

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/044/2025
(Present A. Chandrakumaran Nair)
Dated: 09-09-2025**

Appellant : Sri.Anurag Sharma
Power of Attorney,
Indus Towers Ltd., Vankarath Towers
Palarivattom, Kochi,
Ernakulam

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Limited,
Ponnani, Malappuram(Dist.)

ORDER

Background of the case

The appellant Shri. Anurag Sharma is the energy controller of Indus Towers Ltd. M/s. Indus Tower Ltd. is the third party communication Towers owner and operator. This company had installed communication Towers in various places at Kerala to provide effective communications coverage for the Telephone network of different mobile phone providers. This petition is regarding the consumer no.1168025016086 at Electrical Section Ezhavathuruthy under the Electrical Sub Division Ponnani. M/s. Indus Towers availed power connection from Licensee M/s. KSEBL for the Mobile Tower under the tariff LT VI F. This connection was effected on 31/08/2018 with connected load 8.16 KW. As per the Voluntary Disclosure Scheme the connected load has been enhanced to 24.347 KW on 09/2019. The Licensee has charged ECSC (Estimated Cost of Service Connection) charges Rs.17170/-. No work was done in connection with this enhancement. The appellant had requested for load enhancement again from 24.347 KW to 36 KW as per Voluntary Disclosure Scheme on 12/2023. Again the Licensee intended for Rs. 20,594/- as the ECSC for the load enhancement. As the Licensee has not executed any work in connection with the earlier

enhancement the consumer has not paid this amount. The Licensee has issued disconnection notices. Aggrieved by the action of the Licensee, the petition has been filed to the CGRF. The CGRF had issued the order on completing the procedures on 21/06/2025, stating that the appellant is liable to pay the amount demanded by the Licensee. This petition is filed as the appeal to the Order of the CGRF.

Arguments of the Appellant

We, M/s Indus Towers Ltd., a leading mobile tower infrastructure provider in Kerala, operate over 9400 tower sites across the state, all with electrical service connections from KSEBL. We consistently remit approximately 50 crore per month toward electricity charges, with applicable tariffs averaging 11.50 per kWh (inclusive of fixed charges). The instant appeal pertains to Consumer No. 1168025016086 under Electrical Section, Ezhuvathiruthy. Despite timely payment of all bills, a demand note for Rs.20,594/- was issued by the Assistant Engineer towards short collection of Estimated Cost for Service Connection (ECSC) in connection with a load enhancement from 23 kW to 36 kW under the Voluntary Disclosure Scheme during December 2023, allegedly based on an audit observation by the Regional Audit Office (RAO).

It is pertinent to mention that an earlier amount of Rs.17,170/- had already been remitted on 09.04.2024 towards short collection for a previous load enhancement from 9 kW to 25 kW as per a similar RAO audit report for a work claimed to have been executed in 09/2018. However, upon physical verification, no such work has been carried out at the site, and the existing service cable remains as 1/2.8 mm² aluminium weatherproof twin-core cable (1.1 kV, PVC insulated, PVC sheathed). As per the standard estimates approved by the Hon'ble Kerala State Electricity Regulatory Commission (KSERC), the mandatory cable specification for:

- Load range 10-25 kW is 50 sq.mm PVC aluminium cable
- Load range 25-50 kW is 95 sq.mm PVC aluminium cable

The fact that the site continues to use only 1/2.8 aluminium weatherproof cable demonstrates that no service cable upgradation has occurred, contrary to the prescribed norms.

Following this, our Accounts Department was instructed to verify the works executed on-site before approving the additional ECSC payment. Upon inspection, it was confirmed that even the works relating to the previous payment made in April 2024 were not executed, and hence, the proposal for additional payment was declined. This was duly communicated through our letter dated 15.11.2024 and repeated reminders. However, no clarification or reply was received. Instead, repeated disconnection notices were issued.

Consequently, we were constrained to file a complaint (OP No. 21/2025-26) before the CGRF, Northern Region, Kozhikode (Exhibit A8), highlighting the following key contentions:

1. ECSC recovery must strictly conform to actual execution of work as per standard estimates approved by the KSERC.
2. Collection of estimate amounts without execution of corresponding works is a direct violation of regulatory principles and consumer rights.
3. The use of 1/2.8 aluminium weatherproof cable, which has a maximum current capacity of only 36A, is insufficient for a 36kW load and clearly contradicts the standard estimate provisions.

In response, the Respondent contended that execution of work as per the KSERC standard estimate is not mandatory for raising ECSC demand. They also falsely claimed that the 1/2.8 aluminium cable can carry 53A, which is factually incorrect. As per IS 3961 and standard cable specifications, aluminium 1/2.8 weatherproof cable can carry only up to 36A, and the claim of 53A likely relates to Tough Copper (TC), which is not used in this installation. Further, the Respondent referred to a petition allegedly filed before KSERC regarding the use of 50 sq.mm cable for 10-25 kW load, which was not acted upon. This submission lacks relevance, as regulatory inaction on an unrelated petition does not override the binding standard estimate guidelines. Despite all these substantiated points, the CGRF issued an order directing us to remit the ECSC amount, without any finding on the critical aspect of non-execution of work for the previous payment, thereby overlooking the core of our grievance.

In light of the above facts and circumstances, we respectfully request the Hon'ble Electricity Ombudsman to:

1. Set aside the order passed by the CGRF, Northern Region, Kozhikode in OP No. 21/2025- 26, which has failed to address the core issues raised.
2. Direct the Respondent to execute the service connection enhancement work at the site as per the standard estimate corresponding to the payment already made.. Declare that further payment towards ECSC shall be subject to verification of actual work executed at site as per KSERC-approved schedule.
4. Pass such other or further orders as may be deemed just and proper in the interest of justice.

We reiterate our commitment to remit any cost duly justified against actual work carried out as per regulatory norms and verified at site.

Arguments of the Respondent

The Consumer No. 1168025016086 at Electrical section Ezhavathuruthy under Electrical Division Ponnani is a Mobile tower connection under VIF tariff with registered address M/S INDUS TOWER LIMITED, 8 TH FLOOR, VANKARATH TOWERS NH-47, PASS PALARIVATTOM, KOCHI-682024.

The above mentioned Connection was effected on 31.08.2018 with connected load 8160 w. As per their request, connected load was enhanced to 24347w under Voluntary Disclosure Scheme on 09/2019. Under Voluntary Disclosure Scheme, no caution deposit is required but ECSC is to be remitted. But additional ECSC amount was not collected for the enhancement of connected load. As per the cost data issued by Kerala State Regulatory Commission, the estimate amount for enhancement of connected load of LT three phase weather proof service connection with a max. Load of 10kW into the range of 10kW to 25 kW is Rs.14550 + 18 % GST. Hence demand for additional ECSC for Rs.17170/-(Rs.14550/- + GST Rs.2620/-) was generated on 14.09.2022 as per the audit report of 2022-23. The consumer remitted Rs.17170/- on 09.04.2024 through Bank Transfer.

On December 2023 under Voluntary Disclosure Scheme, their connected load was enhanced from 24347w to 36000w Under Voluntary Disclosure Scheme, no caution deposit is required but ECSC is to be remitted. But additional ECSC was not collected from the consumer. As per the order under reference (4) - Annexure 63, the estimate amount for the enhancement of connected load of 3 Phase Service Connection with load in the range of 10kW-25 kW into to the range 25 kW-50kVA is Rs.20594/-. So additional ECSC Rs.20594/- was demanded on 14.11.2024 and intimated the consumer on 15.11.2024. But they didn't remit the amount. After that several intimations were given through the registered phone. A reminder was sent on 15.03.2025 and a disconnection notice as per the Kerala Electricity Supply Code 2014- regulation 138 1(a), was issued on 13.05.2025 (submitted as Exhibit 6). But they didn't remit the amount yet.

1. ECSC collected as per the cost data approved by Kerala State Electricity Regulatory commission (KSERC).
2. The Ampere range of energy meter installed in the premises is 10-60 A range (Make. Viontek Sl. No. 00410556). The maximum demand of ampere capacity needed for 36 kW with 0.95 PF is only 53A. So CT meter is not required for this connection. Hence for the time being 95sqMM cable is not required for the connection of this consumer.
3. We have measured the load range of the above said consumer on the following days for the load review:-
 - 28.05.2025 at 12.10 PM is 23A, 12A and 12A.
 - 04.07.2025 at 3 PM is 14.5A, 14.6A, 22.5A
 - 07.07.25 at 11.30AM is 11.5A, 10.6A, 18.1A

The cable TC Weather proof wire 1/2.8 (Cable 1.1KV PVC insulated AL Twin core 6 Sq.mm PVC Sheathed Weather proof) is normally used such connection since the current carrying capacity of this WP wire is 41- 47A maximum (capacity varies depends on the type of installation) Hence 6sq.mm WP wire is enough for the above said connection.

The Hon'ble CGRF northern region conducted hearing on this case on 20/06/2025 FN at conference hall, Electrical circle Tirur and have taken the following decisions as mentioned below. (CGRF order submitted as Exhibit 7) The Petitioner should remit the ECSC amount of Rs. 20,594/- on or before 05th of July, 2025. On remittance of the above amount by the petitioner, within 24 hours, the licensee should inspect the premise and issue Annexure 6 to the complainant. On obtaining communication from the Petitioner regarding rectification of the defects and on the verification of the same by the licensee on joint inspection, the service connection of the petitioner may be upgraded within 7 days with standards specified in approved cost data.

Therefore, we humbly submit this statemment before Hon'ble Forum that all the arguments of the above said petitioner are baseless. The consumer is intentionally delaying the remittance by raising with different arguments day by day. Hence it is hereby submitted that Hon'ble Forum may issue neccessary direction to the consumer to remit the dues to KSEBL at the earliest and this will ensure the smooth functioning of the system.

Analysis and findings

The hearing of this appeal petition was conducted on 19/08/2025 at 11:30 a.m. in the O/o State Electricity Ombudsman, D.H Road, Ernakulam dt. The hearing was attended by the appellant's representative Shri. George M.Y and the respondents Sri.Royson I Cheeran, Assistant Executive Engineer, Electrical Sub Division,Ponnani and Sri. C.Baburaj, Assistant Engineer, Electrical Section, Ezhuvathiruthy, Malappuram (Dist.)

The appellant M/s. Indus Towers Ltd is the largest Mobile phone Tower providers in Kerala. They have around 9400 connections and the monthly powercharges payment to the Licensee is around Rs. 50 Crores. They provide tower facility for mobile phone operators to install their antenna to have good network coverage. The connection with Consumer number 1168025016086 is availed for their mobile tower from the Electrical Section Ezhuvathuruthy on 31/08/2018 with connected load 8.16 KW. They have enhanced the connected load to 24.347 KW under the Voluntary Disclosure Scheme on 09/2019. The Licensee had demanded the Estimated Cost of the Service connection charges of Rs.17170/- and the consumer had remitted the same. The ECSC was calculated as per the cost data approved by the KSERC for the load enhancement from 10 KW to 25 KW. The amount as per Cost data is Rs. 14550 and including GST @ 18% total amount

worked out Rs. 17,170/-. The appellant again requested for a connected load enhancement under Voluntary Disclosure Scheme from 24.397 KW to 36KW. Licensee had send a demand notice for Rs. 20,594/- towards ECSC charges. The consumer has not remitted this ECSC charges as the Licensee had not executed any work for the earlier enhancement to 24.347 KW. When the load enhancement from 8.16 KW to 24.347 KW is sanctioned, the Licensee has not changed the service wire, meter or any other materials of this connection which means that the Licensee has not incurred any cost. Why the replacement was not done? The explanation of the respondents are

- (1) The energy meter installed at current carrying capacity form 10 A to 60 A.
- (2) The current carried in the circuit is less than 23 A.
- (3) The WP service wire used is 6 Sq.mm aluminium cable which could carry 41-47 A.

The full load current for 25 KW connected load would be 38 A at 0.95 pf and 40 A AT 0.9 pf. This again may vary according to the voltage. The maximum current carrying capacity of 6 Sq.mm Aluminium cable is between 30 to 33 A. Then the justification of the respondent is not sustainable. The components used in the electrical system should be capable of handling the maximum connected load.

Then the purpose of ECSC is examined. The Section 46 of the Electricity Act 2003 the power of Licensee to recover expenditure is stated.

Section 46. (Power to recover expenditure): *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 giving that supply.*

This states that the expenditure incurred by the Licensee for providing connection could be recovered. This is only a recovery of expenditure and not the charges as per Section 45. If the Licensee is not incurred any expenditure, this could not be recovered.

The regulation 32 of the Kerala Electricity Supply Code 2014 also describes about the recovery of expenditure.

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 distributing main, any electric line or electrical plant required exclusively for the purpose of giving that 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.*

(3) *The licensee shall not include the cost of meter while preparing the estimate of the expenditure to be recovered from the consumer under sub regulation (1) above.*

33. (1) *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.*

The regulation is also very clear that the Licensee can recover expenditure which is incurred by the Licensee for extending connection or enhancing the connected load as per the cost data approved by the commission as per Section 46 of the Act.

Here in this case the Licensee has not incurred any expenditure for enhancement of connected load from 8.16 KW to 24.347 KW. Now the requirement is to enhance the connected load to 36 KW. While sanctioning the enhancement, the service wire and the connected electric system are to be replaced conforming to the full load current of the connected load.

The Cost data approved by the commission from enhancement of connected load from 10 KW to 50 KW is to be considered. Then from this amount the amount already paid Rs. 17170/- is to be deducted.

Amount payable		The cost of enhancement of	
By the appellant	} =	connected load in LT	} - Rs. <u>17170</u>
for load enhancement		3 phase from 10 KW to 50 KW	

Decision

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

1. The demand raised by the Licensee for Rs. 20,594/- is quashed herewith.
2. The Licensee has to issue the revised demand notice considering the cost of enhancement of connected load from 10 KW to 50 KW and deduct the amount already paid which is Rs. 17,170/-.
3. The appellant is liable to pay the amount as per the revised demand raised by the Licensee as per decision (2) above.
4. The Licensee shall enhance the connected load on complying the decision (2) & (3)
5. No other costs approved.

ELECTRICITY OMBUDSMAN

No. P/044/2025/_____ dated: 09-09-2025 .

Delivered to:

1. Sri. Anurag Sharma, Power of Attorney, Indus Towers Ltd., Vankarath Towers, Palarivattom, Ernakulam dt.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Ponnani, Malappuram dt.

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, Vydhyuthibhavanam, KSE Board Ltd., Gandhi Road, Kozhikode - 673011.