

**THE STATE ELECTRICITY OMBUDSMAN**

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**Appeal Petition No. P/066/2024  
(Present A. Chandrakumaran Nair)  
Dated: 26-11-2024**

Appellant : Sri. Shajan . N.P  
Njalil House, Perumpilly  
Mulamthuruthy,  
Ernakulam(Dist.)

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

**ORDER**

**Background of the case**

The appellant Shri. Shajan. N.P Njalil House, is a Consumer of the Licensee KSEBL with Consumer No. 1157482007946 under the Electrical Section Mulanthuruthy. Appellant had availed power supply for the construction of an apartment building under the tariff 6 F. The building is having 5 apartment and had applied for 5 service connections. On inspection the officials of the Licensee had found that only one apartment in ground floor is using for the residential purpose. The other 4 apartments were used as a Hostel for boys. Then the Licensee has given one residential connection under tariff LT 1A which is used for the residential purpose. The connection under 6 F was used for powering the Hostel apartment. The Licensee had conducted an inspection on 30/06/2023 and found that unauthorised load is connected and accordingly they made an assessment for Rs.1,56,530/- . The consumer has filed appeal to the electricity appellate authority, and appellate authority had set aside the short assessment. Then the Licensee had converted the LT 6 F Connection to LT 7 A Connection as the single point supply to the Hostel. The consumer has filed the petition to CGRF and CGRF issued order dated 22/08/2024. This petition is filed to this office as the appeal petition to the order of CGRF.

## **Arguments of the Appellant**

Aggrieved by the denial of the genuine request for 3 service connections out of the request for 5 connections to the apartment named Njalil Arcade, Mulanthuruthy set aside the order of the CGRF by denying the request to give 3 more service connections applied.

## **Argument of the Respondent**

Consumer number 1157482007946 in the name of Mr. SHAJAN N.P, NJALIL HOUSE, PERUMPILLY, MULANTHURUTHY under Electrical Section, Mulanthuruthy is a LT connection given in 6F tariff with a sanctioned load of 1495watts. Appellant had submitted individual service connection application for five apartments and remitted the required fee on 09.11.2021. On inspection it was detected that one apartment was used for domestic purpose and other 4 apartments were intended for hostel purpose. Based on the regulation 52, (Supply of Electricity to be given only at one point for same purpose at the same voltage level in a single premises- Supply shall be given only at one point for same purpose at the same voltage level in a single premises), AE ES Mulanthuruthy sanctioned only one domestic connection in the building and directed to avail a single connection for other 4 apartments based on the fact that with a common mess and common kitchen the premise is functioning. Hence one service connection was sanctioned under domestic tariff and the Assistant Engineer Electrical Section Mulanthuruthy directed to apply for a single connection for other 4 apartments. The appellant requested for individual service connections under commercial tariff on 07.05.2022 and was directed to avail a single connection as these four apartments were functioning as a hostel, with a common mess and common kitchen.

The RAO & section squad officials of Electrical Section Mulanthuruthy conducted a surprise inspection in the premises of the consumer on 30.06.2023. During the inspection unauthorised additional connected load was observed. Pursuant to the site inspection, a provisional assessment bill of Rs.156530/- (Rupees -One Lakh Fifty Six Thousand Five Hundred Thirty only) was served on to the consumer under Section 126 of Electricity Act 2003 amended in 2007 (the 2003 Act for brevity) alleging that the consumer used the connection for unauthorised purpose and unauthorised additional load was detected. The consumption pattern in the premises is similar for previous 12 months and hence the UAL 616 calculation has been done for 12 months.

As per regulation 155 of Kerala Electricity Supply Code 2014, the consumer was given seven days time for filing objection against the provisional bill issued. The consumer filed an appeal before the undersigned but no supporting documents has been produced in order to object the issued assessment bill. No evidences were produced by the appellant and no personal hearing was attended by the appellant regarding the same. Since unauthorised additional load was evident, the assessment made above for an amount of Rs.156530/- (Rupees -One Lakh Fifty Six Thousand Five Hundred Thirty only) was confirmed and detailed final order and calculation sheet was issued. Aggrieved by the final order, the appellant filed appeal vide ref (2). Accordingly, a hearing of the case was conducted on 30.05.2024 at the chamber of the Authority at Vyttila. Based on that final order of the Appellate Authority was issued vide Order No. AP-265/2023/Order/202/dated.11.06.2024.

Authority pointed out that the regulation 52 was misinterpreted by the licensee and denied individual service connection to apartments having separate building numbers. As per the records, the building is a residential one and 5 building numbers and separate ownership certificates were allotted by the Panchayath & wiring was also separate for all the five apartments. Authority claimed that the licensee failed to process the application for service connection as per rules and forced the appellant to use the supply availed for construction purpose in four apartments. Authority analyzed that when the construction was completed and service connection application for domestic connection was submitted by the appellant either the licensee could have dismantled the supply sanctioned for construction purpose or could have changed the tariff and sanctioned this service connections under appropriate tariff, when appellant requested for commercial connection.

Based on above facts, Vide Order No. AP-265/2023/Order/202/dated.11.06.2024(Appeal No.265/2023) of The Kerala State Electricity Appellate Authority, it has been directed to set aside the final assessment order vide order number. 14/23-24/ Final/ Assessing officer/ ESD/ CKRA/DT.31.07.2023 and to refund the remitted amount by the appellant with interest as per regulation 158(17) of Kerala Electricity Supply Code 2014 with in thirty days. Vide Letter No.DB/54/APTS-SHAJAN/24-25/dt.19.06.2024 direction has been requested from the The LAW OFFICER-1, O/o Legal Advisor & Disciplinary Enquiry Officer, regarding the compliance of Appellate Authority Order. As mentioned in the grievance, earlier complaint was filed before the THE HON'BLE CONSUMER GRIEVANCE REDRESSAL FORUM, CENTRAL REGION, ERNAKULAM. The forum conducted an hearing on 31.07.2024. As per the order No CGRF-CR/OP.No.54/2024-25/317 dt.22.08.2024.

The analysis of CGRF is as follows." During a site inspection on 30/06/2023, it was found that the premises with the LT VI F tariff connection were being used as a hostel, which the petitioner acknowledged in the site mahasar prepared by the licensee's officials. The respondent also submitted the copies of photographs showing the common kitchen, mess and rooms furnished with two tired cots. The petitioner was unable to provide evidence to prove that the apartments were being used for the domestic purposes, instead requesting separate connections for the four apartments. According to Regulation 52 of the Kerala Electricity Supply Code 2014, electric supply can only be provided at a single point for the same purpose, at the same voltage level, in a single premise, Hence the claim of the consumer will not withstand. Therefore the Forum finds that the licensee's decision to provide a single electricity connection for all four apartments complies with the current rules and regulations."

Based on that the forum ordered that "**the licensee's action in providing a single electricity connection to the Petitioners four apartments, which have been used for Hostel purposes with in a single premises, is in accordance with the law, Therefore the petition was dismissed.**" Hence it is requested to discard the contentions of the petitioner based on the relevant regulations.

### **Analysis and findings**

The hearing of the case was conducted on 19/11/2024 at 11:00 a.m. in the O/O Ombudsman D.H.Road, Ernakulam. The hearing was attended by the appellant Sri. Shajan N.P, represented by Adv. Benny Vargheese and the respondent Sri. Riyas.E.A, Assistant Executive Engineer, Electrical Sub Division, KSEBL, Chottanikkara, Erankulam (Dist.).

The appellant had constructed a building with 5 Apartments named Njalil Arcade in two floors. The Ground floor was with two apartments and three apartments in the First Floor. The building is in Mulanthuruthy Grama Panchayath in Ward 13. The apartments were numbered as 13/166/A1, 13/166/A2, 13/166/A3,13/166/A4,and13/166/A5. The appellant obtained a temporary connection for the construction purpose under tariff 6 F. On completing the construction and obtaining the Ownership Certificates of 5 apartments, he had applied for 5 Service Connections to the individual apartments. The Licensee had inspected the premises and found that one apartment in the Ground Floor is used for the residential purpose. The other 4 apartment have been rented out to two persons and the 4 apartment used as a hostel for boys. Then the Licensee had given one connection in domestic tariff LT 1 A for the apartment which is used as residence. The power to the other apartment are managed from the temporary connection (LT 6 F).

The Regional Audit squad of the Licensee had conducted an inspection on 30/06/2023 and found that unauthorised additional load was connected to the connection under tariff LT 6 F. An assessment for Rs. 1,56,530/- has been issued under Section 126 of the Electricity Act 2003. The appellant filed the appeal to Electricity Appellate Authority . This assessment has been set aside by the Appellate Authority. Then the appellant filed the petition to CGRF, and CGRF had issued order dtd.22/08/2024 which states that “This forum finds that the Licensee’s action in providing a single electricity connection to the petitioner’s four apartment, which have been used for hostel purposes within a single premise is in accordance with the laws.”

The regulation 52 of Kerala Electricity Supply Code 2014 describes about single point power supply in Single premise at the same voltage.

### **Regulation (52)**

*“Supply of electricity to be given only at one point for same purpose at the same voltage level in a single premises.- Supply shall be given only at one point for same purpose at the same voltage level in a single premises”.*

The Electricity Ombudsman had conducted a detailed inspection of the premises on 21/11/2024 afternoon. The respondent Assistant Executive Engineer, Chottanikkara and the representative of the appellant were attended the Inspection. The representative available at site has explained the details. The 2 apartment were taken on rent by Mr. Gregory John and other two apartment were rented out to P.J. Prem Roshni and both the tenants are husband and wife. These apartments were taken on lease for running a boys Hostel for a school. Shri. Gregory John is the director of a school under NIOS (National Institute of Open Schooling) Scheme which is little away from the premises. The three apartments on first floor is functioning as the boys Hostel. The Hostel is having a Common Kitchen, Common Dining area, and Common Study room, etc. The double layer cots are used for the children in the bedrooms. One apartment in the Ground Floor is using as a Guest House. It was very clear from the Inspection that the three apartments are functioning as a Common Hostel and not individual apartments and one apartment is used as a Guest house. Then the tariff applicable for these private hostel is LT 7 A. Then the appellant is eligible for two connections one for Hostel and other for Guest house.

## **Decision**

1. The Licensee have to give two Service Connections One for the Hostel and Other for Guest House in LT 7 A.
2. The appellant has to apply for separate connection to the Guest House.
3. No other Costs Ordered.

## **ELECTRICITY OMBUDSMAN**

No. P/066/2024/\_\_\_\_\_ dated: 26/11/2024.

### **Delivered to:**

1. Sri. Shajan . N.P, Njalil House, Perumpilly, Mulamthuruthy, Ernakulam(Dist.)
2. The Assistant Executive Engineer, Electrical Sub Division, Kerala State Electricity Board Limited, Chottanikkara, 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, 220kv Substation Compound, Hmt Colony P.O., Kalamassery, Pin - 683 503.