

THE STATE ELECTRICITY OMBUDSMAN

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**Appeal Petition No. P/051/2023
(Present A. Chandrakumaran Nair)
Dated: December-15-2023**

Appellant : Sri. Dilok Sherlekar. S, P.R.W. A 46,
TC 54/190-B, Panorama Residency,
Kumaranasan Road,
Kadavanthara P.O., Kochi,
Ernakulam (Dist.)-682020

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
Kerala State Electricity Board Ltd.,
College, Ernakulam(Dist.).

ORDER

Background of the case

The appellant shri. Dilok Sherlekar is a consumer of the licensee under Girinagar Electrical Section with domestic tariff LT 1A and connected load 1.495 kW. This service connection was given on 27/03/2021. The appellant submitted an application to convert the single phase service connection to 3 phase connection on 26/04/2023 and also to change the tariff. The completion report was given showing the connected load as 5.930 kW. But on inspection it is found that the connected load is 17.106kW. The appellant then changed the water heater to solar and connected load was reduced to 12.606 kW. The appellant was given a demand note to pay Rs. 15,450/- as the charges for the service connection. The officials of the licensee has prepared the estimate as per the cost data approved by the Kerala State Electricity Regulatory Commission. This is the flat rate for the load between 10kW and 25kW. The appellant requested the section office to prepare the estimate as per actuals as the distance between the house and post is very small. The section office was not accepted the plea and hence he filed the petition to the CGRF. CGRF issued the order dated 30/09/2023 stating that the appellant is liable to pay the amount demanded by the licensee. Aggrieved with the decision of CGRF, this appeal petition is filed to this authority.

Arguments of the Appellant

I am a Senior Manager in Cochin Shipyard. I am having a single phase domestic connection with consumer no. 1155420030980 under Electrical Section Girinagar for my residence at Kadavanthra. I applied for conversion from single phase to three phase and for enhancing the connected load on 26.04.2023. The total connected load as per the demand note issued by KSEBL is 10560W for which I do not have any dispute. KSEBL issued a demand note for Rs.19,532/- for single phase to three phase conversion. In the detailed estimate it is seen that 160m of single core 50sq mm cable, 3 nos of 100A fuse and some other accessories are seen.

I have already installed 100A fuse unit, meter box, neutral link, isolator and allied accessories. It is understood that KSEBL is providing service connection by installing neither fuse unit nor by 50 sq mm cable procured by the utility. This may be verified by the service connection given in Girinagar section for the category of 10 to 25 KW. Moreover, most of these connections are given by either 6 sq.mm weather proof wire. Actual distance between the meter box and the post is only 3 m. Even if the sag of cable is also included, the length will not exceed 5m per phase. So the total cable required for 3 phases with neutral is less than 20 m. Section 46 of the Electricity Act, 2003 stipulates to collect any expenses reasonably incurred in providing any electric line or electrical plant used for the purpose of giving that supply. But the cost of 160m cable with accessories demanded against 20 metres of cable with accessories, citing the cost data published by the Hon'ble Kerala State Electricity Regulatory Commission, violates Section 46 of the Act.

As per regulation 65 (2) (d) of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023, "whether such person was liable to pay the cost of alteration of the overhead line or underground cable and if so, issue a notice within a period of thirty days to such person together with an estimate of the cost of the expenditure likely to be incurred to alter the overhead line or underground cable and require him to deposit, within thirty days of the receipt of the notice, with the supplier or owner, the amount of the estimated cost." As per clause 99(3) (b) of the Electricity Supply Code 2014, "The licensee shall give a written intimation along with the demand note to the consumer which shall include the following:- (a) whether the additional power can be supplied at the existing supply voltage or at a higher voltage; (b) addition or alteration, if any, required to be made to the distribution system and the expenditure to be borne by the consumer, on that account. Also as per clause 99 (5) of the code If the enhancement of load is feasible, the consumer shall:- (a) pay additional security deposit, expenditure for alteration of service line and apparatus, if any, required to be made, and the cost to be borne by the consumer for modification for distribution system if any, within fifteen days of receipt of the demand note.

On contrary, KSEBL Girinagar Section is willfully hiding the facts and demanding the consumer, a higher rate. In my case they have demanded cost for 160m of cable instead of 20m. It is understood that in preparing the estimate through OrumaNET software, the officials in the Electrical Section accepted the default values provided in the software. After the site inspection, they prepared the estimate without considering the actual site requirement and expenditure thereon, even though there was provision in the said software. The matter was taken up with the Director (Distribution, IT & SCM) and vide letter under ref (6) the Director (Distribution, IT & SCM) has directed the Deputy Chief Engineer, Electrical Circle, Ernakulum to revise the estimate as per actuals, contemplating section 46 of the Act. But The Assistant Engineer, Electrical Section, Girinagar is hesitant to revise the same in spite of the direction of the Director (Distribution, IT & SCM). Such wilful insubordination will only help to tarnish the image of KSEBL.

In the order of the Honourable Kerala State Electricity Regulatory Commission, it is stated that "KSEB Ltd is authorised to recover from a person requiring supply of electricity in pursuance of Section 43 of the Act, the expenditure incurred by it for various works in connection with providing electric line or electrical plant required for giving the supply, at the rates given in the cost data. In the said order, the estimate is prepared for 160 metres of single core aluminium cable, three numbers of 100 Amp fuse units; 4.4kg of 8SWG GI wire. But the Assistant Engineer, Electrical Section, Girinagar and the Assistant Executive Engineer, Electrical Sub Division, College are not obeying the direction of the Director (Distribution, SCM & IT). Rather they are blaming the software and the compelling me to pay the exorbitant cost (Rs.15450/-) violating the provisions of the Electricity Act, 2003. KSEBL is delaying the conversion of single phase to three phase for almost six months due to this illegal demand. The amount to be paid for each day from the 31st day of submission of the application, ie., 26.4.2023 for the delay occurred in Conversion of LT single phase to LT three phase service connections as per item 14 of the schedule 1 of the KSERC (Standards of Performance of Distribution Licensees) Regulations, 2015. calculated as Rs. 6850/- (137days x 50= 6850/-)

I approached the Hon'ble CGRF, Central Region citing my grievance. The Assistant Executive Engineer argued that "the meter and the associated equipment's up to the point of supply are installed and maintained by the respondent. During the time of failure or damage of the incoming line and accessories at any time in the future, the incoming cable and all accessories are replaced by the respondent without collecting any additional expense from the consumers, as the whole of the service line, meter and associated equipment up to the point of supply shall be deemed to be the property of the licensee" That means the excess amount is collected for maintaining the cable and its accessories. So the Hon'ble CGRF, Central Region supported the arguments of the Assistant Executive Engineer without considering the true spirit of the Electricity Act, 2003 and directed vide reference (7) that

“The petitioner is liable to pay the amount demanded by the respondent for the conversion work of LT single phase weather proof service connection to three phase weather proof service connection with connected load above 10 kW upto and including 25 kW.”

Since the section 46 of the Electricity Act, 2003 override the Kerala State Electricity Supply Code, 2014 and the cost data, the Hon'ble Electricity Ombudsman may please be kind enough to look into my grievance and direction may please be issued to the authorities concerned

1. to issue demand note for actual materials and labour involved based on section 46 of the Electricity Act, 2003 and the direction issued by the Director (Distribution, SCM & IT) as shown in the table above.

2. An amount of Rs. 6850/- may please be allowed for the inordinate delay occurred as per item 14 of schedule 1 of the KSERC (Standards of Performance of Distribution Licensees) Regulations, 2015.

Arguments of the Respondent

The consumer No.1155420030980 under Electrical Section Girinagar belongs to Sri. Dilok Sherlekar. S, KRPZ/135/2021, Panorama Lane, Kumarasan Nagar, Kadavanthra. The connection is given in 1A tariff with a connected load of 1495 watts. The connection was effected on 27.3.2021. On April 26, 2023 the petitioner submitted an application for conversion of their LT single phase weather proof service connection to three phase, shifting of meter and change of tariff. Subsequent to this, for processing the application, field inspection was carried out by the officials of ES Girinagar. On inspection of site, total connected load was found to be 17106 watts whereas the total load given in the completion report was only 5930 watts. The said difference in the load was brought to the notice of consumer. Consequent to this, the consumer submitted another application and informed that he has changed the water heater to Solar. Further again conducted field inspection and verified total load. The total connected load was found to be 12606 watts. This connected load was recorded in the billing software and the applicant was served with system generated demand. The applicant expressed his dissatisfaction and didn't remit the said amount, instead he preferred complaint in CGRF. As per cost data approved by the KSERC, the cost for conversion from single phase to three phase for load above 10kW and below 25kW comes to Rs.15450/-. The said amount includes drawing of PVC cable of size 50sq.mm upto 160m, installation of fuse units etc. Till date, the honorable KSERC has not issued an piece wise rates in the cost data. The KSERC approved ECSC amount is being demanded from all applicants based on their load.

The electricity connection bearing consumer No.1155420030980 under Electrical Section Girinagar belongs to Sri. Dilok Sherlekar. S,

KRPZ/135/2021, Panorama Lane, Kumarasan Nagar, Kadavanthra. On 26.4.2023 the petitioner preferred an application for meter shifting, phase conversion, enhancement of load and tariff change. In the completion report attached with the application, the total load was shown as 5930 watts. On field inspection, the actual load was found to be 17106 watts. This was immediately brought to the notice of the petitioner. Later on, the petitioner submitted another application stating that he has shifted water heater to Solar. Again, for further processing of application, once again conducted field inspection and detected that total connected load has reduced to 12606 watts. As per KSERC approved cost data, the demand for phase conversion for load above 10kW and below 25 kW is Rs.15450/-. Accordingly system generated demand note was issued to the consumer. The applicant expressed his unwillingness to remit the said amount. This estimate include drawing of LT cable of 50sq.mm upto 160m. As no piece wise rate is included in the cost data, the licensee cannot revise the said estimate amount. The meter and the associated equipment upto the point of supply is installed and maintained by the licensee. During the time of failure/damage of the incoming line and accessories at any time in future, the incoming cable and all accessories are immediately replaced by the licensee without collecting any additional expense from the consumer as the whole of service line, meter Rr and associated equipment upto the point of supply shall be deemed to be the property of the licensee.

Section 46 of the Electricity Act 2003 stipulates, The State Commission may, by regulations, authorize a distribution licensee to charge from a person requiring a supply of electricity in pursuance of section 43 any expenses reasonably incurred in providing any electric line or electrical plant used for the purpose of giving that supply. On receiving applications for service connections, field inspections are carried out for verification of load, scrutiny of network, earthing etc. The estimates are prepared based on the site condition, connected load etc strictly adhering to the regulations of KSERC supply code 2014. Here the connected load is above 10kW and below 25kW. The KSERC approved rate for the said load is Rs.15450/- without GST. No piece wise rate is included in the cost data. The estimate includes drawing of LT cable of size 50sq.mm upto 160m with fuse units etc. The incoming cable and accessories are drawn by the licensee strictly complying the CEA safety regulations 2010 without any compromise. The incoming cable and all accessories upto the point of supply shall be deemed to be the part of licensee, and it is maintained and renewed by licensee during any failure/damage in future. The licensee has not collected any amount other than that specified by KSERC.

As per regulation 65(2) d of CEA (Measures relating to safety) demand not has been issued. Demand note has already been served to the applicant with all details as per the prevailing rules in force. The section authorities of Girinagar has issued demand note, taken all measures strictly complying with the regulations of KERALA ELECTRICITY SUPPLY CODE 2014. The

applicant has been served with system generated demand note for connected load above 10kW and below 25kW. The applicant was issued with demand note as per the prevailing rules in force, strictly adhering to the KSERC SUPPLY CODE 2014. The applicant is yet to remit the Estimated cost of service connection. The licensee has not denied any service to the applicant till this date.

The authorities of Electrical Section Girinagar are very cordial and helpful to all consumers. They are ready to extend all help and support to the applicant at any time. They have already changed his tariff from construction to domestic at the date of the application itself which shows the dedication and commitment of authorities of ES Girinagar. The applicant has not been denied any of the eligible service till this date. The section authorities are highly committed and dedicated and has always kept the spirit and esteem of KSEBL high. The Deputy Chief Engineer, Electrical Circle Ernakulam has taken up the matter with the Director (Distribution and Safety) vide letter No.ECE/AE1/Complaint/2023-24/963/26.8.2023 intimating the approved cost data for phase conversion for load above 10kW upto and including 25kW. The Assistant Engineer, ES Girinagar has intimated the higher officers the action taken in this regard. No negligence is observed in this regard. Only the prevailing rules in force is being followed in all sections under my Sub division. Section 46 of Electricity Act 2003 clearly states that reasonable expenditure incurred can be realised. Here only the reasonable expenditure has been realised. KSEBL has not violated any provisions in the Electricity Act 2003.

The honourable CGRF has pointed out in their order in O.P No.31/2023- 24/30.9.2023 that the Regulation 32(1) of the Kerala Electricity Supply Code 2014 outlines the licensee's authority to recover expenses reasonably incurred for installing any electric line or equipment from the distribution main and this cost recovery is to be made from the owner or lawful occupant of the premises requiring electric supply. Regulation 32(2) of the KESC 2014 stipulates that the licensee is entitled to charge these expenses in accordance with the cost data approved by the Kerala State Electricity Regulatory Commission.

Regulation 32. Recovery of Expenditure

"(1) The licensee may recover from the owner or lawful occupier of any premises requiring supply, the expenditure reasonably incurred by the licensee for providing from the distribution main, any electric line or electrical plant required exclusively for the purpose of giving the supply: Provided that, the licensee shall not be entitled to recover such expenditure if such expenditure is incurred under any scheme approved by the Commission.

Provided further that, the licensee may exempt any person requiring connection from the payment of expenditure if the State Government directs the licensee to provide new electric connection to any category of consumers

and pays in advance to the licensee, the expenditure at the rates in the cost data approved by the Commission.

(2) The expenditure charged by the licensee shall be based on the cost data approved by the Commission and published by the licensee effective for the period mentioned therein."

The Forum concluded that the licensee's action of requesting the estimated cost as per the approved cost data of the Hon'ble KSERC is in accordance with the Regulations. The honourable Forum has ordered the petitioner to remit the amount demanded by the licensee for the conversion of LT single phase weather proof service connection to three phase with connected load above 10kW and including 25kW. The licensee has not delayed the work. I further assure that on remittance of the ECSC charges for the said work, the work can be carried out on that day itself.

Counter Arguments of the Appellant

1. Piece wise rate is included in the detailed estimate. In the billing software (OrumaNET) provision for revision is available. There is column for entering actual quantity , provision for addition / deletion of material etc. When this detail is entered (which has to be entered in the field verification stage by Sub Engineer) it will show the amount to be recovered from the consumer . Then while approving the estimate instead of selecting " Generate CD and ECSC amount " the Assistant Engineer has to select " Generate CD and Estimate Amount " for demanding actual amount to be recovered . In my case the Sub Engineer has entered 160m instead of 20m and the Assistant Engineer never bothered to correct it. In Section 46 of the Electricity Act, 2003, it was directed to collect the **expenses reasonably incurred** in providing any electric line or electrical plant used for the purpose of giving that supply , which is violated . The Assistant Executive Engineer is trying to collect excess amount from the consumer resulting into unlawful gain to the licensee and harassment to the consumer. The Assistant Executive Engineer is blaming the system rather than acting as per Electricity Act , 2003. Instead of entering actual measurement in field verification the officials have opted for default values (which is maximum for a weather proof service connection) resulting into unlawful gain to the licensee and harassment to the consumer. The Assistant Executive Engineer himself revealed that the cost for the conversion includes the future maintenance cost also. But neither the Electricity Act, 2003 nor the Electricity Code, Supply 2014, mentioned anything about including maintenance cost along with the expenses for providing electric line and plant. Licensee is collecting Fixed charge in the monthly bill for maintaining their system hence the claim is a bogus one. Estimate cost of service connection (ECSC) can only be considered as Deposit work for which actual estimate is prepared based on cost data. The regulation 65(2)(d) specifically states "whether such person was liable to pay the cost of alteration of the overhead line or underground cable and if so, issue a notice within a period

of thirty days to such person together with an estimate of the cost of the expenditure likely to be incurred to alter the overhead line or underground cable and require him to deposit, within thirty days of the receipt of the notice, with the supplier or owner, the amount of the estimated cost."

2. The claim that the estimate prepared based on site condition is not true to fact. The actual measurement of weatherproof length was not taken and default values were selected which was admitted in the statement of facts the by Assistant Executive Engineer.

3. Clause 32 (1) of the Supply Code, 2014 states "The licensee may recover from the owner or lawful occupier of any premises requiring the supply, the expenditure reasonably incurred by the licensee for providing from the distributing main, any electric line electrical plant required exclusively for the purpose of giving that supply." Clause 32 (2) of the Supply Code, 2014 states " The expenditure charged by the licensee shall be **BASED ON** the cost data approved by the Commission and published by the licensee effective for the period mentioned therein." So the licensee has to the prepare estimate based on the cost data and not to impose the entire amount in the cost data. From the usage of the phrase "**in accordance with the cost data**" , it is evident that the Assistant Executive Engineer has conceived the meaning of " based on the cost data ". Clause 33 (1) of the Supply Code , 2014 states " The licensee shall submit once in a year , a proposal to the Commission for approval of the cost data of the **rates of materials and work** at which the expenditure as per Section 46 of the Act is to be recovered by the licensee . " This means that the cost data is the the approved rate of materials and work and the length of measurement will not come under the definition of cost data. Clause 33 (3) of the Supply Code, 2014 states " The Commission shall , after conducting a public hearing on such proposal , of scrutinize the proposal , determine the **reasonable rates materials and work** and approve the cost data with or without modification . " Here it is evident that the length of measurement doesn't come under the purview of cost data. The Electricity Act 2003 supersedes any regulations issued by the KSERC including the Supply Code, 2014 and any regulation made under the Act shall not be contradictory to the Act itself. Hence Section 46 of the Electricity Act, 2003 will prevail over any regulation made by the KSERC.

4. KSEBL has violated provisions in Section 46 of the Electricity Act 2003. The Assistant Executive Engineer Stated that " Here only the reasonable expenditure has been realized. " But Act gives provision only for realizing" **reasonable expenditure incurred** "

I am ready to pay " reasonable expenditure **incurred** ". By the omitting the word "**INCURRED**" as mentioned in Section 46 of the Electricity Act 2003 the licensee is trying to obtain **unlawful gain**.

5. The Director in charge of the Distribution has already issued a direction to the Deputy Chief Engineer , Electrical Circle, Ernakulam to furnish an estimate to the petitioner based on actuals on 05.07.2023, which I have not received till date. Also it is worth note that the Director has given direction to furnish an estimate to the petitioner based on actuals and did not seek any report regarding the same. The Assistant Executive Engineer is relying on the letter given by the Deputy Chief Engineer to the Director concerned, three months before. The Director concerned has not yet given any direction in contrary to the direction issued dated 05.07.2023.

6. Grave in-subordination can be seen in the actions of the Deputy Chief Engineer, Electrical Circle, Ernakulam, Assistant Executive Engineer, Electrical Sub Division, College and the Assistant Engineer, Electrical Section, Girinagar. All of All of them willfully disobeyed the direction of the Director (Distribution) in order to harass me.

Analysis and findings

The hearing of the appeal petition was conducted on 30/11/2023 at 11:30 am in the office of the State Electricity Ombudsman, DH Road & Foreshore Road Junction, near Gandhi Square, Ernakulam south. The hearing was attended by the appellant Sri. Dilok Sherlekar S., and the respondent Smt. Mollyja Lucy Xavier, Asst. Executive Engineer, Electrical Sub Division, Kerala State Electricity Board Ltd., College.

The appellant is a consumer to the licensee who had availed single phase connection under domestic tariff on 27/03/2021. Then the appellant want to convert his single phase connection to three phase connection and also to change the tariff and he had applied to the Girinagar Section office on 26/04/2023. The total connected load was 12.606 kW. Accordingly, as per the cost data approved by KSERC the service connection charges for the load above 10 kW and below 25 kW is Rs. 15,450/-. The said amount includes drawing of PVC cable of size 50 sq mm up to 160 m and the installation of fuse units etc. The total amount is worked as below.

The estimated amount for the service connection:- 15,450+

Tax @18%	<u>2,782</u>
	18,232
The ACD amount Rs. 1300/-	<u>1300</u>
	<u>19,532/-</u>

The licensee send the demand for Rs. 19,532/- for the service connection.

The contentions of the appellant are;

1. The requirement of service wire is only 20mm as the distance between house and the post is hardly 3m and the estimate shows 160m.
2. The size of the service wire required could be around 6sq mm instead of KSEB's cost for 50sq mm cable as the connected load is around 12 kW.
3. The consumer has already installed 100A fuse unit, meter box, neutral link, isolator and other accessories. The cost data also include 3 no.s of 100A fuse and other accessories which are not required.

The section 46 states that the licensee could recover the expenditure as per the regulation of state Commission.

Section 46 *“The State Commission may, by regulations, authorise a distribution licensee to charge from a person requiring a supply of electricity in pursuance of Section 43 any expenses reasonably incurred in providing any electric line or electrical plant used for the purpose of living that supply.”*

The Kerala Electricity Supply Code 2014, Section 99 detailed about the enhancement of connected load or contract demand.

99(1) *“Consumer shall apply to the licensee for enhancement of contract demand in case of consumers under demand based tariff and of connected load in the case of others, in the form specified in Annexure - 11 to the Code and the licensee shall process the application form in accordance with the relevant provisions of the Code.*

99(2) *“For site inspection as well as issuance and payment of demand note for the estimated cost of work if any, both the licensee and the applicant shall follow, mutatis mutandis the procedure and timelines as laid down in regulations 77 to 83 of the Code.*

99(3) *“The licensee shall give a written intimation along with the demand note to the consumer which shall include the following:-*

(a) whether the additional power can be supplied at the existing supply voltage or at a higher voltage;

(b) addition or alteration, if any, required to be made to the distribution system and the expenditure to be borne by the consumer, on that account;

(c) amount of additional security deposit and expenditure for alteration of service line and apparatus, if any, to be deposited in advance by the consumer;

(d) change in classification of the consumer and applicability of tariff, if required; and

(e) any other information relevant to the issue.

99(5) “ If the enhancement of load is feasible, the consumer shall:-

(a) pay additional security deposit, expenditure for alteration of service line and apparatus, if any, required to be made, and the cost to be borne by the consumer for modification for distribution system if any, within fifteen days of receipt of the demand note; and

(b) execute a supplementary agreement;

99(6) “If the consumer pays the required charges and executes a supplementary agreement, the licensee shall execute the work of modification of the distribution system, service line or meter and other apparatus within the time line specified under regulation 85, mutatis mutandis, and sanction the additional contract demand or connected load.”

The Section 82 of the supply code states that the demand notice to be prepared as per the cost data approved by the commission.

82(1) “The demand note shall be prepared as per the provisions of this Code and on the basis of cost data approved by the Commission, from time to time.”

82(2) “The demand note shall be valid for the period mentioned in it, subject to a minimum of two months from the date of issue of the demand note.”

82(3) “The demand note shall contain the following details:-

(i) particulars of entire works to be undertaken for providing electricity supply applied for and the items of works for which the applicant has to bear the expenditure;

(ii) amount to be remitted by the applicant as estimated at the rates in cost data approved by the Commission;

(iii) amount of security deposit as specified in Annexure - 3 to this Code;

(iv) the cost estimate shall include the cost of service line and terminal arrangements at the premises of the applicant, but shall not include the cost of meter.”

Then Section 83 is about the payment of expenditure as per demand note.

83(1) “The applicant shall make the payment within fifteen days of receipt of demand note, failing which the application shall stand lapsed and the applicant shall be informed accordingly in writing under acknowledgement:

Provided that the licensee may grant enlargement of time to the applicant for payment of charges in case the applicant submits with in fifteen days of the receipt of demand note, a written request for such enlargement of time.”

83(2) “On actual execution of the works, if it is found that additional items of works in excess of those provided in the demand note, are required to give connection to the applicant, the expenditure for such items of additional work at the rates in the cost data approved by the Commission shall be remitted by the applicant.”

83(3) “On actual execution of the works, if it is found that certain items of works as provided in the demand note, are not required to give connection to the applicant, the expenditure for such items of works at the rates in the cost data approved by the Commission shall be refunded to the applicant by the licensee.”

The Electricity Act Section 46 states that the State Commission may by regulation authorise the distribution licensee to recover the expenditure reasonably incurred in providing electric line. Accordingly, regulations were made by KSERC and a cost data is approved which are to be followed by the licensee on recovering the expenditure for extending the service connection or electric line. The prevailing cost data is as per the KSERC order dated 27/04/2018 which is approved as per Section 33 of the Electricity Supply Code 2014.

The order of the Commission states that "KSEBL is authorised to recover from a person requiring supply of electricity in pursuance of section 43 of the Act, the expenditure incurred by it for various works in connection with providing electric line or electrical post required for giving supply at the rates given in the cost data as approved as per Annexure 1 to 70 from the date of this order." Then there is an abstract attached to this order and item no. 22 of the abstract states as "conversion of LT single phase weather proof service connection to LT three phase weather proof service connection with load above 10 kW and up to including 25kW is Rs. 15,450/-". Hence Commission has considered single rate for all the loads from 10kW to 25kW. There is an estimate attached as Annexure 22 to justify the rate in the abstract. As the KSERC have considered this single phase to three phase conversion of all loads between 10kW to 25kW a single rate the version of respondent is seen to be correct. If, the appellant wishes he can file a petition to KSERC for more clarity in the decision taken by KSERC.

However, the appellant has taken up the matter with the Director distribution and the instruction from the Director to Dy. C.E, Ernakulam is to prepare estimate to the petitioner on the actuals by letter dated 05/07/2023. Again on 02/12/2023 the Director (Distribution) asked the Dy. Chief Engineer, Ernakulam to comply with instruction as per letter dated

05/07/2023 and to furnish a report. Here the decision is already taken by the Director (distribution) and hence the grievance has been redressed.

Decision

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

1. The Director (Distribution), KSEBL has taken the decision to prepare the estimate as per actuals which is to be followed by the section officials of KSEB. Then the grievance of the appellant is settled and hence the petition is disposed.
2. If the appellant wishes to file a petition to KSERC for getting more clarity on the order dated 27/04/2018, he may exercise the same.
3. No order on cost.

ELECTRICITY OMBUDSMAN

No. P/051/2023/ dated: 15/12/2023.

Delivered to:

1. Sri. Dilok Sherlekar. S, P.R.W. A 46, TC 54/190-B, Panorama Residency, Kumaranasan Road, Kadavanthara P.O., Kochi, Ernakulam (Dist.)-682020
2. The Assistant Executive Engineer, Electrical Sub Division, Kerala State Electricity Board Ltd., College, Ernakulam(Dist.).

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, 220 kV Substation Compound, HMT Colony P.O., Kalamassery, Pin- 683503.