

STATE ELECTRICITY OMBUDSMAN

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REPRESENTATION No: P 124/10

Appellant : Sri Muraleedhara Kymal, President ,
Diamond Castle Owners Association
Vellayambalam, Thiruvananthapuram 695010

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division Vellayambalam,
Thiruvananthapuram 695010

ORDER

Sri Muraleedhara Kymal, President , Diamond Castle Owners Association, Vellayambalam, Thiruvananthapuram submitted a representation on 16.2.2010 seeking the following relief:

Allow domestic tariff for the power supply to the common area in the building Diamond castle.

Counter statement of the Respondent was obtained and hearing conducted on 18.05.2010.

The Diamond Castle at Vellayambalam is an apartment complex consisting of 16 apartments. There are 20 LT service connections in the building : 16 for domestic purposes, 1 for common facilities, and 3 for commercial purposes namely Spencer's super market, Kuwait airways and an ATM . There is one cellular communication tower on the top floor. The tariff for the common services connection is LT VII A Commercial . The Appellant had approached the KSEB as well as CGRF Kottarakkara for getting the tariff for common service connection changed to domestic but their plea was not allowed. The representation with the plea noted above is submitted to the under signed in the above back ground.

The Appellant contends that the common facilities connection is used exclusively by the apartment residents only. The commercial and residential areas are separate. The common facilities are not being used by the commercial consumers/occupants. On the above grounds and in accordance with the principles of natural justice the Appellant pleads that domestic tariff may be allowed for the power supply to the common area in

the building Diamond castle. The Appellant had made written requests for the change of tariff right from 6.9.2007 but had not received any reply. The matter was taken up in an adalath on 21.2.2009 but failed to get favorable orders.

The Respondent stated that the total connected load of the commercial connections at present is 83KW .The total connected load of the building is 272KW. That is, the connected load of commercial consumers is around 30% of the total connected load of the building. More over one cellular tower is functioning on the roof top of the building. Even though they are working on generator at present, the lift is used by them also. KSEB had given Power allocation to the cellular tower connection for 19KW based on a no objection certificate from the Appellant. If this load comes up on the roof top, the percentage of non-domestic load would go up again. The Respondent pointed out that ,as per the existing tariff structure, if the connected load of the non-domestic connections exceeds 5% of the total load of the high rise building the tariff applicable for the common service shall be the highest of the non-domestic tariffs.

The note (1) under LT I A domestic tariff of ‘Schedule of Tariff and Terms and Conditions for Retail Supply by KSEB’ with effect from 01-12-2007 issued by the KSERC reads as follows:

Power supplies to common facilities such as water supply, common lighting, lifts, etc. in multi-storied buildings mainly for domestic occupation shall be under the domestic tariff *if the connected load other than domestic is less than 5% of the total load.*

The same sentence appears unchanged in the Schedule of Tariff and Terms and Conditions for Retail Supply by KSEB effective from 01/01/2010 .

It is clear that the above notification mandates for applying non-domestic tariff for all cases where the connected load other than domestic is more than 5% of the total load of the building. Distinction whether the common facilities are used by the domestic residents partially or fully is not relevant as per the notification. The Licensee is not expected to use such discretionary approach as far the tariff notification is concerned. More over in the instant case it has been established that the mobile communication tower is established on the roof top of the building, power allocation has been issued to them based upon no-objection certificate issued by the Appellant and the lift shall be used for this non-domestic purpose.

As such I am inclined to accept the view points expressed by the Licensee KSEB that LT VII A commercial tariff is applicable for the common facilities service connection of the building.

Orders:

Under the circum stances explained above and after carefully examining all the evidences, arguments and points furnished by the Appellant and Respondent on the matter, the representation is disposed off with the following orders:

- 1. The arguments/claims/points raised by the Appellant in support of the reliefs sought for are devoid of merit and hence the reliefs are not allowed and the representation is dismissed*
- 2. No order on costs.*

Dated this the 19th day of May 2010 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 124 /10/ 562 / dated 20.5.2010

- Forwarded to:
1. Sri Muraleedhara Kymal, President ,
Diamond Castle Owners Association
Vellayambalam, Thiruvananthapuram 695010
 2. The Assistant Executive Engineer
Electrical Sub Division Vellayambalam,
Thiruvananthapuram 695010

Copy to :

1. The Secretary,
Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram 695010
2. The Secretary ,KSE Board,
Vaidyuthi Bhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF, KSE Board, Vaidyuthi Bhavanam
KOTTARAKKARA