

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

**Present: Shri T.M.Manoharan, Chairman
Shri. K.Vikraman Nair, Member
Shri. S. Venugopal, Member**

Petition No. 1834/Com.Ex/KSERC/2014

In the matter of the requirement of punishment under Section 142 of the Electricity Act, 2003 for the non-compliance of the provisions of the Electricity Act, 2003 and the Kerala Electricity Supply Code, 2005 in respect of providing electric connection to M/s. Diana Heights and 10 others under Electrical Section, Athani and in respect of the processing of the applications and effecting high tension connections for the year 2013-14 under Electrical Circle, Perumbavoor.

Sri. Cyril Issac, Managing Director, Diana Heights
Nedumbassery

: Petitioner

The Assistant Engineer, Electrical Section
Kerala State Electricity Board Ltd.
Athani & 5 others

: Respondent

Order dated 06.01.2016

Background of the Case:

1. Sri. Cyril Issac, Managing Partner, Diana Heights, Nedumbassery has filed a petition before the Commission on 22.09.2014, regarding the delay in effecting temporary service connection to their establishment, by Kerala State Electricity Board Ltd. In the said petition, it is stated that their application for permanent connection is pending before the Asst. Engineer, Electrical Section, Athani from 04.10.2012, on the plea that the 66kV substation Angamally as well as the 11 kV Athani feeder supplying electricity to the locality in which the consumer premises

is situated are over loaded. They were also informed that there were five more pending applicants for electricity connections having priority over them. Later the authorities of KSEB Ltd. informed the consumer that the required power can be given from 110kV substation Aluva by constructing a new 11kV feeder up to Desom and transferring a part of the load from the feeder accessible to them. Accordingly nine applicants seeking power from the impugned feeder, formed a consortium and decided to share the cost of construction of the feeder proposed by KSEB Ltd., in proportion to their power requirements. The required supervisory charges had been remitted to KSEB Ltd. The proposed line has to cross Periyar river and Railway line at Aluva for which the request for special permission was pending before the concerned authorities.

2. In the above circumstance a temporary connection with reduced contract demand of 250 kVA was applied for by the petitioner, with all requisite documents and remitted the required amount. The power connection was not given due to the doubt regarding the applicable tariff. The Deputy Chief Engineer, Electrical Circle, Perumbavoor had sought for direction from the Special officer (Revenue) and from the Chief Engineer (Commercial and Tariff), but no direction was received on time. Aggrieved by the delay in getting the connection, the complainant has requested the intervention of the Commission with a prayer to issue necessary direction to KSEB Limited to effect the temporary connection at the earliest.
3. A report was called for from Dy. Chief Engineer/ Electrical Circle / Perumbavoor and he reported that :
 - i) The complainant applied for an electric connection, on 4.10.2012 before the Asst. Engineer / Electrical Section / Athani to M/s. Diana Heights, Nedumbassery, with a required demand of 300 kVA.
 - ii) Since, the required power could not be fed from the nearby 66kV sub station Angamaly, administrative sanction was sought for drawing 3.32 kms of ABC conductor, 80 mts of 3 X 300 sqmm XLPE UG cable and 0.4

kms of over head line using ACSR Racocon Conductor, from Aluva substation, for giving electric connection to M/s. Diana Heights and other ten numbers of prospective consumers under Electrical Section, Athani.

- iii) The work is yet to be completed due to non-receipt of sanction from Railway Authorities for crossing the railway line near Aluva sub-station.
 - iv) The complainant consumer had applied for a temporary connection, with the consent of other prospective consumers. The temporary connection was effected on 10.10.2014, after getting clarification from Chief Engineer (Commercial & Tariff), Kerala State Electricity Board Ltd, Thiruvananthapuram regarding tariff applicable to HT temporary connections.
4. The Commission had, as per order dated 04.11.2014 deputed the Junior Consultant (Consumer Advocacy) to Perumbavoor Circle for assessing the facts regarding existing power feasibility of nearby substations for extending the power connections to the complainant and other applicants in the proposed work. He was also entrusted with the work of verification of high tension power connections effected during the year 2013-14 under Perumbavoor Circle to see whether the provisions of the Electricity Supply Code, 2005 had been complied with, in providing power connections.
5. The Junior Consultant (Consumer Advocacy) submitted his report on 27.11.2014 in which he reported that,-
- (i) M/s. Diana Heights applied for high tension electric connection with a contract demand of 300 kVA on 4.10.2012 at Electrical Section, Kerala State Electricity Board Ltd, Athani. He was one among the eleven applicants under the section who had applied for electric connection during the period from 15/2/2012 to 5/2/2013. The total additional demand requirement was 4842 kVA. Out of the 11 applicants, 7 applicants are situated in between Airport Junction, Athani and Mangalapuzha bridge, Aluva and other four applicants were in between Angamaly Junction and Air port Junction, Athani.

- (ii) Two numbers of 11 kV feeders namely Athani and Chengamanad from Angamali sub-station are supplying electricity to the geographical jurisdiction of Electrical Section, Athani.
- (iii) Since there is no feasibility for providing the required 4842 kVA power from Angamali substation, a new 11 kV feeder was proposed from Aluva substation by drawing 3.32kms of 11kV ABC conductor, 80 metres of 3 X 300 sq mm XLPE UG cable (for Railway crossing), 40 metres of ACSR Raccon for periyar river crossing, with an estimate amount of Rs. 99,80,450/-. The proposed line had to cross the railway line near Aluva Substation and the periyar river. Sanction from railway authorities is still pending.
- (iv) Out of the eleven numbers of prospective consumers, four premises including Diana Heights could have been fed from 33 kV Kurumassery sub-station by drawing 11kV over head live approximately to a length of 8kms. Since the 2 X 5 MVA transformers in the Kurumassery sub-station are under loaded, the requested load of the above four premises could have been fed from this substation.
- (v) On verification of the registers, it is observed that 2 to 10 months delay is seen for issuing the administrative sanction from the circle, from the date submission of application form for HT service connections. The above act is a clear violation of sub regulation (5) & (6) of Regulation 5 and also regulation (2) of regulation 8 of the Supply Code 2005.

6. Hearing was conducted on 14.1.2015 at 11 AM at the Court Room of the Commission's Office at Trivandrum. Kerala State Electricity Board Ltd filed their written objection through their counsel Adv B. Sakthidharan Nair, in which it is submitted that,-

- i) The notice and the petition have become infructuous as the consumer Sri. Cyril Issac, Managing Partner, Diana Heights, Nedumbassery has filed the above petition on 22.09.2014 before the Commission to give appropriate direction to Kerala State Electricity Board Ltd to effect the temporary connection requested for. The temporary connection had been effected on 17.10.2014.*

- ii) *The subject matter of the petition is an alleged grievance connected with the supply of electricity by the licensee, which could have taken up before the CGRF established by the licensee under Section 42 (5) of the Electricity Act, 2003. The consumer has not availed the above efficacious remedy. The Commission lacks jurisdiction to determine the individual grievances of consumers.*
- iii) *The area under Electrical Section, Athani is being fed from 11 kV chengamanad and Athani feeders from 66 kV substation Angamali, 66 kV substation KEL at Athani and 11 kV Poikkattussery from 33 kV substation Kurumassery respectively. At the time of submission of application on 4.10.2012 by the complaint consumer, there were five applications pending at the section for want of feasibility from Transmission wing.*
- iv) *The supply cannot be given from 11 kV Athani and Chengamanad feeders since the substation is overloaded, even though those were the shortest feasible route to the premises. Supply cannot be given from 66kV substation KEL at Athani due to safety reasons.*
- v) *Drawing a new feeder from 33kV Kurumassery substation is not feasible as the length of 11kV line comes to 10km to the load centre which is not economical.*
- vi) *Hence feasibility was explored from 110 kV substation, Aluva by constructing 3.5 km of ABC feeder. Accordingly Administrative Sanction issued by the Dy. Chief Engineer / Electrical Circle / Perumbavoor on 22.11.2013. An amount of Rs. 9,41,000/- was remitted by the first applicant M/s. KAMCO Airview Apartments on 19.12.2013 towards supervision charges as they agreed be carried out the line construction work by themselves.*
- vii) *The estimate for the work was revised due to supply of additional materials. Hence the estimate was revised and they remitted Rs. 3,87,000/- on 8.8.2014. Since the work has to be done by the applicant, the delay occurred is not from the part of Kerala State Electricity Board Ltd.*
- viii) *The 33 kV Kurumassery substation is an unmanned substation designed for catering the needs of rural and remote areas where as the Aluva substation is a manned one. Further, 11kV cables were readily available at Aluva substation. Moreover, further construction was not needed at Aluva substaion whereas additional construction would have to be made at Kurumassery substation.*
- ix) *M/s. Diana Heights who is one among the nine applicants in the consortium (out of 11 applicants, two withdrew their applications),*

reduced their earlier demand and applied for high tension connection to the extent of 250 kVA on a temporary basis on 25.3.2014 citing urgency. Since the applicant was the 5th one, they made the application with the consent of first four applicants. This temporary connection was effected on 17.10.2014.

- x) *The sanction for crossing, from the authorities of railways was obtained on 20.11.2014 and the said works stands completed and energisation sanction is awaited from the Electrical Inspectorate.*
- xi) *Due to the above reasons, it is clear that there is no contravention of any provisions of the Act or rules or Regulations and the Commission may be pleased to close the proceedings.*

7. Report was called from the Dy. Chief Engineer / Electrical Circle / Perumbavoor to ascertain whether or not the grievances of the complainants have been redressed. Dy. Chief Engineer / Electrical Circle / Perumbavoor vide his letter dated 14.05.2015 has reported that,

- i) The construction work of the feeder from Aluva substation has been completed and
- ii) Out of the 9 Nos. prospective consumers, service connection was effected to 3 Nos. of consumers who submitted their installation completion report. 6 Nos. of applicants including M/s. Diana Heights are yet to submit their installation completion report.

8. Since, it is clear from the report that even after completing the required 11kV feeder from Aluva substation, the connection to M/s. Diana Heights has not been regularised, notice was issued to Dy. Chief Engineer, Executive Engineer, Asst. Executive Engineer and Asst. Engineer concerned for a hearing by the Commission on 17.6.2015.

9. Hearing was conducted at 11 AM on 17.6.2015 at the Court Room of the Commission's office at Thiruvananthapuram. The Kerala State Electricity Board Ltd officials submitted a detailed report on the present status of the 9 Nos. of the prospective consumers including the complainant consumer. The Commission

directed the Compliance Examiner to conduct a field enquiry and submit report within two weeks.

10. The Compliance Examiner has submitted his report on 27.7.2015. It is reported that,-
- i) Out of the 11 Nos. of applicants, M/s. CIAL Ltd and Amity Housing & Resorts India Pvt Ltd withdrew their application.
 - ii) An amount of Rs. 11,31,200/- was remitted by the applicants at the Office of the Dy. Chief Engineer / Transmission Circle / Kalamassery on 15.11.2013 towards the cost of expenditure for terminal arrangement at Aluva substation for the proposed independent 11kV feeder.
 - iii) An amount of Rs. 13,28,000/- was remitted at Electrical Section, Athani towards the cost of supervision charges for the feeder construction work by the intending consumer.
 - iv) The entire feeder work was completed on 23.2.2015. Sanction from Railway authorities obtained only on 6.11.2014.
 - v) The present status of individual applicants are as follows:
 - a) M/s. Camco Air view Apartments :- Service connection effected on 24.3.2015.
 - b) M/s. Sky Line Foundations :- service connection effected on 24.3.2015
 - c) M/s. Home Villas :- service connection effected on 20.04.2015
 - d) M/s. Alliance Prime Rose Apartments :- Installation incomplete
 - e) M/s. Diana Tourist Home:- The consumer has to execute fresh agreement for permanent connection with an application for tariff change.
 - f) Pettayil Industris:- Installation incomplete
 - g) Noah Exim Realtons Ltd:- Installation incomplete

- h) Tabernacle Constructions:- Installation incomplete
- i) Sigrun Periyartheeram:- Installation complete, but not produced the completion report.

11. It is also reported by the Compliance Examiner that there was no deliberate delay from the officials of KSEBL in processing the applications of the intending consumers who have submitted their applications for HT connection for the period from 15/2/2012 to 5/02/2013.

Analysis & Decision of the Commission

12. M/s Diana Heights prayed before the Commission to give appropriate direction to Kerala State Electricity Board Ltd to effect the temporary connection requested for. Even though the service connection was effected on 17.10.2014, the Commission decided to look into the procedures followed by Kerala State Electricity Board Ltd in effecting connections, (particularly in the areas under Electrical Circle Perumbavoor, where lot of applications for HT connection are coming up) to determine whether there is any undue delay in processing the application for service connection under HT category vis-a-vis the provisions of the Supply Code, 2005 and the relevant time lines specified therein.
13. The Junior Consultant was deputed to Electrical Circle, Perumbavoor, for verification of the documents relating to HT service connections. Hearing was conducted on 14.01.2015 at the Commission's Office. The Dy. Chief Engineer, Electrical Circle, Perumbavoor was directed to submit report in order to ascertain whether the complaint was redressed on time. Since the report of the Dy. Chief Engineer was not satisfactory, a second hearing was conducted on 17.6.2015 at the office of Commission. The Commission directed the Compliance Examiner to conduct a field enquiry and submit report

The chronological order of the activities is listed below:

Date	Events
15.02.2012 to 05.02.2013	Kerala State Electricity Board received eleven applications including Diana Heights, in Electrical Section, Athani for power requirement to the tune of 100 kVA to 400 KVA
29.01.2013	Feasibility for providing required power from 110kV substation Aluva received from Transmission Division Kalamassery
22.11.2013	Administrative sanction for construction of 3.5 km 11kV feeder issued by Dy.Chief Engineer
19.12.2013	Rs. 9,41,000 remitted as 10% supervision charges by the first applicant
25.03.2014	Diana Heights applied for an HT Temporary Connection with a contract demand of 250KVA
28.05.2014	Board sanctions estimate amounting to Rs.161,500 as reasonable expenditure for the service connection portion of Diana Heights
29.05.2014	Diana Heights remitted the required amount.
10.7.2014	All documents along with the completion report submitted for providing temporary connection. It is now realised that there is no tariff assigned for HT temporary connection and clarifications sought from Corporate Office
22.07.2014	The first applicant requested for supply of 14 Nos. A poles required for construction of the line from KSEBL
08.08.2014	Rs. 3,87,000/- remitted as cost of A poles and balance supervision charges due to revision of estimate
23.09.2014	The documents resubmitted after curing the defects pointed out
01.10.2014	Clarification regarding the tariff received from Corporate Office
17.10.2014	Temporary Connection of Diana Heights effected

From the above schedule, the Commission observes that, the officers of Kerala State Electricity Board failed to adhere to the time schedule to be followed as per

the statutes for extending power connections to the applicants under Electrical Circle, Perumbavoor. KSEBL failed in taking proactive steps to provide the connection and was resorting to excuses like transfer of officers which resulted in the delay. It is also observed that undue delay had occurred in processing and effecting high tension electric connections in electrical circle, Perumbavoor, which is a clear violation of regulation 8 of the Kerala Electricity Supply Code, 2005, relevant portion of which is extracted below

8. Time frame for providing supply.-

(1) Supply where no extension of distributing main

(a) The Licensee shall provide electricity connection within one month of the receipt of application in accordance with clause 5 in cases where no extension of distributing main is required.

(b) The Licensee shall inspect the applicant's premises and prepare cost estimates including initial security deposits and notify the applicant within 7 days from the date of application.

(c) The cost estimates for LT consumers shall include the cost of service line and terminal arrangements at the premises of the applicant but shall not include the cost of meter.

(d) In case of HT consumers, the Licensee shall include the cost of service line, terminal arrangements and transformers specifically required for the applicant, but shall not include the cost of meter.

(e) The Licensee shall give the applicant not less than 7 days for remitting the required expenses and security deposits and shall release the connection within one month from the receipt of completed application.

(f) The priority for releasing connections shall be the date of remittance of required expenses and security deposits.

(2) Supply where distributing main requires extension

(a) After the receipt of application as provided in clause 5, if the Licensee finds that the supply of electricity to premises applied for requires extension of electric lines, the Licensee shall work out expenses, if any, for such extension subject to clause 7(1) and intimate the applicant within fifteen (15) days of receipt of application.

(b) The Licensee may require the applicant to pay the amount worked out and intimated under sub-clause (a) above within a period of 15 days or such extended period as the Licensee may allow at the request of the applicant.

(c) After receipt of required amount from the applicant, the Licensee shall complete the works under sub-clause (a) and release the connection within the time frame given below:

SI No	Type of Work	Unit	Time Frame
1	LT line	KM	30 days
2	11kV line	KM	4 months
3	66kV/110kV line	Upto first 5 KM	1 year
		Next 5 KM each	3months
4	220kV line	Upto first 5 KM	2 years
		Next 5 KM each	6 months

14. The estimate for the extension of distribution network required for extending electric connection to the 11 applicants from 20.02.2012 to 05.02.2013 was sanctioned only on 19.11.2013, whereas the time allowed in supply code 2005 is only 15 days.
15. KSEB Ltd stated that Ms. Diana Heights who is one among the nine applicants in the consortium (out of 11 applicants, two had withdrawn their applications), reduced their earlier demand and applied high tension connection to the extent of 250 kVA on a temporary basis on 25.3.2014 citing urgency. Since the applicant

was the 5th one, they made the application with the consent of first four applicants.

16. According to Terms and Conditions of Supply 2005 a temporary service can be given for bonafide temporary purposes where Board's distributing mains are in existence. The Deputy Chief Engineer has reported that the temporary connection was effected to Ms. Diana Heights on 17.10.2014, after getting clarification from Chief Engineer (Commercial & Tariff), Kerala State Electricity Board Ltd, Thiruvananthapuram regarding tariff applicable to HT temporary connections.
17. As per terms and conditions of supply, the temporary connection can be extended only for bonafide temporary purposes, where as the instant case the service connection was effected by the officials for running a tourist home which is not a temporary one. For temporary service, service connection charges and current charges should be paid in advance. Service Connection charges are
 - (a) Actual cost of labour including transport charges for installing and dismantling the service line etc. plus 10% supervision charges.
 - (b) Hire charges of materials returned at 2% of the cost per month. Part of a month will be treated as one month.
 - (c) Cost of wastage of materials.
18. The above being the charges that can be levied for effecting a temporary connection the officers of KSEBL has demanded and collected the amount of reasonable expenditure for the works required for giving a permanent connection. The applicant had remitted the required amount demanded by KSEBL on 29/05/2014 and submitted the completion report on 10/07/2014. The action of the deputy chief engineer in requesting the clarification of tariff applicable for a temporary HT connection after collecting the amount required for extending permanent connection, was totally unwarranted and resulted in delay in giving connection to Diana Heights, which could have been avoided if the statues were understood properly by the officers of KSEB Ltd. The complainant

was forced to run his establishment on generators from 29.05.2014 to 10.10.2014 and thus incurred huge liability on fuel expenses only because of the laxity and inefficiency of the officers right from the Assistant Engineer to the Dy. Chief Engineer. The above action of the officers of the licensee revealed the total lack of understanding of the statutes and regulations and the relevant provisions in vogue which are in place for the smooth and efficient functioning of the utility in the larger interest of the public.

19. The Junior Consultant reported that the four applicants including Diana Heights could have been fed from 33 kV Kurumassery substation after constructing 11kV overhead line for 8 KM along the road as a second circuit in the existing single circuit 11kV feeder. He also reported that the 2 X 5 MVA transformers are loaded up to 68% and hence under loaded.

20. The report is not clear whether the existing 11kV line is on 'A pole' or on 9 Metre PSC poles as HT / LT line. Also only four applicants could be connected by constructing 8 KM over head line. The 2 X 5 MVA transformers in the substation loaded up to 68% are not under loaded as reported. Whereas the proposal of Kerala State Electricity Board Ltd to construct 3.8 km 11kV line from 110kV substation Aluva is a more technically feasible solution, as electric connection could be extended to all the 11 applicants and also the area can be fed from feeders from two major substations ensuring better reliability of power supply. The report of the Compliance Examiner revealed that even though the applications were made during the year 2012-13 only one applicant M/s Diana Height was ready with their installation for availing service connection in 2014.

21. Based on the above facts the Commission has found that
 - i) The processing of the application for electric connection in the HT category in Electrical Circle, Perumbavoor has not been done within the time frame stipulated in the supply code as well as in the terms and conditions of supply.

- ii) The officers of KSEBL has levied the charges applicable to a permanent connection from M/s Diana Heights and delayed the connection on the pretext that the application is for a temporary HT connection and there is no Tariff assigned for HT temporary connection.
- iii) Execution of the work of construction of the 11kV line from 110kV substation Aluva for effecting the service connections was undertaken by the applicants themselves after remitting the supervision charges to KSEB Ltd. Hence the delay in completion of the work cannot be attributed to the inefficiency or inaction of the officers of KSEB Ltd.
- iv) Out of the 11 applicants, 3 applicants namely M/s Camco Air View Apartments, M/s Sky Line Foundation and M/s Home Villas have already been given service connections on 24.03.2015, 24.03.2015 and 20.04.2015 respectively. M/s Diana Tourist Home had already been given temporary connection and it has to be formalized by executing an agreement for regular connection. The electrical installations of 4 applicants namely M/s Alliance Prime Rose Apartments, Pettayil Industries, Noah Exim Realtors Ltd and Tabernacle Constructions are incomplete and therefore connections cannot be granted till they complete the installation works in their premises and submit the completion report. In the case of M/s Sigrun Periyartheeram, completion report was not produced though the installation work was completed. 2 applicants namely M/s CIAL Ltd. and M/s Amity Housing and Resource India Pvt. Ltd. have withdrawn their application. In view of the above facts it is found that KSEB Ltd has provided electric connection to all the consumers who have completed the installation work in their premises and produced the necessary completion report, though there have been delays in processing the applications properly and in granting connections within the time frame specified by statutory provisions. The Commission notes with displeasure that delays in several cases were avoidable if the officers had taken diligent action. The Compliance Examiner has reported that by and large the performance of the officers in Perumbavoor Distribution Circle has improved after the inspections conducted by the Compliance Examiner and the Junior Consultant and their discussions with the field officers

during the circle level meeting organized by the Deputy Chief Engineer (Distribution), Perumbavoor Circle. In view of the above facts the Commission decides to dispose of the petition with a warning to the officers responsible for the delay.

The petition is disposed of as above.

Sd/-
S. Venugopal
Member

Sd/-
K.Vikraman Nair
Member

Sd/-
T.M.Manoharan
Chairman

Approved for issue

Santhosh Kumar.K.B
Secretary