

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/027/2021

(Present: A.S. Dasappan)

Dated: 08th October 2021

Appellant : Sri. Shibu Aboobaker,
Alfas Laminations Pvt. Ltd.,
A-10, Kinfra Apparel Park,
Thiruvananthapuram Dist. 695582

Respondent : Asst. Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Kazhakkuttom,
Thiruvananthapuram Dist.

ORDER

Background of the case:

The appellant is a High Tension (HT) consumer of Electrical Section, Kazhakkuttom having a Contract Demand of 150 kVA earlier and now the Contract Demand is enhanced to 950 kVA. The appellant additionally requested 800 kVA power to the Licensee and provided after realizing Rs.21.07 lakhs towards the transmission development charges. The required power being supplied from 110 kV Substation, TERLS at a voltage level of 11 kV. Since the power was urgently required, the appellant remitted the entire amount demanded by the Licensee under protest. In continuation, the appellant filed a petition in CGRF, Southern Region vide OP No. 87/2020 seeking refund of the amount remitted and the Forum in its order dated 03-03-2021 rejected the petition, observing that the demand notice for remitting the pro-rata amount of Rs.21.07 lakhs issued to the appellant is legal and sustainable. Against the decision of the CGRF, the appellant filed this appeal petition before this Authority.

Arguments of the appellant:

For the expansion of the facility of appellant's industry, the appellant had requested for an additional demand of 800 kVA, making a total contract demand, 950 kVA. As no expansion or upgradation of the existing 11 kV network is required to supply this demand, appellant expected an early issuance of power feasibility, without any additional work. However, Dy. CE has demanded Rs.21,07,000/- towards 'transmission development charges', for issuing power feasibility at 11 kV level.

Subsequently, the appellant requested to inform details of works required, on 12-08-2020, for which no reply is received till now. It is very clear that existing transformer capacity or network capacity need not be upgraded for this additional demand of 800 kVA, and the above demand for some unknown transmission development is not at all justifiable, and also, is against Section 46 of 'The Electricity Act' and Regulations 32 & 36 of Kerala Electricity Supply Code 2014.

As the appellant cannot wait further for the power, remitted the demanded amount of Rs.21,07,000/- under protest, and approached the CGRF.

However, the CGRF, in its order dated 03-03-2021, in OP No. 87/2020, has not accepted the appellant's arguments, despite clear legal standing of the case. In this situation, the appellant submitted the following for kind consideration and suitable orders.

(a) The industry is power intensive and understand that Regulation 36 of Kerala Electricity Supply Code 2014 is applicable in this case. Any extension or upgradation undertaken for providing required load is to be borne by the appellant. But, in this case, no such work was necessitated, and the appellant's power was issued without any such works. Hence, no amount is to be paid as per Regulation 36.

(b) It is stated in the order of CGRF that "In order to provide additional power demand, capacity enhancement of substation is inevitable". This is not true, the appellant's connection has already been effected, without any work in substation, and still the substation is operating normally, with additional load.

(c) AEE states that he has prepared estimate for enhancing transformer capacity. But the information is available such as,

1. Whether the estimate is a system improvement estimate for enhancing reliability to N-1?
2. Whether the estimate is sanctioned?
3. Whether the estimate is prepared before the appellant's application?

Denial of this information itself reveals that the amount demanded is illegal, and is against Regulation 36 of Kerala Electricity Supply Code 2014.

(d) The CGRF in its above order had again directed AEE to furnish details of estimate, but nothing is informed, in spite of repeated request and direction by CGRF.

(e) Instead of withdrawing wrong demand, AEE is discovering a new idea to justify the illegal demand for this, he quotes from standards proposed to transmission grid by the CEA, which has no relevance in distribution network and associated transformers. Regarding system improvement from N-0 to N-1, AEE quotes manual of transmission planning criteria 2013, by CEA, which is for Transmission system (Grid), and not for EHT/11 KV transformers. Criteria for single contingency states as follows: -

" 6.2 Criteria for single contingency ("N-1")

6.2.1 Steady-state :

- a) All the equipments in the transmission system shall remain within their normal thermal and voltage ratings after a disturbance involving loss of any one of the following elements (called single contingency or 'N-1' condition), but without load shedding / rescheduling of generation:
 - Outage of a 132kV or 110kV single circuit,
 - Outage of a 220kV or 230kV single circuit,
 - Outage of a 400kV single circuit,
 - Outage of a 400kV single circuit with fixed series capacitor (FSC),
 - Outage of an Inter-Connecting Transformer (ICT),
 - Outage of a 765kV single circuit
 - Outage of one pole of HVDC bipole.
- b) The angular separation between adjacent buses under ('N-1') conditions shall not exceed 30 degree.

6.2.2 Transient-state: -

Usually, perturbation causes a transient that is oscillatory in nature, but if the system is stable the oscillations will be damped. The system is said to be stable in which synchronous machines, when perturbed, will either return to their original state if there is no change in exchange of power or will acquire new state asymptotically without losing synchronism. The transmission system shall be stable after it is subjected to one of the following disturbances:

- a) The system shall be able to survive a permanent three phase to ground fault on a 765kV line close to the bus to be cleared in 100 ms.
- b) The system shall be able to survive a permanent single phase to ground fault on a 765kV line close to the bus. Accordingly, single pole opening (100 ms) of the faulted phase and unsuccessful re-closure (dead time 1 second) followed by 3-pole opening (100 ms) of the faulted line shall be considered.
- c) The system shall be able to survive a permanent three phase to ground fault on a 400kV line close to the bus to be cleared in 100 ms.
- d) The system shall be able to survive a permanent single phase to ground fault on a 400kV line close to the bus. Accordingly, single pole opening (100 ms) of the faulted phase and unsuccessful re-closure (dead time 1 second) followed by 3-pole opening (100 ms) of the faulted line shall be considered.
- e) In case of 220kV / 132 kV networks, the system shall be able to survive a permanent three phase fault on one circuit, close to a bus, with a fault clearing time of 160 ms (8 cycles) assuming 3-pole opening.
- f) The system shall be able to survive a fault in HVDC convertor station, resulting in permanent outage of one of the poles of HVDC Bipole.
- g) Contingency of loss of generation: The system shall remain stable under the contingency of outage of single largest generating unit or a critical generating unit (choice of candidate critical generating unit is left to the transmission planner)".

In this standard, the only transformer to be considered in the list of equipment is the Inter Connecting Transformers (ICT). This standard is for Transmission network (Grid) stability and not for any distribution enhancement.

It is also stated in the order by CGRF that "The transmission system planning of the licensee is done in single contingency or N-1 condition". Without prejudice to what all stated above, submit that this statement is only to delay the appellant's right as per Rule 36, and this can be perhaps, the first time a supplier demands system improvement charges under rule 36. AEE himself states that presently their 2*12.5 110/11 KV transformers are operating in N-0 condition, present load being 17.34 MVA. This is higher than 1 X 12.5 MVA, well before the appellant's application for additional power. Any work for improving the existing standard (N-0) to N-1 is to be carried out under system improvement category, and no amount can be demanded from a consumer for such system improvement work, as per Regulation 32. It is illegal to demand money for supplier's system improvement to N-1 condition, from consumer.

With the above facts, it is very clear that no work is required, and no work is undertaken for appellant's additional demand.

In the above situation, the demand issued as above may kindly be quashed, and the KSEBL officials may be directed to refund the amount deposited under protest with cost and interest.

Arguments of the respondent:

On 4/12/2019 the appellant applied for an additional demand of 1000 kVA and for connecting the additional power 1250 kVA transformer as proposed by him. Necessary application fee and an advance amount of Rs. 20,000/- was remitted on 4/12/2019. The appellant's unit is situated in Kinfra Park. The Kinfra Park is fed through 110 kV substation, TERLS and the substation is having an installed capacity of 2 numbers of 12.5 MVA, 110/11kV transformers. The present average and maximum demand of the TERLS substation at 11 kV level is 910 ampere and 1015 ampere respectively. In order to provide the required additional power to the appellant's unit, the capacity enhancement of 110 kV substation, TERLS is inevitable. An estimate amounting to Rs.395 lakhs

was prepared for the capacity enhancement of the substation by replacing the existing 2 numbers of 12.5 MVA, 110/11kV Transformers with 2 numbers of 20 MVA 110/11kV Transformers. The present load of the feeder through which Kinfra is fed is only 90 amperes and hence, it is technically feasible to provide 1 MVA power in 11 kV voltage level from the substation through the feeder. The pro-rata amount assessed in favour of the appellant for connecting 1 MVA power was Rs.26.33 lakhs. Accordingly demand notice dated 8/6/2020 was issued to the appellant. Thereafter on 15/7/2020, the appellant informed the KSEB Ltd. that the additional demand of 1000 kVA was due to a computation error and the actual requirement is only 800 kVA. Thus, the total demand, required by the unit is 950 kVA, Hence the revised demand notice for Rs.21.07 lakhs was issued to the appellant for providing the additional power of 800 kVA. The appellant being a power intensive unit, remitted the amount as per the sub clause (v) under clause 36 in the Kerala Electricity Supply Code 2014. In the case of power intensive unit, the expenditure for enhancing the Power Transformers at 110 kV Substation, TERLS for meeting the demand shall be borne by the consumer irrespective of the demand or a collective body of consumers. Accordingly, proportionate expenditure has been demanded to the appellant and the appellant remitted the same.

The order dated 3/3/2021 of the Consumer Grievance Redressal Forum (Southern Region) is perfectly legal and valid. It is submitted that the contention raised by the appellant in sub para (a) will not stand scrutiny of law since the expenditure amount collected is based on the pro rata. The procurement of Transformer has been taken up by the SCM wing of KSEBL. On receiving the Transformers, the same will be put into service. The contention raised in sub para (b) cannot be sustained at all in view of the fact that on providing the power to the consumer, the demand in the substation has been increased and the scheduled maintenance of the Transformers availing outage on the other, are sometimes carried out by re-arranging the loads in 11 kV feeders with the neighbouring Substations. The fact that connection was provided on 22-10-2020 cannot be pressed into service to avoid payment of pro rata charges. This connection was effected, only because of the reduction in load in substations, due to Covid-19 restrictions. The connection provided has affected the

functioning of the substation. The contentions to the contra cannot be sustained at all. As regards the statement contained in sub paras (c) & (d), it is submitted that the estimate for the capacity enhancement of the existing 2 Nos of 12.5 MVA, 110 kV/ 11 kV Transformers at 110 kV Substation, TERLS with 20 MVA based on the cost data of KSEBL. It is further submitted that the estimate for the capacity enhancement has been prepared for single contingency of the Substation. The estimate is under the process for according sanction from the Board. The estimate has been prepared prior to the application of the appellant. No information has been denied to the appellant. In sub para (e), the appellant has alleged that the first respondent herein has discovered a new idea to justify the illegal demand. The said allegation is totally denied is without any foundation of substance. The following aspects/regulations are relevant in this context. Minimum 2 Nos of Power Transformers are needed in a Substation as per sub clause 10 under clause 37, Substation Planning Criteria in the Kerala State Grid Code.

Interconnection points of Distribution licensee with the STU are specified in sub clause (i) and (ii) under Clause 66, State grid connection points/ Interface points in the Kerala State Grid Code and are as follows: -

(i) Voltage at LV side of Power Transformer may be 33 kV or 11 kV or as may be assigned with STU. For EHT consumers, directly connected to Transmission system, voltage may be 400 kV/ 220 kV/ 110 kV/ 66 kV.

(ii) Unless specifically agreed with the Distribution licensee, the connection point with STU shall be the terminal isolator provided just before the outgoing gantry of the feeder to Distribution licensee or individual EHV consumer as the case may be, from STU substation.

All equipments connected to the State Transmission System shall be of such design and construction that enables STU to meet the requirements of Standard of Performance as per sub clause 1 under clause 47, System Performance in the Kerala State Grid Code. Distribution licensees shall achieve overall standards of performance in respect of each guaranteed standard of performance ranging from 90% to 99 %.

As per sub clause 5 under clause 6 in KSERC (Standard of Performance of Distribution Licensees) Regulations 2015, Distribution Licensees shall develop and maintain an efficient, co-ordinated and economical distribution in his area of supply at such a standard that the following Distribution system reliability indices computed are maintained at the standard as may be specified by the Commission by notification in Government Gazette from time to time.

- i. System Average Interruption Frequency Index (SAIFI)
- ii. System Average Interruption Duration Index (SAIDI)
- iii. Momentary Average Interruption Frequency Index (MAIFI)
- iv. Consumer Average Interruption Frequency Index (CAIFI)
- v. Consumer Average Interruption Duration Index (CAIDI)

The Distribution system reliability indices shall be computed at feeder level and to be reported to the Commission quarterly.

During Short term planning, workshops were conducted giving wide publicity inviting stake holders to apprise their demands. But the appellant approached at a later stage for 1000 kVA power initially and then altered to 800 kVA. Based on the location of the power requirement, the power has to be provided from 11 kV Ashapura feeder 110 kV Substation, TERLS is having a capacity of 2 Nos of 12.5 MVA, 110/11 kV transformers. The average and maximum demand in the Substation at 11 kV level was 910 Amps and 1015 Amp respectively. The utilisation of the power by the appellant has adversely affected the system performance. The demand is traceable to the sub clause (v) under clause 36 in the Kerala Electricity Supply Code 2014. Considering the power requirement of the consumer and contingency together to meet the Standards of Performance, in respect with the above mentioned regulations and code, it is absolutely necessary to enhancing 2 Nos of 12.5 MVA, 110 kV / 11 kV Transformers at 110 kV Substation, TERLS to 20 MVA.

In this context it is submitted that the amount demanded is subject to finalisation with the submission of revised scheme approval from Electrical Inspectorate. In order to issue power allocation as well the revised scheme approval is to be submitted.

The Consumer Grievance Redressal Forum (Southern Region) rightly relied upon sections 43 (2) and 2 (20) of the Electricity Act, 2003 and Regulation 2 (66) (v) of the Kerala Electricity Supply Code, 2014.

None of the contentions raised by the appellant are sustainable. There is no merit in any of the contentions raised. Hence, it is prayed that this Authority may be pleased to dismiss the above complaint with costs.

Analysis and findings:

An online hearing of the case was conducted at 3-30 PM on 02-09-2021 with prior intimation to both the appellant and the respondent. Sri. Shaji Peter Kallada attended the hearing for the appellant and Smt. V.P. Sudha, Assistant Executive Engineer, Electrical Subdivision, Kazhakkuttom and Advocate Sri. T.R. Rajan attended the hearing for the respondent. On examining the petition, the counter statement of the respondent, the documents attached and the arguments made during the hearing 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 instant appeal has been filed for the refund of Rs.21.07 lakhs remitted by the appellant towards the transmission development charge on the works in TERLS Substation of the Licensee for supplying 800 kVA additional power to the appellant.

The appellant is aggrieved to the extent that the respondent has no right to collect the pro-rata development charges or any other similar charges in any other name. However, he is entitled to get an estimate prepared as stipulated under order dated 23-05-2011 in Petition No. TP-87/2011 and Circular No. KSEB/TRAC/3 Grade/3CG/R2/09/502 dated 13-07-2011.

Further, the respondent could make any demand only in accordance with the orders issued by the Regulatory Commission and more specifically in accordance with Order dated 23-05-2011 in Petition No. T.P. 87/2011 and as per the stipulations contained in order dated 22-01-2015 in O.P No. 22/2011.

Hence, the point to be decided in this case is as to whether collection of transmission side development charge on per kVA basis is in accordance with the above orders of the Regulatory Commission.

On a perusal of the above orders, it can be seen that in the Petition No. TP-87/2011 filed by KSEB before the Regulatory Commission in the matter of approval of cost data for transmission works. In the order dated 30-11-2010 issued by the Commission, it is held that the Licensee is entitled to recover the cost of works on the distribution side as well as transmission side based on the estimated cost of works.

The Commission has approved the following methodology for estimating the cost of providing HT/EHT connections and for executing transmission works in favour of other beneficiaries: -

Sl. No.	Description	Amount (Provisional)
1	Cost of materials	A
2	Erection & Commissioning	B = 7.5% of A
3	Transportation, Insurance & contingencies	C = 6% of A
4	Civil Works and special works like SCADA etc if any	As per estimation = D
5	Tree cutting compensation if any	As per estimation = E
6	Sub-Total	F = A+B+C+D+E
7	Overhead/Supervision charges	G = 10% of F
8	Total	F+G
9	Taxes & Duties if any extra	

In the order it was also specified that the licensee shall prepare the estimate of costs of the works based on the principles laid down above. A copy of the estimate thus prepared should be handed over to the beneficiary under acknowledgement.

On completion of works, the licensee shall prepare an evaluation statement of the work, based on actual quantities, within 3 months of completion/energization of the works and hand over the same to the beneficiary.

The beneficiaries shall be bound to remit the excess cost if any, within one month, failing which the Licensee shall be entitled to recover the same, as if it

was arrears of current charges under appropriate regulations. Excess remittances if any shall be refunded by the Licensees by adjustment in the monthly current charges/ direct refund within a period of 3 months.

The Commission has also ordered that any dispute on the matter, including the rates, quantum of works executed etc. shall be subject to review by CGRF and Ombudsman. Therefore, any individual dispute of the consumer related to the development charges can be brought before such Forum by the respective consumers.

In petition No. OP 22/2011, the Commission had issued an interim order on 07-10-2011. In the said interim order the following directions were given.

The Kerala State Electricity Board is directed not to proceed with the pro-rata system devised arbitrarily till a decision is taken on the OP 22/2011 filed by KSSIA (Ernakulam). KSEB is further directed to give connection to the consumers listed in Exhibit-1 of the petition OP 22/2011 by executing indemnity bond as commitment for making payments of additional charges if allowed in final orders of the Commission on the above petition. KSEB may proceed with collection of transmission charges as per the order of the Commission dated 23-05-2011 on TP 87/2011.

In view of the above direction issued by the Commission on 07-10-2011, various consumers filed Writ Petitions before the Hon'ble High Court of Kerala challenging the levy of transmission side development charges on per kVA basis by KSEB Ltd.

The Single Bench of Hon'ble High Court in its common judgment dated 22-11-2012 in WP (C) No. 18726/2011 and connected cases, held that the levy of transmission side development charges and the demand for non-refundable advance impugned in the Writ Petitions was illegal and, on that basis, the Single Judge had ordered that the amounts realized from the Writ Petitioners should be refunded to them with simple interest @ 6% per annum.

KSE Board filed Writ Appeal no. 900/2013 and connected cases challenging the common judgment rendered by Single Judge in WP (C) 18726/2011 and connected cases.

The Division Bench of the Hon'ble High Court in its judgment dated 30-06-2014 in the above Writ Appeals, allowed the collection of transmission side development charges by setting aside the judgment of Learned Single Judge in WP (C) 18726/2011 and connected cases.

Meanwhile the Hon'ble KSERC had issued a final order in petition OP No. 22/2011 dated 22-01-2015. The order reads as follows:

“(1) KSEB Limited has the right to recover the reasonable expenditure, specifically incurred by its distribution profit centre for providing electric line and electrical plant required for giving supply of electricity to any consumer irrespective of whether such electric line and electrical plant are in the distribution system or the transmission system owned by the distribution profit centre, subject to the following conditions:-

- (i) the expenditure has been incurred by the distribution profit centre;
- (ii) the expenditure is reasonable;
- (iii) the expenditure has been estimated fairly and transparently in accordance with the cost data approved by the Commission;
- (iv) the expenditure is incurred for providing electric line or electrical plant used for the purpose of giving that supply; and
- (v) the expenditure is not included in the ARR & ERC or in any other investment plan approved by the Commission,

(2) As ordered by the Commission in its order dated 16.11.2009 in OP No.13/2009 and as admitted by KSEB Limited in its submission before the Commission, it has no right to collect the pro-rata development charge or any other similar charge in any other name.

(3) The individual cases for recovery of expenditure from the consumers under section 46 of the Electricity Act, 2003, as mentioned in the petition may be settled in accordance with the principles pronounced by the Hon'ble High Court in its Judgment dated 30-06-2014 in Writ Appeal No. 900/2013 and connected cases.

(4) The individual cases which arose on or before 31-03-2014, for recovery of expenditure from the consumers under section 46 of the Electricity Act, 2003, which are not mentioned in the petition, may also be settled in

accordance with the principles pronounced by the Hon'ble High Court in its Judgment dated 30-06-2014 in Writ Appeal No. 900/2013 and connected cases.

(5) The recovery of expenditure under Section 46 of the Electricity Act, 2003 in the cases which arose on or after 01.04.2014 shall be regulated in accordance with the provisions in the Kerala Electricity Supply Code, 2014, since the Judgment of the Hon'ble High Court dated 30.06.2014 in Writ Appeal No. 900/2013 and connected cases was issued in view of the provisions in the Supply Code, 2005”.

Various consumers filed writ petitions before the Hon'ble High Court challenging the levy of transmission side development charges on per kVA basis by KSEB. Writ Appeal No. 900/2013 and other connected appeals were filed by KSEB challenging the common judgment by the Single Judge. The appellant is not a party in the Writ Appeal No. 900/2013 or other connected cases filed before the Hon. High Court of Kerala and SLPs filed before the Hon'ble Supreme Court.

The Commission has a suggestion regarding the judgment dated 30-06-2014 of the Hon'ble High Court in Writ Appeal No.900/2013 and connected cases is only applicable to the petitioners mentioned therein and it has no general application. The Commission is of the opinion that the said judgment of the High Court in a Writ Appeal has application in other individual cases on the same matter. Generally, the principle pronounced by the Hon'ble High Court in its judgment has to be followed by KSEB in similar cases. If the petitioner wants such clarification, it is for him to move the Hon'ble High Court and obtain such clarification.

In the SLPs filed by the connected parties against the judgment in Writ Appeal No. 900/2013, the Hon'ble Supreme Court have not stayed or annulled the judgment in the Writ Appeal.

On a perusal of the estimate for enhancing the station capacity by installing two numbers 20 MVA transformers for an amount of Rs.395 lakhs prepared by the respondent, it is found that the estimate prepared is in consonance with Circular No. KSEB/TRAC/Scode/SCC/R2/09/502 dated 13-07-2000 which was issued in pursuant to order dated 23-05-2011 in Petition No. TP-87/2011.

It is the bounden responsibility on the part of respondent that to prepare the estimate fairly and transparently in accordance with the cost data approved by the Commission and on completion of works the Licensee has to prepare and hand over an evaluation statement of the work, based on actual quantities within 3 months of completion/energisation of the works. On the basis of this, the excess/arrears shall be adjusted/recovered by the respondent. However, the work was not completed so far in this case.

According to statutory provisions and facts, it is clear that Distribution Licensee can recover the expenditure specifically incurred for giving connectivity to a consumer subject to the conditions mentioned above.

According to the Commission, the judgement of Hon'ble High Court dated 30-06-2014 in Writ Appeal No. 900/2013 and connected cases has to be understood and implemented in view of the Section 46 of The Electricity Act 2003.

Bearing the entire cost for the establishment of capital works involving huge investments by one applicant even though his power requirement may only be a fraction of the total installed capacity and on the other hand, other appellants whose demand is catered from the investment already made need not bear any cost towards providing supply to his establishment.

In order to administer the processing of application properly and to avoid inequitable distribution of expenses, KSEB started to levy cost of giving supply as per kVA rate of total expenditure incurred for the development of the infrastructure facilities from all prospective consumer or consumers who want additional power, who are the beneficiaries of the electric plant so erected. The cost as per the estimate for the construction of the entire capital work is not levied from such applicants and instead, the total cost is divided among all the beneficiaries/applicants considering their power requirement.

The methodology was implemented in good faith in order to have an equitable distribution of expenses rather than considering any one applicant from bearing the entire cost of providing infrastructure and relieving the others from bearing any cost.

According to the judgement in Writ Appeal No. 900 of 2013 of Hon'ble High Court and in OP No. 22/2011 of Hon'ble Commission, the Licensee can recover the transmission development charge from the appellant and this Authority is of the view that there is no violation in issuing the demand for transmission development charge.

However, the distribution system can be extended, if required, at the cost of the consumer wherever it is absolutely needed. It is authorised by the Section 43 and 46 of 'The Electricity Act 2003' and there is clear provision in the Regulations created by the Regulatory Commission.

In this case, the additional requirement of power is to the extent of 800 kVA, for which no expansion or upgradation of 11 kV network is required to supply the power, as per appellant. Since the details of work to be carried out was not communicated to the appellant, the appellant suspects the relevance of transmission development charge.

As per respondent, the transmission development charge for Rs.21.07 lakhs was remitted by the appellant and without the enhancement of the transformer capacity, the appellant was given the additional power to the extent of 800 kVA, since the "loading" of the substation was reduced due to the restrictions in the "Covid 19" situation. An estimate for enhancing the capacity of the existing two numbers 12.5 MVA, 110/11 kV transformers to the capacity of 20 MVA, 110/11kV two numbers transformers was prepared for Rs.395 lakhs.

On going through the details regarding the estimate cost of the development works in the substation, an estimate for Rs.264.43 lakhs had been sanctioned by KSEB Ltd. vide BO (FTD) No. 64/2014/D(T&SO)/T1/TERLS/2014 dated 10-01-2014, Thiruvananthapuram. The work was not done immediately after the estimate sanction and now the respondent prepared another estimate for the same work with revised cost data of materials and labour data, which comes to Rs.395 lakhs. The pro rata calculation is as follows: -

Estimated amount for the enhancement of 2 Nos.
12.5 MVA transformers to 2 Nos. 20 MVA transformers = Rs.395 lakhs

Pro rata amount for supplying
800 kVA additional power = $\frac{\text{Rs.395 lakhs} \times 0.8 \text{ MVA}}{2 \times 7.5 \text{ MVA}}$ = Rs.21.07 lakhs

The respondent revealed that action has been initiated for the procurement of the materials required. While going through the estimate of Rs.395.00 lakhs, main items for the procurement is two numbers power transformers having 20 MVA capacity and 4 Nos. neutral CTs to be provided in 11 kV side and 110 kV side of the power transformers. Also, a 11 kV VCB panel for incomer & Bus Coupler of 2000 A capacity and 11 kV XLPE UG cable. The cost of the above items mainly reflected in the estimate. From the estimate it is understood that certain equipments now using for the 12.5 MVA transformers can be used for the 20 MVA transformers. Besides, the infrastructure for the present power transformer can be made use for the enhanced transformers. In brief, the estimate for the enhancement of power transformer capacity to 20 MVA will be less than the expense required for the newly installation of 20 MVA transformers.

Decision: -

From the analysis done and the findings and conclusions arrived at, which are detailed above, the appellant is liable to remit the transmission development charge on pro-rata basis.

The appellant had remitted Rs.21.07 lakhs towards the transmission development charge on pro-rata basis for an additional power to the extent of 800 kVA by enhancing the power transformer capacity in the 110 kV Station, TERLS from 25 MVA to 40 MVA. The erection of transformers was not started, but the respondent had initiated action for the procurement of transformers and allied equipments. The infrastructure and certain equipments/materials can be made use for the proposed works. Now the appellant was given the required power for the existing power transformers, but the enhancement of the capacity of the transformer to higher capacity as proposed shall be completed and energized at the earliest, so as to avoid the chances of overloading of the Station.

After the capacity enhancement work, the final account of each work, for which amount has been collected by KSEB Ltd. to provide the electric power to the appellant may be prepared and the actual cost estimate be arrived at within three months and the same shall be communicated to the appellant.

The order No. OP-87/2020 dated 03-03-2021 of CGRF, Southern Region, Kottarakkara is upheld. The appeal petition filed by the appellant stands disposed of as such. Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/027/2021/ _____ dated _____.

Delivered to:

1. Sri. Shibu Aboobaker, Alfas Laminations Pvt. Ltd., A-10, Kinfra Apparel Park, Thiruvananthapuram Dist. 695582
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Kazhakkuttom, Thiruvananthapuram 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, Kottarakkara - 691 506.