

# STATE ELECTRICITY OMBUDSMAN

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## REPRESENTATION No: P 99/10

Appellant : Smt P.T Aysha , Director  
Gasha Steels Pvt Ltd  
NIDA, Kanjikode, Palakkad Dt

Respondent: Kerala State Electricity Board  
*Represented by*  
The Deputy Chief Engineer  
Electrical Circle , VaidyuthiBhavanam ,  
PALAKKAD 678014

## ORDER

Smt P.T Aysha , Director,Gasha Steels Pvt Ltd,NIDA, Kanjikode, Palakkad Dt submitted a representation on 17.9.2009 seeking the following relief :

*To set aside the order dated 12.8.2009 of CGRF Kozhikode*

*To declare that the complainant is entitled for additional load with effect from the date of application and to declare that the non consideration of the same by KSEB amounts to deficiency of service.*

*To direct the KSEB to regularize the additional load*

*Set aside the decision of the KSEB to penalize the complainant's alleged additional load*

Counter statements of the Respondent was obtained and hearing conducted on 11.12.2009, 7.1.2010,9.2.2010,1.6.2010 and 11.6.2010. Both the Appellant and Respondent submitted several supplementary documents as well as detailed arguments notes during the course of the hearings.

The Appellant is an HT consumer of KSEB and the HT agreement no: 14/2001-02 dated 13.12.2001 provides for contract demand of 1900 KVA and connected load of 1915 KW. The APTS of KSEB inspected the premises on 18.12.2007 and detected a total load of 3238.5 HP plus 850.2 KW plus 36 KVA connected and put to use . A site mahazar was prepared and a copy of the same given to the Manager who was present. The bill issued

by the Special Officer (Revenue) for penal charges on 6.2.2008 was withdrawn due to reasons of procedural impropriety and the Assistant Engineer issued a new provisional assessment of the irregularities noted. He issued the provisional assessment amounting to Rs 1,90,60,735/- on 10.9.2008 and advised the consumer to file objections if any under Section 126 of the Electricity Act 2003. The Appellant is reported to have filed objections as per the provisions of the Act. But since the matter was taken up to CGRF also the matter was kept pending by the Assistant Engineer. When the CGRF disposed off the matter on 12.8.2009 the Appellant was called for a hearing on 16.9.2009 by the Assistant Engineer. Mean while the consumer filed the appeal representation before the undersigned on 17.9.2009.

The Appellant had raised the contention that she had already submitted application for the additional load as early as in 2001 and 2002. She also claimed that the power allocation order dated 25.8.2001 had authorized her to connect up 2835 KVA and she had connected up the load at different stages for which she is entitled since the power allocation order is a part of the agreement. She also claimed that the installation completion reports for the loads connected had been submitted from time to time. Connected load is not a part of the schedule to the agreement and it can be seen that the entry is written by hand and inserted subsequently.

The Respondent stated that the applications for sanction of additional loads stated to have been given in 2001 and 2002 had not been received in the office. Connected load installed can not be regularized by sending some letters and intimations. There are set standard procedures for the same. The loads installed at the time of providing the connection were noted in the agreement based upon the installation completion report submitted at that time and inspections conducted. Once the agreement is executed with the installation completion report and other documents attached there on, the power allotted in the Power allocation order become irrelevant.

#### Discussion and Findings:

Neither in any of the documents submitted nor during the course of hearing, the Appellant had disputed the existence of a total load of 3238.5 HP plus 850.2 KW plus 36 KVA in the premises against the contract demand of 1900 KVA and connected load of 1915 KW installed at the time of providing the HT connection. The Licensee KSEB has classified the additional connected load under Unauthorized Additional Load and initiated action under Section 126 of the Electricity Act 2003. The Appellant had not utilized the remedy available under the Section 126 and 127 nor has the remedy expired.

The Kerala State Electricity Regulatory Commission has clarified on 15.6.2010 that the Commission views that '*the Unauthorized Additional Load is coming under Section 126*' of the Act.

Under the circumstances noted above I do not intend to enter into the merits of the contentions of the parties involved in this case or to pass awards on the matter, since the Ombudsman is not expected to entertain the grievances related to Section 126 of the Electricity Act 2003.

The Appellant shall be free to utilize the remedies envisaged in the Section 126 and 127 of the Electricity Act 2003 and the Licensee is expected to take all the

grievances/facts/contentions put forward by the Appellant before taking decisions on the matter.

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 representation submitted by the Appellant is dismissed without any comments on the issues involved.*
2. *No order on costs.*

Dated this the 28th day of July 2010,

P.PARAMESWARAN  
Electricity Ombudsman

No P 99/2009/ 626 / dated 30.7.2010

Forwarded to: 1.Smt P.T Aysha , Director  
Gasha Steels Pvt Ltd  
NIDA, Kanjikode, Palakkad Dt

2. The Deputy Chief Engineer  
Electrical Circle , VaidyuthiBhavanam ,  
PALAKKAD 678014

Copy to :

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

Copy communicated to : The Special Officer (Revenue) , KSEB,  
Vaidyuthibhavanam , Thiruvananthapuram 4

