

KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM

Present: Shri. Preman Dinaraj, Chairman

Petition No. O.P.No.11/2020

- In the matter of** : Petition filed under Section 142 of the Electricity Act, 2003 for the deliberate distortion of laws related to electricity and delaying electrical connection of Afthab Tower, Kolagappara, SulthanBathery, Wayanad District
- Petitioner** : Shri. Abdul Kader,P.P
Puthenpeedikakkal, Kolagappara,
Meenangadi,Wynad-673 591
- Petitioner represented by** : Shri. Purushothaman.P.K
President, A Grade Electrical Contractors
Association, Chiramal House, Edakad PO
Kannur
- Respondent** : Shri. Christie K Abraham,
Deputy Chief Engineer, Electrical Circle
KSEB Ltd, Kalpetta

Order dated 11.06.2020

Background of the case:-

- 1 Shri. Abdul Kader, P.P , the petitioner has constructed a four storied building, Afthab Tower in Kolagappara and submitted an application for electrical connection before the Assistant Engineer, Electrical Section, Sultan Bathery on 01.08.2019. The Petitioner has completed the electrification work in the premises as per Indian Standard, Kerala Electricity Supply Code 2014, CEA

Regulation and National Building Code. The entire electrical installation at the premises was inspected by the Electrical Inspector, Wayanad on 27.05.2019 and sanction for energisation was received on 11.07.2019. The site inspection was conducted by Deputy Chief Engineer, Kalpetta, KSEB Ltd on 22.11.2019 and electrical connection was denied intimating that the location of metering panel was not according to Clause no.5 of HT Agreement. Hence this petition.

Petition:-

2 The petitioner has submitted that

- (1) Shri. Abdul Kader, P.P , the petitioner has constructed a four storied building, Afthab Tower in Kolagappara and submitted application for electrical connection before the Assistant Engineer, Electrical Section, Sultan Bathery on 01.08.2019.
- (2) As per Regulation 76(1) of Supply Code, 2014, on receipt of application for service connection, the same shall be verified by the Licensee and if found deficient prima facie, he shall issue a written intimation on the spot as far as possible regard the deficiencies. But such an intimation of defects was only given on 04.10.2019 ie after two months of submitting the application.
- (3) The petitioner under the Right to Information Act, applied for the details of service connection given to Kalyan Silks, Kalpetta who have submitted the service connection application at Electrical Section. Kalpetta on 22.08.2019. The Public Information Officer vide his letter dated 26.12.2019 informed that the service connection to Kalyan Silks was effected on 02.09.2019. This, the petitioner contends is a case of clear violation of “first come, first served” as per Regulation 76(6) of the Kerala Electricity Supply Code, 2014.
- (4) The petitioner has replied to the letter dated 04.10.2019 from the respondent on 19.10.2019. The site inspection was delayed by one

month, which is a clear violation of Regulation 77 of the Kerala Electricity Supply Code, 2014.

- (5) The Petitioner has completed the electrification work in the premises as per Indian Standards, Kerala Electricity Supply Code 2014, CEA Regulation and National Building Code. The electrical installation work of the Double Pole structure to metering panel was completed under the supervision of staff of KSEB Ltd. Also KSEB Ltd has collected 10% of the expenses as supervision charges.
- (6) The entire electrical installation at the premises was inspected by the Electrical Inspector Wayanad on 27.05.2019 and sanction for energisation was received on 11.07.2019. The copy of the sanction order has been already submitted along with application for service connection dated 01.08.2019.
- (7) The site inspection was conducted by Deputy Chief Engineer, Kalpetta, KSEB Ltd on 22.11.2019 and the petitioner was intimated that the location of metering panel was not according to the Clause no.5 of HT Agreement compiled by the KSEB Ltd. KSEB Ltd had demanded an exclusive and independent entry to the metering panel for the KSEB officials, which should not be accessible to the consumer.
- (8) As per Code 11.3 of Indian Standard IS 15707: 2006, the site of the AC electricity meters shall be accessible to the consumer as well as service provider's personnel for meter reading, installation inspection and maintenance as the case may be. As per Code 5.4.1.4.1 of Part 8 of National Building Code 2016, energy meter shall be installed in all buildings at such a place, which is readily accessible to the owner / operator / occupant of the building and the Authority. As per Regulation 21 of Kerala Electricity Supply Code, 2014, it is the responsibility of the consumer to keep in safe custody, the meter and other equipment of the licensee and seals on the meter and associated equipment installed within the premises of the consumer. From the

above standards and codes, it is clear that the site of energy meter is also accessible to the consumer.

(9) A Unitised substation incorporating HT Transformer, Load break switch, Metering panel is installed at the site. If consumer cannot enter metering panel location as demanded by KSEB Ltd., in case the HT incomer trips, the supervisor appointed as per Reg.3 of CEA (Measures Relating to Safety and Electric Supply) Regulations, 2010 will not be able to access and operate the incomer.

(10) After having visited sites like Kalyan Silks Kalpetta, Mint Mall SulthanBathery, Hotel Great Jubilee, Yes Bharath Wedding Collections, which has already received HT connection, it was seen that they have all installed metering panels at consumer accessible locations.

Prayer:-

3 The petitioner had prayed to kindly take the necessary actions under Section 142 of Electricity Act, 2003, against the Deputy Chief Engineer, Electrical Circle, Kalpetta for violating above mentioned laws related to electricity and for deliberately delaying giving the connection to the premises without any valid reasons.

Statement of Defense

4 The Deputy Chief Engineer, Electrical Circle, Kalpetta, the respondent, has submitted that:-

1) The Petitioner had submitted an application form dated 01.08.2019, for an HT connection before the Assistant Engineer, Electrical Section, Sulthan Bathery West. The application form was forwarded to the respondent's office for scrutiny and processing, through the Assistant Executive Engineer, Electrical Sub Division, Sulthan Bathery on 23-09-2019.

2) The application form was processed at the office of respondent on the same day and a letter enlisting the defects was sent on the

very next day ie. on 24-09-2019. The letter was sent to the Assistant Engineer Electrical Section Sulthan Bathery, West for further follow up from that end. (R1). The defects mentioned in the letter include, among other things, the inclusion of lift load in the application form without energisation approval of Electrical Inspectorate, non submission of valid Ownership Certificate etc which were to be attended to from the Petitioner's side.

- 3) In response to this letter, the Assistant Engineer Electrical Section Sulthan Bathery West informed the Petitioner regarding these defects. However the defect regarding Ownership Certificate alone, was rectified by the Petitioner and the defect regarding inclusion of lift load without energisation approval of the Electrical Inspectorate remained un attended
- 4) Acting up on the letter by the Assistant Engineer, the respondent, vide letter dated 04.10.2019 had requested the Petitioner to furnish the energisation order for the lift load immediately to proceed further in the matter. The Petitioner vide the cover letter dated 19.10.2019 furnished the same.
- 5) Mean while the Agreement for supply of energy (as envisaged in Annexure 13 of the Supply Code 2014) to be entered in to between the Licensee and the consumer was prepared and submitted by the petitioner.

The annexure 13 clause 5 of the Supply Code 2014 says. *The consumer must provide at his expense a locked enclosure of a design to be approved by the licensee for the purpose of housing the licensee's terminal HT/EHT switch gear and metering equipment, in the case of indoor installation. In the case of outdoor metering installation, a fenced enclosure, duly approved by the licensee, with lock and key for housing the metering equipment as mentioned above shall be provided at consumers expense. The metering equipment shall be easily and independently accessible for the licensee's officials at any point of time. In no case consumer shall have the physical access to the*

metering equipment except in the presence of the officials of the licensee. The licensee shall have access to the enclosure at all times without notice for the purpose of inspecting, testing, and maintenance of its apparatus. Denial of access to the metering premises for the licensee's officials by the consumer or his agents shall be dealt with as per provisions contained in the Kerala Electric Supply Code 2014 as amended from time to time. Unauthorised entry or attempt to enter the metering premises by the consumer or his agents shall be a valid ground for disconnection of supply to the consumers premises after expiry of 24 hours from the service of a notice to this effect.

- 6) The KSEB Ltd had issued an order B.O.No. 510/2010 dated 24-02-2010 in which similar matter is mentioned in para 3.13 which says...

3.13 In the case of multi panel HT connections, there should be provision to lock and seal each panel individually so as to make disconnection possible for each consumer, individually. Also the consumer shall be allowed to operate the HT incomer only in the presence of authorized personnel of KSE Board so as to prevent physical access to the consumer to the metering points. Provision for emergency switch off shall be given to the consumer.(R4)

- 7) Soon after completing all the formalities with regards to the application form, the site inspection was conducted by the Respondent. The site inspection revealed the fact that the Petitioner had failed to comply with the mandatory stipulations with respect to the provision for independent and exclusive access to the metering equipment as envisaged in the clause 5, Annexure 13 of Supply code 2014. The fact was conveyed and convinced to representative of the Petitioner then and there. He in turn promised to rectify the defects at the earliest.

- 8) As the Petitioner was not seemed to be responsive to his assurances even after elapse of several days the Respondent had officially sent a written communication vide letter No. TS1/HT-Aftab Tower/ECK/2019-20/1197 dated 22.11.2019 (R5) indicating the modifications to be effected at the premises.
- 9) Regulation 78 (3) of the Supply Code is extracted as below...

78. Rectification of defects found in the inspection.-

(3) In case the applicant fails to rectify such defects or fails to inform the licensee about the rectification of defects, the application form shall be kept in abeyance and the applicant will lose his priority:

Provided that the licensee may grant additional time to the applicant for completion of the Works without any defects, in case the applicant submits a written request for the same, Within ten days from the date of receipt of intimation regarding defects.

- Regulation 76 (7) & (8) of the Supply Code is extracted as below...

76. Processing application for new service connection.-

(7) An application form shall be deemed to be received on the date of its receipt in the specified format, if it is complete in all respects with all relevant documents.

(8) An 'application form' shall become an 'application' on receipt of all applicable charges, security deposit and all necessary documents including approvals from statutory or other authorities; and the application shall be deemed to have been received on the date of receipt of all such charges and documents.

- 10)The facts that the Petitioner had submitted the energisation certificate for the lift load only on 19-10-2019,that the condition under clause 5 Annexure 13 has not been satisfied and that he has not remitted the Security Deposit so far etc. disentitling him from claiming the right of time frame set by the Hon'ble Commission.

- 11) In spite of adhering to his promises and the Regulations the Petitioner approached the Hon'ble CGRF(Northern Region) for redressal of his grievances in OP 119/19-20. The Hon'ble Commission after the hearing dismissed the petition endorsing the stance taken by the respondent.
- 12)Not satisfied by the decision of Hon'ble CGRF the petitioner approached Hon'ble Ombudsman for Electricity in P/019/2020. While this petition is pending before the Hon'ble Ombudsman the Petitioner has now approached the Hon'ble Regulatory Commission in the same matter.
- 13)The Petitioner's has no case of denying the connection in spite of the compliance of Clause 5 of the Supply Code 2014. Being an unnecessary an unwanted petition in which the respondent KSEBL was dragged in to, it is prayed before the Hon'ble Commission that the petition may be dismissed with appropriate orders.

Hearing of the Case:-

- 5 The case was heard by the Commission on 10.06.2020 at 4p.m through video conferencing. Shri. P.K. Purushothaman, President of A Grade Contractors Association for the Petitioner and Shri. Christie. K. Abraham, Deputy Chief Engineer, Electrical Circle, Kalpetta on behalf of the Respondent attended the hearing. The counsel for the Petitioner detailed the petition and requested energisation of the service connection at an early date and to proceed against the Respondent for non-compliance of statues mentioned in the petition. Deputy Chief Engineer, Electrical Circle, Kalpetta submitted his defense stating that the service was denied for non-rectification of defects intimated to the Petitioner regarding non-compliance of Clause 5 of the HT agreement. He also submitted that the processing of service connection application form was delayed due to heavy land slide during the month of August, September 2019.

Analysis of the Commission:-

- 6 As per code 11.3 of Indian Standard IS 15707 : 2006 the site of AC electricity meters shall be accessible to the consumer as well as service provider's personnel for meter reading, installation inspection and maintenance as the case may be. As per Code 5.4.1.4.1 of Part 8 of National Building Code, 2016 energy meter shall be installed in all buildings at such a place, which is readily accessible to the owner / operator / occupant of the building and the Authority. As per IEC Clause 9.2 energy meters shall be installed at such a place which is readily accessible to both the owner of the building and the authorized representatives of the supply authority. However as per Clause 103 (2) &(3) of the Kerala Electricity Supply Code, 2014 the consumer has to execute an agreement in stamp paper as per the model format of agreement included as Annexure 13 of the above said Code. As per Clause 5 of the HT agreement, the metering equipment shall be easily and independently accessible for the licensee's officials at any point of time and in no case consumer shall have the physical access to the metering equipment except in the presence of the officials of the licensee. The above clause is inconsistent with the provisions of Indian standards, National Building Code and National Electricity Code.

The Commission notes that there is a delay in processing of application form submitted by the petitioner. However as per Clause 2 (7) & (8) of the Kerala Electricity Supply Code, 2014 an application form with its enclosures will become an application only after curing of defects in the application form and upon remittance of security deposit and estimated electricity charges as per the cost data approved by the Commission. Further, applications are to be processed on priority based on the date remittance of fees as per the demand note issued by the agreement authority. In the case of HT connection, Deputy Chief Engineer is the agreement authority.

The Commission however notes that the petitioner had submitted the sanction of the Electrical Inspector for the lift load only on 19.10.2019, though the defect was intimated to him vide letter dated 04.10.2019. Also it is noted that the Respondent had issued a registered letter to the Petitioner that, an exclusive and independent entry to the metering panel is to be provided as

per Kerala Electricity Supply Code, 2014 Annexure No. 13 Clause 5 and the deed of agreement for the supply of High Tension energy Clause No. 5. The Commission however notes that this clause is not is not consistent with the relevant provisions of Indian Standards, National Electrical Code and National Building Code.

There is a delay in intimating the defects to the petitioner, from 01.08.2019, the date of submission of application form by the petitioner before the Assistant Engineer, Electrical Section, Sulthan Bathery, West. This requires be looked into by the licensee and necessary corrective action to prevent such instances be taken.

Order of the Commission:-

7 KSEB Ltd shall

(1) effect the service connection to the petitioner immediately on payment of the requisite service connection charges as per the approved cost data. The metering panel and the load break switch chambers shall be sealed by the respondent and sealing certificate obtained.

(2) submit appropriate amendment proposal on Clause 5 of the HT agreement, consistent with relevant clauses in Indian Standards, National Electrical Code, National Building Code and Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010.

(3) streamline the processing of application forms in respect of intending consumers for power requirement, complying with the provisions of Kerala Electricity Supply Code, 2014.

The petition disposed as above.

Sd/-
Preman Dinaraj
Chairman

Approved for issue

Sd/-
C.R.Satheesh Chandran,
Administrative Officer
(In charge of Secretary)

