

## STATE ELECTRICITY OMBUDSMAN

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### Appeal Petition No: P/ 224/ 2011.

APPELLANT : G Satheesh kumar,  
Thekkekalathil house, Kanjikuzhy, S.L.Puram P.O.  
Cherthala, Alappuzha Dt.

RESPONDENTL : The Assistant Executive Engineer  
Electrical Sub Division, KSEB,  
S.L. Puram P O, Cherthala,  
Alappuzha Dt.

### ORDER.

#### Backgrounds of the case:-

The appellant had constructed the first floor to his residential building bearing Building No 14/268 under Kanjikuzhy Panchayath and applied for a separate electric connection to the newly constructed first floor on 12-2-2011. His house comprising the ground floor was already having an electric service connection with consumer no.15959 under Electrical section S.L. Puram. The Board denied the request for separate electric connection on the ground that no separate entrance from outside the building to the first floor is available.As per the existing KSEB rules for providing separate electric service connection under domestic tariff to various floors of the same building, it requires to provide independent entrance for each floor. Intimation to the same effect was issued to the applicant. But the applicant claims that since the Local body has given separate building number to the first floor, the Board is also bound to provide separate Electric connection to the same. Aggrieved by the denial of electric connection due to the absence of independent entrance to the First floor, the Appellant preferred a complaint before CGRF, Ernakulum, which was dismissed by its order dated 9-5-2011. Aggrieved by this order, the consumer submitted Appeal before this Authority.

#### Arguments of the appellant:-

The appellant is staying with his family in the building No 14/268 B and has constructed a first floor in the said building and got it numbered from Local body as 14/268 C. He has applied for a new Electric connection to it on 12.02.2011 and the respondent denied the request on the ground that the entrance to the first Floor is through the interior of the ground floor which is against Board rules. The residential building is situated in about 2¼ cents and there is much difficulty in constructing a staircase in its exterior after keeping the distance from the boundaries, as per rules. He enquired with higher officials of the Board and there by understood that Board is bound to provide electric connection to a

building once a number is issued by the Local Authority.

Another argument of the appellant is that the respondent has not considered and enquired about the application submitted to KSEB for a new electric connection. The necessity for the connection to the said building was also not considered. The most important argument raised by the appellant is based on the new building number allotted to the first floor by the local body authorities. According to the appellant, the Board is bound to provide electric connection to any building having building number, on request from the applicant. Lastly the appellant has submitted a request to take action against the erring authorities of KSEB who failed to give connection in time and defamed him by forcing to charge a police case against him. He also requested to award a compensation for Rs. 12 lacs for the defamation.

Arguments of the respondent:-

The Respondent, the AEE, Electrical Sub Division, S.L. Puram has filed the counter statement of the Petition stating that all the averments in the petition except which are admitted, are false and hence denied. The appellant is a domestic consumer under Electric Section S.L. Puram w.e.f. 14/11/2008. It is true that he had submitted application for a new Electric service connection before the AE, Electrical section, S.L. Puram on 12/2/2011. The Sub Engineer of electrical section S.L. Puram inspected the premises of the appellant and reported deficiencies noticed during inspection to the Asst. Engineer. There upon the Asst. Engineer inspected the site along with AEE and confirmed the following deficiencies.

- 1). There is no separate entrance from outside to the first floor of the building where he had applied for the new service connection. The entrance is through the drawing room of his house situated in the ground floor which has its own connection.
- 2). The consent for drawing weather proof wire through the property of his neighbor is not available.

Regarding the deficiency point no.1, the Respondent has quoted the relevant provision in B.O. (FB)/ (Genl) No. 510/2010 (DPC 11/AE/T and C of supply, 2/2009) dated 24/2/2010 which states that "There should not be more than one service connection allotted for the same purpose and in the same Tariff in the same premises. However, separate service connections in domestic tariff will be given to independent dwelling units in buildings for domestic purpose if so desired by the consumer, if separate entrance from outside and separate wiring is provided for each dwelling unit." Regarding the 2<sup>nd</sup> deficiency, the contention of the Respondent is that he had orally requested to the neighbor of the appellant for permission to draw the line but was denied by him. This deficiency can be settled by taking up the matter with Addl. District Magistrate as per Law.

There is no case of deficiency of service from their side. The premises of the applicant was inspected immediately and the deficiencies noticed were promptly informed to the consumer through letter dated 21.02.2011. There after the petitioner has approached the CGRF, Ernakulum and the same Forum after hearing both sides dismissed the Petition on 09.05.2011.

The respondent has submitted that on 8/3/2011, the appellant approached the office of EE, Electrical division, Cherthala, for enquiring the new service connection to his building. He had made noisy scenes and used abusive languages against the AEE Sri Muraleedharan who was holding the charge of EE, in his cabin and also tried to disturb office functioning. It was the appellant who created some scenes in the office which compelled the office authorities to call the police and they took him

into custody.

Analysis and Findings: -

Hearing was conducted on 22.12.2011, in my chamber at Edappally, and Mr. Satheesh Kumar, and Mr. Sajan V.B, Senior Supdt, Electrical Section S L. Puram, were present and represented the Appellant and Respondent side respectively. The Appellant was in a restless mood and remained in over talkative attitude during hearing and it seemed that the appellant was more interested in getting compensation rather than getting the Electric connection. He showed no interest to argue the case filed before this Forum but instead, from the very beginning of the hearing, he began to say that he did not expect any relief from this Forum as it is a part of KSEB and therefore wants the order from here so as to approach other courts of Law and was also saying that he got compensation from a Doctor after conducting case and similarly he is going to file cases to get compensation of lakhs of rupees from KSEB. He did not argue his side of the case but instead wanted to get the Appeal Petition disposed of so that he could approach other Forum for compensation.

The brief facts and circumstances that led to filing this Petition before this Authority is narrated above. On examining the Petition, the statement of facts filed by the Respondent, considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

The first and foremost argument of the appellant in the Petition is that the CGRF has not considered the fact that the residential building is situated in about 2 ¼ cents and the difficulty in constructing a stair case on its exterior after keeping necessary distance from the boundaries. The applications for new Electric connections are dealt with by the KSEB as per the provisions under the Kerala State Electricity Supply Code 2005 and KSEB Terms and Conditions of Supply 2005, as approved by the Hon: KSERC. The KSEB has also issued 'General guidelines' to ensure uniformity for effecting service connections vide BO (FB) (Genl) NO.510/2010(DPC11 /AE/T&C of Supply 02/2009 dated 24/2/2010. Further the Board has issued some modifications /clarifications to the above said order, vide BO (FM) (Genl) No.1538/ 2010(DPC11AE/T&C of Saupply02/2009) dated 15/6/2010. An extract of para 1.1 of the above said order dated 24/2/2010 in so far as relevant to this case is as follows "Multiple service connections may be permitted in a premise, even if separate building number is not allotted by the local body subject to the following conditions: "-----There should not be more than one service connection allotted for the same purpose and in the same tariff in the same premise. However, separate service connections in domestic tariff will be given to independent dwelling units in buildings for domestic purpose if so desired by the consumer, if separate entrance from outside and separate wiring is provided for each dwelling unit". Further, Regulation 14 (9)(a) of KSEB Terms and Conditions of Supply, 2005, also specifies that, " -----independent service connections shall also be given to the different floors of the building for domestic purpose if so desired by the consumer, only if separate entrance from outside and separate wiring is provided for each floor".

The Hon: KSERC is appointed as per the I E Act, 2003, and the same Commission formulates the Regulations for the Distribution of electrical Power and has approved the KSEB Terms and Conditions of supply, 2005, after seeking opinions and conducting Public hearings on the proposed Regulations. As per Clause 14(9) (a) of KSEB Terms and Conditions of supply, it is specified that separate entrance from outside and separate wiring is essential to each floor, for becoming eligibility to independent service connection. This rule may be prescribed to avoid unwanted problems in future for attending the

complaints of individual connections, if there was no independent passage to each connection.

Thus there exists an important condition specifically made for giving separate domestic connection to different floors of a building and is that there should be separate entrance from outside and also separate wiring to each floors. This condition is not fulfilled by the appellant fully. Hence in true spirit of the provisions made for giving separate connections to different floors, no injustice is seen to be done from the Respondent's side, since the Respondent is not competent to give relaxation in enforcing the Regulations issued by a Authority appointed by Law.

The appellant alleges that Respondent has failed to give electric connection and also the Licensee's staff handed him over to Police unnecessarily and thereby defamed him and hence need compensation of 12 lakhs for the same. The respondent has intimated the appellant the reason for not registering the new service connection he has applied for the first floor of his building and has acted as per the existing rules only. The accusation that he was defamed by handing over to Police is not proved and hence not maintainable. The Respondent on the other hand argues that the appellant without any provocation tried to disturb the official duties of its employees by using abusive languages and making noisy scenes in the office and hence they called the Police which is an action as stated by Law only. The contention of the appellant that he was simply handed over to Police without any valid reasons is not believable considering his behavior and attitude shown on the Hearing date as he was reluctant to keep the decorum and show respect to this Forum.

DECISION: -

The existing rule clearly specifies to have separate entrance to each floor of the building as a condition for providing independent Electric service connection (domestic) to different floors of a Building as per clause 14(9)(a) of the KSEB Terms and Conditions of Supply, 2005. This may be to avoid disturbance to other consumers, in the event of Inspection, meter reading, testing, repairing or altering the supply lines, Meters etc of another service connection. The Licensees will be able to deal with individual electric service connections directly without waiting for a 2<sup>nd</sup> service connection's premises to be crossed over for getting admission to the 1<sup>st</sup> connection.

It is not correct to say that, getting the building numbered from the Local body is the only criteria needed for getting a new electric connection. It shall be as per the Terms and Conditions of Supply, of the Supplier of Electrical Power and approved by the Hon: Commission from time to time only.

The appellant himself has admitted that the KSEB officials did inspect the premises in time once the application for new connection was submitted and also informed the discrepancies noted for registering the Electric service connection. Hence there is no deficiency from the respondent's side on that account.

The appellant's request for Compensation is denied as the case of defame or deficiency in service to consumer is not proved and further the Respondents has acted as per rules only in not registering the service connection of the appellant to his first floor of the building.

Hence for the decisions taken as above, the Appeal Petition No P/ 224/ 2011 filed by the Appellant stands dismissed as it is found devoid of merits and is ordered accordingly.

Dated the 7<sup>th</sup> of February, 2012.

No.P/224/2011/ 1117 Dated 07.02.2012.

Forwarded to .1. Sri.G.Satheesh Kumar, Thekkekalathil house, Kanjikuzhy, S.L.Puram,  
Cherthala, Alappuzha.  
2. The Assistant Executive Engineer, Electrical sub division, KSEBoard,  
S.L.Puram P.O. Cherthala, Alappuzha.

Copy to 1. The Secretary, Kerala State Electricity Regulatory Commission,  
KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.  
2. The Secretary, KSEB, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-  
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3. The Chairperson, Consumer Grievance Redressal Forum, Power House,  
Ernakulum-682 018.