

THE STATE ELECTRICITY OMBUDSMAN

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**Appeal Petition No. P/066/2023
(Present A. Chandrakumaran Nair)
Dated: March-12-2024**

Appellant : Sri. Greenol K.B., Greenest,
Kalarikkal, Kurumpilavu,
Thrissur (Dist.)- 680564.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Limited, Kalady P.O.,
Angamaly, Ernakulam Dist.

ORDER

Background of the case

The appellant sri. Greenol K.B. is a consumer of the licensee under the Kalady Electrical Section. The appellant availed power connection for his residential apartment in the high rise building named "Atlas Celestial Park" at Nedumbassery, Ernakulam District. The appellant had applied for a LT 1A domestic service connection in September 2023 along with wiring test cum completion certificate. There are 208 individual flats in this high rise building. The initial scheme approval from the Electrical Inspectorate has obtained showing the electrical scheme of all flats. The test cum completion certificate attached by the appellant was signed by the contractor other than the contractor who obtained the scheme approval. There was an HT connection for feeding the power to some of the flats in the commercial tariff. The flat owners went to court for obtaining the individual LT connection. The Hon'ble High Court of division bench have ordered for giving individual LT connection by disconnecting and dismantling the HT connection on January 2021. The appellant obtained the inspectorate approval on 27/09/2023. The application complying with that of the regulation has submitted on 01/12/2023 and the power supply was connected on 04/12/2023. The appellant filed petition to the CGRF requesting for an early service connection and compensation for the delay and also action against all those who are involved & delay the connection. The CGRF issued order dated

24/11/2023 stating that the respondent have to provide electricity connection on submitting the energization approval from the Electrical Inspectorate. Aggrieved by the decision of CGRF, the appeal petition is filed to this authority.

Arguments of the Appellant

Appropriate amount of compensation from the KSEB officials who are responsible / distribution company for stopping the LT 1A connection in the furnished apartment in a multistoreyed building by providing illegal HT connection.

Make sure Section Engineers will not compel the consumers to submit unwanted completion certificates from the contractor, who completed the LT scheme and handed over internal electrical network to KSEB with LT scheme energisation approval. There is no role of the Electrical Contractor once the internal electrical network of a high rise building is handed over to the distribution company.

Action against KSEB officials for disconnecting the illegal HT connection provided to the bankrupt company, allowing more time to sell the power illegally and accumulated a big amount of dues more than Rs 17 Lakhs (losses to the distribution company) Violation of Procedure for disconnection.- in clauses (a) and (b) of subregulation (1) of regulation of 138.

Action against the Electrical contractors M/s Sreebhadra Electrical Services and traders Ltd and M/s Powerfact Electrical Solution Pvt Ltd who have completed the LT Scheme with out disconnecting the working HT Scheme as per supply code 64(4) of 2014. Also a contempt of court order Para 21 of order WA240 of 29 Jan 2021.

Arguments of the Respondent

The appellant has a residential apartment in the high-rise building "Atlas Celestial Park" Nedumbassery under Electrical Section, Kalady, Ernakulam District. The appellant is the owner of the Flat No. 226 in the apartment, which is a High Rise Building. The appellant had applied for Low Tension LT - 1 domestic service connection to his apartment in the Electrical Section, Kalady in September 2023, by producing the wiring test cum completion report No. 69728 from C-Class contractor, Sri. Benny Sebastian, holding license No. 10330. The residential apartment is among 146 apartments in the multi-story high rise building were covered in the energisation approval sanctioned by the Electrical Inspectorate, State of Kerala. There was a major discrepancy that the contractor who signed in the wiring test cum completion report of the electrical installations in the appellant's premise

was different from the contractor, whom actually prepared the original scheme approval and installations done as per the sanctioned energisation approval by the Electrical Inspectorate. The electrical Scheme approval was issued by the Electrical Inspectorate on 22-01-2022 to the contractor M/s. Power Fact Electrical Solutions (P) Ltd, Kochi.

KSEBL had informed the discrepancy to the appellant and requested to provide either the wiring test cum completion report from the approved contractor or non-objection certificate from the Electrical Inspectorate. The approval from the Electrical inspectorate is a legal mandate to effect service connections in the multi-story high rise buildings. The electrical contractor, to whom the energisation approval was issued by department of Electrical Inspectorate, M/s. Power Fact Electrical Solutions Pvt. Limited, was A Class contractor. But the appellant was submitting his application with a test cum completion certificate of C-Class contractor. Vide rule 30 of the Kerala State Electricity Licensing Board Rules 2020, the service connection applicants from a high rise building should submit their application with the test cum completion report certified by the electrical contractor to whom the approval is issued by Electrical Inspectorate. It is submitted that 140 service connections in the apartments, having total 146 apartments, were effected based on the completion certificate of the same contractor, who actually undertook the work and received approval for energisation from the Electrical inspectorate. There were no complaints or dispute from other residents in the apartments.

The said rule also insists that if entry of the second contractor is necessitated, no objection certificate from the first contractor should be submitted to the Electrical Inspectorate and the second contractor should commence the work only after obtaining the fresh approval for change of contractor from the Inspectorate. Hence KSEBL has no legal entitlements or authority for providing service connection to the appellant's apartment, without producing the valid wiring test cum completion report. In accordance with the Rule 30 (5) of the Kerala Electricity Licensing Board Rules 2020 - mode of contract and execution of work, it was unsafe to provide electricity to the appellants' apartment due to safety reasons arising from the mismatch in the wiring test cum completion report and the energisation approval. The excerpt from the Kerala Electricity Licensing Board Rules 2020 is attached herewith. Since the appellant was not willing to accept the requirement intimated by KSEBL, he had approached the CGRF - Consumer Grievance Redressal Forum, Central Region by filing appeal vide OP 49/2023-24.

The CGRF mainly focused the issue of whether the supply to the petitioner's apartment can be denied based on a disparity between the contractors mentioned in the wiring test cum completion report for the electrical installation of the appellant's premise and the contractor specified in the energisation approval granted by the Electrical Inspectorate. The Hon'ble

forum observed that the appellant's apartment is categorized as a multi-storied building with a height exceeding 15 meters and hence the electrical installations shall be approved by the Electrical Inspector vide Regulation 15 (4-ii) of the Kerala Electricity Supply Code 2014. Further, the Regulation 26 (3) & 26 (4) of the Kerala Electricity Supply Code 2014 describes the safety of electrical installation using electricity at Low Tension (LT). The test cum completion certificate from a licensed contractor is not mandatory for providing LT supply. The forum remarked that the energisation approval has been obtained from the Department of Electrical Inspectorate, and the load details align with those specified in the energisation approval and hence KSEBL shall effect the service connection to the appellant. The forum ordered to provide the service connection, if energisation approval is obtained from the Electrical Inspectorate as specified in the Regulation 15 (4-ii) of the Kerala Electricity Supply Code, 2014, and the load details align with those specified in the energisation approval.

The appellant had provided the formal wiring cum completion certificate signed by the contractor M/s. Power Fact Electrical Solutions (P) Ltd, Kochi on 01-12-2023 with connected load of 9,100 watts in the Electrical Section, Kalady. The Low Tension, Three phase service has been effected for domestic purpose with consumer No. 1155769033297 on 04-12-2023. Hence the order of the Hon'ble CGRF has been complied by KSEBL.

The statement on the various allegations raised by the appellant are;

1. Appropriate amount of compensation from the KSEBL officials who are responsible / Distribution Company for stopping the LT 1A connection in the furnished apartment in a multi storeyed building by providing illegal HT connection. The appellant submitted the formal application for low tension service connection based on the order of Hon'ble CGRF on 01-12-2012 and the same has been processed and service effected within 3 days - date of connecting the service is 04-12-2023. There was no delay or deviation in the standard of performances and hence the version of the appellant has no legal merits and hence to be disposed.

2. Make sure that Section Engineers will not compel the consumers to submit unwanted completion certificate form the contractor, who completed the LT scheme and handed over internal electrical network to KSEBL with LT scheme energisation approval. There is no role of the electrical contractor once the internal electrical network of a high rise building is handed over to the distribution company. KSEBL is providing electricity connection to all consumers as per the provisions contained in the supply code and other simplified Board orders issued from to time. KSEBL has introduced the door step service with an intention of speedy and hassle free service connection to all the consumers and hence the version of the appellant is not true and against the field reality. The allegations raised are intentional and against the actual facts.

3. Action against KSEBL official for not disconnecting illegal HT connection, provided to the bankrupt company, allowing more time to sell the power illegally and accumulated a big amount of dues more than Rs. 17 lakhs (losses to the distribution company) violation of procedure for disconnection in clauses (a) and (b) of sub regulation (1) of Regulation of 138. The premise where "Atlas Celestial Park" constructed had High Tension connection in another name "Altus Gold Township". There were several legal disputes and litigations in the HT premise and finally Hon'ble High Court ordered to disconnect and remove the HT service connection in January 2021. The HT service was disconnected and dismantled in June 2021 by KSEBL after examining the provisions for appeal, legal reviews and after obtaining the concurrence of the special Officer Revenue and HT agreement authority etc. The service connection has dismantled after observing necessary formalities and obtaining sanctions. The statement of the appellant is prejudice, wrong and against the actual facts. There are several legal disputes among the apartment owners, residents association and original HT consumers. KSEBL has acted as per the orders of the Hon'ble Courts. The copy of the reply submitted to the complaint filed by the consumer in Chief Minister Office Portal (CMO) is self-describing the details of various disputes and action taken by KSEBL to disconnect the HT connection is submitted herewith.

4. Action against the Electrical contractors M/s. Sree Bhandra Electrical Services and Trades Ltd and M/s. Power Fact Electrical Solutions Pvt Ltd, who have completed the LT scheme without disconnecting the work in HT scheme as per the supply code 64 (4) of 2014. Also a contempt of the court order para 21 of the order WA 240 of 29 Jan 2021. M/s. Sree Bhandra Electrical Services and Trades Ltd and M/s. Power Fact Electrical Solutions Pvt. Ltd are Class A contractors, who obtained scheme and energisation approval for the premise and the same was issued by the Electrical Inspectorate, State of Kerala. The electrical Scheme approval B3-12308/15/CEI dated 22.7.2015 and energisation approval No. B3-3445/19/EIE dated 21.06.2021 was issued to the contractor M/s. Power Fact Electrical Solutions (P) Ltd, Kochi. KSEBL has no authority or specific role in the preparation or approval of scheme and energisation approval and hence the allegation of the appellant is baseless and against fact. There is no contempt of the court order as pointed out in the petition.

KSEBL has effected 140 service connections in the same apartment and there were no complaint or issues from other flat owners in the premises. KSEBL has acted in good faith, following the law, regulations and safety guidelines as applicable to the high rise buildings. KSEBL has already complied the order of the CGRF, Central Region and the service connection has effected based on the wiring cum test report submitted by the appellant. The only issue pointed by the appellant before CGRF was non-acceptance of the wiring test cum completion report and other contentions in the appeal was not raised in the petition filed before CGRF. The disputes and debates raised in the appeal petition was not covered in the earlier grievances

submitted by the appellant before CGRF, Central Region and hence these are fresh issues, which are prejudice, manipulated and against the law. There is no legal binding to the unnecessary, baseless concerns and hence the same may kindly be disposed of on merits.

Counter Arguments of the Appellant

The KSEB section did not provide me LT-1 A service connection in my apartment bearing Door No. 210/(57) in ward 16 (Old No.188/A (57) in ward 14 of Angamaly Municipality) as per CGRF orders No.CGRF-CR/Comp.151/2015-16 Date: 3/5/2016 And KSERC order C.P.No.08/2016 & 09/2016, instead they preferred to go for appeal in the court against the KSERC order with help of illegal HT consumer and users. After about 5 years the Honorable court found out the HT connection provided by KSEBL (responsibility Section AE, Sub Division AEE, Dy CE) was not legally valid and ordered to disconnect the HT connection.

The KSEBL provided the illegal HT connection in the name of a Company having not even a single apartment in the building under their ownership. But, may be with illicit relation with KSEB officials the company managed to added electrical load of all the apartments in the building (about 208 Nos) to get the HT connection there by denial of LT connection to the actual owners of the apartments. Every thing done with out knowledge of the owners of the apartments. Ultimately the actual owners compelled to buy the power from the illegal HT consumer illegally.

CGRF Chairperson, a Deputy Chief Engineer, having greater experience, education and knowledge tired best to make them (the AEE and AE) to understand but failed. They are again quoting Licensing rules instead of supply code, looks very strange. They refused to obey the CGRF order and tried their best to delay the connection till I submit complaint to CMO and forwarded the same by CMO to EE division. AE also told me KSEBL would go for appeal in the court against CGRF order.

Regarding signing of completion report by a C Class contractor please read the quote in the CCRF order No.CGRF-CR/OP No.49/2023-24 page 6 "Regulation 26 of the below supply code"

Following are instructions received during submission of new connection application online. Completion report document mentioned in the below instruction.

1. Proof of Identity (Electoral Identity Card/Indian Passport/Driving Licence/Ration Card/Photo Identity Card issued by any Government Agency/PAN Card/AADHAR Card/National Population Register (NPR) Card/Photo Identify Certificate from Village Panchayat or Municipality or Municipal Corporation)
2. Proof of ownership (Ownership certificate of the building issued by Municipal Corporation or Municipality or Panchayat or Township /

Ownership or Possession certificate of the land issued by competent Revenue authority / Certified copy of title deed or lease agreement)

3. Sketch showing details of connected equipment's, marked in building plan

Signing of each completion report (which is actually unwanted here in the case of scheme completion report) the contractor may be collected 1000 to 1500 Rs. per application, altogether contractor got about 2 lacs rupees with the help of AEE and AE, sitting at his office and doing nothing. Why AEE and AE want the contractor to make such huge amount by doing nothing is a big question mark. Any one can doubt about ethical conduct of these KSEBL Engineers.

"KSEB Supply code 2014

64. Extension, alteration and renovation of installation.- (1) *If the consumer, at any time, after the supply of electricity has been commenced, proposes to extend, alter or renovate his installation on a temporary or permanent basis or in any way alter the position of his wiring therein, he shall request the licensee and obtain approval for the scheme:*

(4) During such time as alterations, additions, or repairs are being executed, the supply to the circuit, which is being altered, added to or repaired shall be entirely disconnected and it shall remain disconnected until the alterations, additions or repairs have been tested and passed by the licensee.

43. Supply of electricity in the case of reconstruction of existing premises.- (1) *In case of demolition and reconstruction of the entire premises or building, the existing service shall be dismantled and the agreement shall be determined and terminated after realizing all dues payable to the licensee.*

(3) Temporary supply of electricity from existing connection shall not be allowed for construction purpose in such cases.

(4) A new temporary connection shall be availed for the construction

5) Regulation 26 of the above supply code already copied in the latest CGRF order on 24Nov 2024."

Analysis and findings

The hearing of the appeal petition was conducted on 23/02/2024 at 11:30 am in the office of the State Electricity Ombudsman, DH Road & Foreshore Road Junction, near Gandhi Square, Ernakulam south. The respondents Sri. C.K. Anandan, AEE, Electrical Sub Division, Kalady and Sri. Hariprasad Narayanan, AE, Electrical Section, Kalady were attended the hearing. The appellant was not attended the hearing. The letter has been sent for the hearing on 08/07/2024 and telephonically informed to attend the hearing on 23/02/2024. The appellant attended to Ombudsman on 05/03/2024 and explained his versions.

The appellant is the owner of one of the flat of the multi storied apartment named "Atlas Celestial Park" at Nedumbassery, Ernakulam. Some of the

apartment was working as the time share hotel and accordingly they availed an HT connection. The apartment owners who are not ready to function as the time share hotel want to avail individual LT connection for flats. There are two groups formed. One group want the HT connection is to be retained and other group want individual LT connection.

Two groups were formed separate organization namely.

1. "Atlas Celestial Part apartment owners association" and
2. Atlas celestial park owners association.

The electrical scheme of the entire building was submitted and obtained the scheme approval from the Electrical Inspectorate.

The former claiming LT connection while the later claiming HT connection. Petition has been filed to Hon'ble High Court of Kerala and single bench issued an order stating that the LT connection may be given without disturbing the existing HT connection. This was challenged in the division bench and division bench issued order dated 29/01/2021 set asiding the decision of the single bench that HT connection is not to be disturbed. This means by this order of Hon'ble High Court, the KSEB was directed to give individual LT connection by disconnecting the HT connection.

The regulation 49 of the Electricity Supply Code 2014 describes about Electricity Connection to high rise building, colony and to residential, commercial or industrial complex.

49(4) *"The development authority or the promoter or the builder or the developer or any other person who constructs a colony or a residential complex or a commercial complex or an industrial complex or a high rise building shall prepare and obtain approval from the Electrical Inspector, a detailed scheme of electrification of the entire colony or complex or high rise building, with all necessary equipment namely transformer, ring main unit (RMU) etc., and shall submit the same to the licensee along with application for service connection".*

49(5) *"The development authority or the promoter or the builder or the developer or such other person, as the case may be, who constructs such colony or complex or high rise building under the clauses (a), (b) and (c) of sub regulation (1) above, shall, at his cost, construct the required internal distribution network including the service line, transformer, switchgear etc., as per the detailed scheme approved by the Electrical Inspector, for receiving power from the licensee and for distributing it and shall handover such internal distribution network up to and including the metering point to the licensee before commencement of supply off electricity".*

49(6) *"The security deposit and other charges if any payable by the individual consumer therein shall be borne by each of them at the time of applying for separate electricity connection".*

The above regulation reveal that in respect of high rise buildings, the builder has to prepare and obtain approval of the scheme of electrification for the entire high rise building. After approval the builder is also bound to construct the required internal power distribution system including transformer, switchgear etc. while individual consumers applying for the service connection, have to submit the documents as per regulation 15 (4) of the Supply Code 2014.

15(4) *“Approval from the Electrical Inspector shall be obtained for the electrical installations in the case of;*

i. HT or EHT service;

ii. Multi-storeyed building

iii. Installation involving stand by generator;

iv. Neon sign board;

v. X- ray unit;

vi. Lift and escalator; and for

vii. Temporary connection where more than 100 persons are likely to assemble”.

In the case in hand the appellant claim that the application for service connection was submitted on 2016 but he failed to submit the document to prove his claim. Further the case was in Hon’ble High Court of Kerala and an implementable order was pronounced by the court only on January 2021. Then the claim of him that the application submitted on 2016 has not validity. Further the appellant himself stated that the Electrical Inspector approval for the energization was obtained only on 27/09/2023. It is mandatory that the inspectorate approval has to be submitted along with the application for service connection. Then the appellant could submit his application only after 27/09/2023. As per the statement of the respondent, the application form complying the regulatory requirement was submitted only on 01/12/2023. The appellant was asked to submit the documents if any showing the details of application submitted after 27/09/2023 and before 01/12/2023 to assess any delay from the licensee. The appellant has not produced any documents substantiating the delay. If the appellant would have submitted the applications immediately after the inspectorate approval, the delay till the connection is given could be assessed. Here the appellant is failed to submit the document to prove his claim. The respondent’s version is that the application for service connection has been submitted on 01/12/2023 and connection obtained on 04/12/2023. Then there is no delay in giving the service connection. The appellant has obtained the connection in time and hence other claim/complaints were not sustainable.

Decision

On verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken.

1. The appellant has obtained service connection in time. Hence the case is disposed here with.
2. No order for any other cost.

ELECTRICITY OMBUDSMAN

No. P/066/2023/ dated: 12/03/2024.

Delivered to:

1. Sri. Greenol K.B., Greenest, Kalarikkal, Kurumpilavu, Thrissur (Dist.)-680564.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Kalady P.O., Angamaly, Ernakulam Dist.

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, Consumer Grievance Redressal Forum, 220 kV Substation Compound, HMT Colony P.O., Kalamassery, Pin- 683503.