

THE STATE ELECTRICITY OMBUDSMAN

D.H. Road & Foreshore Road Junction, Near Gandhi Square,
Ernakulam, Kerala-682 016

Ph: 0484 2346488, Mob: 8714356488

www.keralaeo.org Email: ombudsman.electricity@gmail.com

APPEAL PETITION No. P/033/2022**(Present: A. Chandrakumaran Nair)****Dated: 10th August, 2022**

Appellant : Smt. Arya Antherjanam,
Mangattumana Veedu,
K. Puram. P.O., Thanalur,
Malappuram Dist. 676307

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Thirur East, Malappuram Dist.

ORDER**Background of the case:**

The appellant is the consumer of Licensee under Electrical Section, Thirur West. The appellant has applied for an electrical connection for agricultural purpose on 19-04-2021 and the Sub Engineer of Thirur West Section conducted a site inspection on 28-04-2021. The next day the Sub Engineer called over phone and inform about certain deficiencies in the installation. The appellant required for written notice, which was not given. The appellant repeatedly enquired about the status of power connection to Section Office and the reply was 'it will be ready soon'. The appellant forced to use the diesel engine as the electric supply was not connected, which resulted to huge expenditure for the appellant. The service line length required is only 31 M, but KSEB prepared an estimate including an additional post, which is objected. The appellant approached the Consumer Grievance Redressal Forum (CGRF), Northern Region, Kozhikode and CGRF ordered vide OP No. 33/2021-22 dated 07-02-2022 that if the consumer has provided the support strong enough to connect the service line, then the Licensee

has to connect the service wire for pumps and then the estimate is to be revised without post. If the support is not strong enough for this, then the consumer has to pay for the post and the line is to be extended accordingly.

Aggrieved by the decision of the Forum, the appellant filed the appeal petition to this Authority.

Arguments of the appellant:

The appellant has applied for an electrical connection for agricultural purpose on 19-04-2021. The Sub Engineer of Thirur West Section conducted a site inspection on 28-04-2021 in the presence of appellant's representative and no defects mentioned during inspection. Then on next day informed over telephone about certain deficiencies in the installation. Though the appellant requested for written demand notice and the status of power connection to the respondent repeatedly, no action has been taken by the Licensee. As such it is mere violation of Section 77, 78, 85 of Kerala Electricity Supply Code 2014 and also non-compliance of the order dated 16-03-2021 of Hon'ble High Court. The appellant forced to use the diesel engine for the agricultural purpose, which resulted to more financial burden to the appellant due to non-availability of electrical supply in time. The respondent has not informed any deficiency for the electrical connection in writing. The appellant suspected that the delay and inaction from the respondent is because of involving some malpractices.

As per the argument of respondent, they inspected the site and instructed to make the payment as per estimate, involving an additional post for support.

As per the argument of appellant, the service line length required is only 31 M and as such no additional post is required. The appellant approached CGRF-NR and the Forum ordered that if the consumer has provided the support strong enough to connect the service line, then the Licensee has to connect the service wire for pumps and then the estimate is to be revised without post.

Arguments of the respondent:

The service wire length is of 31 M from the post of pumphouse. The height of the pumphouse is only 2 M. The area is totally flooded during the rainy season. In order to avoid the threat of accident from the line, one post was also included in the estimate. Accordingly, estimate of Rs.8,990/- was prepared and intimated the appellant. So, the argument that the post is included only to over burden the appellant is denied. The application submitted online on 19-04-2021 has been marked to Sub Engineer for the site inspection on 21-04-2021. The Sub Engineer contacted over telephone and the appellant informed that suitable day will be informed for the inspection. As there was no information from the appellant, the Sub Engineer inspected the site on 27-04-2021 along with another site visit. The suction and delivery pipes were not connected and earthing was not done as per the Sub Engineer and then on 28-04-2021 again visited the site and informed the deficiencies to the representative. The defects were not attended. Then on 30-04-2021, contacted the appellant and she informed that she was in Guruvayoor and everything is entrusted to Sri. Mohankumar. Mr. Mohankumar not informed about the defect's rectification. As per the direction of KSEBL Vigilance, Executive Engineer, Assistant Executive Engineer and Sub Engineer visited the site and seen that all the defects were attended. Then estimate is prepared and intimated the appellant. The appellant approached CGRF(N) instead of making the payment and availing connection. The main contention was the inclusion of post in the estimate.

Analysis and findings:

The hearing of the case was conducted on 03-08-2022 in the office of the State Electricity Ombudsman, Near Gandhi Square/BTH, Ernakulam South. Sri. Mohankumar. M. was attended the hearing on behalf of the appellant and Sri. Shajan T.K., Assistant Executive Engineer, Electrical Sub Division, KSEBL, Tirur (East) was attended the hearing from the respondent's side. On examining the appeal petition, the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

The appellant submitted online application for the service connection for a pump set for agricultural purpose on 19-04-2021 and then submitted the hard copy of the application. This pump set is for watering the paddy cultivation in the wet land owning to Smt. Arya Antherjanam. Mr. Mohan Kumar was the authorized representative of Smt. Arya Antherjanam. The Sub Engineer inspected the site on 28-04-2021 and as per him the installation was not completed such as the suction pipe and delivery pipe were not connected and earthing was not done and informed the appellant over phone. No written defect report was sent to the appellant in spite of their request.

The appellant has completed the defects noticed during the inspection. The respondent has intimated to remit the estimate amount of Rs.8,990/- for the service connection. This is inclusive of a post to have sufficient ground clearance of the service wire. This has been objected by the appellant stating that separate post is not required for a service connection length of 31 M. The pumphouse height was only 2 M from the ground level.

As per Section 77 of Kerala Electricity Supply Code 2014 “Inspection of the premises of the applicant by the licensee” states as follow:-

77 (2) The date of inspection shall be scheduled within five working days from the date of receipt of application form.

77 (4) On the appointed date for inspection, the licensee shall inspect and test, in the presence of the applicant or his authorized representative and the concerned licensed electrical contractor, the installation of the applicant and shall maintain a record of test results in the format given in the Annexure - 6 as required of him under the provisions of the Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010, as amended from time to time.

As per Section 78 of Kerala Electricity Supply Code 2014 “Rectification of defects found in the inspection” states as follow:-

78 (1) If on inspection, the licensee finds any defect in the installation of the applicant, the licensee shall intimate, in the format given at Annexure - 6 of the Code, the defects to the applicant on the spot under proper acknowledgement.

78 (2) The applicant shall get all the defects rectified within ten days from the date of receipt of the intimation of defects as specified in sub-regulation (1) above and inform the licensee in writing under acknowledgement.

As per Section 85 of Kerala Electricity Supply Code 2014 “Timelines for releasing and energising new connections” states (1) The overall timeline for releasing new electricity connection, from the date of receipt of completed application and all the payments as per the demand note, shall be as specified hereunder in the cases where supply can be provided without any extension or augmentation to the existing distribution system:-

	Particulars	Maximum time
a	Inspection of the premises of the applicant and preparation of the cost estimates, and issuance of demand note including security deposit	seven days from the date of receipt of application form.
b	Giving the connection	one month from the date of receipt of application.

Provided that the priority for releasing connections shall be fixed with reference to the date of remittance of required expenses and security deposits and submission of the required documents.

If no extension or augmentation of the line is required, the maximum time taken for giving the connection from the date of receipt of application is 37 days.

Govt. of Kerala is promoting the agriculture production within the State, so that the dependance of other States for the food grains could be reduced. It is the responsibility of one and all to encourage the persons, who are coming forward for the farming within the frame work of regulations. During the hearing, the representative of the appellant agreed that he will provide a concrete post in a concrete pedestal near the pumphouse with a clear distance of 4 M from the ground and the respondent will revise the estimate accordingly and give connection without further delay.

The regulations such as Kerala Electricity Supply Code 2014, etc., are to be enforced to ensure proper services to the consumer. The officials of the Licensee are bound to comply with the regulations and strict actions are to be initiated against the officials who are at fault. The tendency of delaying the services noting silly reasons are to be discouraged by the Licensee.

Decision: -

From the analysis of the arguments of appellant and respondent and the hearing, the decision is taken as follows:

- (1) The appellant will erect a concrete post with a ground clearance around 4 M near the pumphouse and the Licensee shall extend the service connection to the pumphouse without any delay.
- (2) The service connection estimate of the Licensee is to be revised accordingly.
- (3) The order of CGRF, Northern Region in OP No. 33/2021-22 dated 07-02-2022 is modified to this extend.
- (4) The Licensee has to device a proper system that all the officials should comply with regulations strictly and officials at fault are to be penalized.

Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/033/2022/_____ dated _____.

Delivered to:

1. Smt. Arya Antherjanam, Mangattumana Veedu, K. Puram. P.O., Thanalur, Malappuram Dist. 676307
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Thirur East, Malappuram 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, Vydhyuthi Bhavanam, KSE Board Ltd, Gandhi Road, Kozhikode