim order of the Commission dated 6/8/2014, the electric supply to the premises of the petitioner has been reinstated on 7/8/2014. It is also reported that the disputed bill amount has been revised and issued to the consumer on 27/10/2014 as per the final order by the Assessing Officer, after hearing the petitioner on 20/9/2014.

19. The petitioner vide his letter dated 2/12/2014

(i) reported that in compliance of the final order issued by the Assessing Officer on 27/10/2014, he has remitted Rs.4,71,647/- to the Special Officer (Revenue), KSEBLtd. VidyuthiBhavanam, Thiruvananthapuram on 27/11/2014.

(ii) expressed his consent to close the petition subject to the condition that, the power supply may be regularized in the name of M/s Grove Ltd. with a contract demand of 170kVA, based on the application preferred by them on 25/6/2013 before the 6th Respondent namely, the Assistant Engineer, Electrical Section, Kalamassery and their submission of clarifications on 25/3/2014 and 25/8/2014, within a reasonable period of time as may be decided by the Commission.

Decision of the Commission:

After considering the facts and circumstances of the case presented by the petitioner and the relevant statutory provisions the Commission issues following orders.

- (i) It is found from the records and from the letter of the petitioner dated 2.12.2014 that the petitioner, M/s. Grove Ltd is not the consumer. The electric supply is in the name of M/s. Grove Snacks Pvt Ltd. Therefore the petitioner has no *locus standi* to agitate any claim as mentioned in the petition before the Commission.
- (ii) The petitioner has, in his letter dated 2.12.2014, expressed his willingness to close the petition subject to the condition that the power supply now in the name of M/s. Grove Snacks Pvt Ltd may be transferred and regularized in his

name and that the contract demand may be enhanced and fixed at 170 kVA based on the application dated 25.06.2013 within a reasonable period as fixed by the Commission. Evidently the petitioner is not consumer and therefore he cannot demand for any enhancement of contract demand. Transfer of service connection is a process which has to be completed in accordance with the provisions in regulation 91 of the Supply Code 2014. The application for the same in form given in Annexure 8 to the Supply Code shall be signed by the consumer. Similarly the enhancement of connected load or contract demand can be granted only as per the provisions in regulation 99 of Supply Code 2014 for which also an application should be submitted in the form given in Annexure 11 to the regulation and such application has to be given by the consumer. In this case as already stated consumer is M/s. Groves Snacks Pvt Ltd. As and when the consumer approaches the respondents with all necessary application and documents, the respondents may take timely action. The petitioner cannot be allowed to stipulate conditions for withdrawal of his petition which has been filed without locus standii. The respondents are directed to take appropriate and timely action on the application if any received from the consumer for transfer of ownership or for enhancement of contract demand.

- (iii) The petition is dismissed as withdrawn.

Mathew George
Member

T.M. Manoharan
Chairman