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Appeal Petition No: P/174/2010  
(Present T P Vivekanandan)

APPELLANT : Mr. Saheer E.N.  
Director, Air Travel Enterprises Indis Ltd. &  
Chairman, Great India Tour Company,  
LMS junction, Thiruvananthapuram.

RESPONDENT :The Assistant Executive Engineer  
Electrical Sub division, KSEB, Puthanchanda,  
Thiruvananthapuram.

ORDER.

BACKGROUND OF THE CASE: -

M/s Air Travel Enterprises India Ltd. and M/s Great India Tour Company are functioning in the building complex owned by Thiruvananthapuram City Corporation under lease in which the electric connections with consumer Nos.5931 and 4865 are provided under LT VIIA-commercial tariff. Applications for enhancement of connected load on consumer No.5931 and reduction in connected load on No.4865 and for a fresh electric connection were submitted to the Assistant Engineer, Cantonment section KSEB by the Appellant. The AE has intimated some deficiencies in the application. Reply to that was communicated on 8-3-2010 and the Appellant alleges that the points raised in the letters dated 8-3-2010 were unrelated and consists of delay tactics only. Aggrieved by this, the petitioner preferred a Petition before the CGRF and the Forum in their order OP no. 546/2010 dated 4/9/2010, held that " the arguments/claims/points raised by the petitioner in support of the reliefs sought for, are devoid of merit and hence the reliefs are not allowed and the petition is dismissed ". Aggrieved by this order, the consumer submitted Appeal before this Authority.

ARGUMENTS OF THE APPELLANT: -

The main contentions of the Appellant in the Petition are the following:

- 1).The applications for enhancement of connected load for consumer No.5931, reduction in load for 4865 and for a new electric connection were submitted to the Asst. Engineer on 18.1.2010. The Asst. Engineer refused to accept the applications and after making specific complaint to the Assistant Executive Engineer only, it was accepted. The AE informed the deficiencies in the application on the same date itself through a letter and the same were rectified and the required documents were submitted on 2-2-2010. One of the deficiencies which was noted was 'valid power allocation from the Assistant Executive Engineer, Electrical Sub Division, Puthenchanda. On that matter the Appellant had submitted a letter to the AEE and a copy was forwarded to the AE. No reply was issued to it by either party.
- 2). The City Corporation building, Thiruvananthapuram is a continuous building from the Council hall in the east to west in contiguous to MG road, T'vpm. It is not a subsidiary building to be

called as annex to mark as a separate entity to adjudge for the convenience of the licensee in detriment to the petitioner. The so called annex building is also fed from the same transformer. Therefore the attempt of classifying this portion of the building only as a high rise building and invoking Clause 5 (5) of KSE Board Terms and Conditions of Supply are irrelevant. If this Clause was invoked earlier a number of transformers would have been there since the combined load in that portion of consumers is well over 50 KVA.

3). Another argument of the appellatant is that the whole complex is feed from a 315 KVA Trfr which was installed for its exclusive purpose. But the licensee has provided a connection to another consumer, since the licensee has the right to do so according to, then prevailed terms and conditions of supply. Therefore this point shows that the transformer is installed not for the exclusive purpose of energizing corporation building complex. Another pointing evidence is that neither Clause 5 (5) and 5 (e) of KSE Board Terms and Conditions of Supply is not applicable here since the licensee has provided a connection in the building with a contracted load of 61 kw on consumer no. 4862.

4). The appellatant challenges the argument of the licensee that every load above 50 KVA at a premise needs installation of separate transformer. The licensee had provided individual electric connections at different times, at many premises, which have separate building numbers. Neither the licensee nor the consumers provide separate transformers for the respective connections after the said portion became saturated with 50 KVA load. The simultaneous argument raised by the licensee was that the transformer is overloaded to accommodate additional load. It shows that if the transformer is not overloaded the licensee would have accommodated the load requested for.

5). The next argument of the appellatant is that as per the statement filed by the licensee before the CGRF, the total load is 295 KW and as per the details furnished under Information Act the total load is 328.189 KW. The combined connected load including alleged unauthorized load additionally connected with consumer no. 4865 & 5931 as per above is 90.000KW. The total load requested as per application is 94.584KW. Therefore the excess load requested over and above is only 4584 watts. He argues that considering the loads and the diversity factor there is no harm in loading the transformer with another 4584 w. This argument was never refuted by the licensee during the hearing. The matter was never expressed by the CGRF in their findings while dismissing the petition. Something conveniently unsaid and the matter not refuted is acceptance of the facts.

6). Another contention raised by the appellatant is that Clause 8 (1) (c) which has been referred by the CGRF does not apply in this case. The buildings for which an exclusive transformer is installed for energizing and loads are connected for different consumers in that building without considering the upper limit of 50 KVA. The licensee has never earlier ventured to act as stated by Clause 8 (b). If the licensee was very sure that the consumer should install a transformer either due to the reason aforesaid by the licensee and which is upheld by CGRF, the licensee should have acted as instructed under Clause 8 (1) (b).

7). Further the appellatant argues that the CGRF have drawn out reference from Clause 5 (5), 5 (c) of KSE Board Terms and Conditions of Supply and 8 (1) (c) of the Kerala Electricity Supply Code 2005 for disallowing reliefs. These clauses are irrelevant in this case. The CGRF also turned a Nelson's eye towards the violation by licensee of Clauses 4 (6), 5 (1) (b), 5 (2) (b) of KSE Board Terms and Conditions of Supply, and the Clauses 8 (1) (a) & (b), 5 (6), 6 (5), 5 (2) (b) of the Kerala Electricity Supply Code, 2005, and Section 43 (1) of Electricity Act 2003. The appellatant is deeply aggrieved and pray for natural justice and prevalence of Rule of Law.

Reliefs sought: -

- 1). Direct the AE to allow additional load and reduced load on consumer No 5931 and 4565.
- 2). Direct to give new service connection.
- 3). Pay penalty as envisaged under Standard of Performance Regulations.
- 4). Pay penalty under section 43(3) of IE Act, 2003.

ARGUMENTS OF THE RESPONDENT:-

The Respondent has opposed the contentions of the Appellant in the Petition and raises the following arguments included in the reply submitted and stated during the Hearings.

- 1). The Electric connections bearing consumer nos. 5931 and 4865, under Electrical Section, Cantonment were effected as 3-phase supply under LT VII A tariff in the name of Commissioner (Corporation), New Corporation building, Thiruvananthapuram. Registered connected load of the said consumers are 18 KW and 34 KW respectively. An unauthorized load of 16 KW and 22 KW were detected during 1/06 in the premises are not regularized till now. Further, the Corporation building consists of two buildings, namely main and annexe building. The old Corporation B'ldg houses the T'vpm City Corporation office, which was built almost 40 years ago. The Annex is a high rise building which was built later and has a different building No (TC No). In the annex building offices like State Election Commission, Electrical Inspectorate, Air Travels India Ltd and other such consumers are functioning. All other consumers except Air Travel India Ltd, inside the annex building are either Govt. owned or aided institutions. A walking passage was built in between two buildings for the easy access between the buildings.
- 2). The respondent argues that the activities inside both the buildings are entirely different in nature and have different tariff. Consumer number 4862 having 60 KW is that of main building and the above connection was effected a long time back when there was no restriction regarding connected load. The annex building having 8 nos. consumers including Govt. and private parties fed from a 315 KVA transformer installed in the compound of the Corporation main building. Total registered load of main building and annex building are 60 KW and 208 KW respectively. Another 27 KW towards university hostel is also fed from this transformer. Moreover, there is lot of expansion in each premises of consumers have been carried out during past years, thus making the existing transformer overloaded.
- 3). The respondent points out that the Secretary, TVpm Corporation who is the registered owner of service connection was already informed vide 3 Nos of letters (documents) by the AE, ES, Cantonment about the overloaded condition of the existing 315 KVA transformer. Since the above building is a high-rise one and has above 50 KVA connected load, a new transformer of adequate capacity is to be installed by their own cost as per Regulation 5 (5) of the Terms and Conditions of Supply 2005. The new Electrical connection shall be effected to high-rise building only on production of energisation approval from Electrical Inspectorate.
- 4). According to the respondent, load enhancement to the existing consumers or effecting new service connection in the annex building can only be possible after installing a transformer of adequate capacity by Secretary, T'vpm City Corporation, at their own cost. The consumer 5931 is one of the consumers in the above building who requested for load enhancement and the petitioner had also applied for a new service connection in the above building.
- 5). Another argument adduced by the respondent is that one of the important office functioning in the annex building is State Election Commission and a meeting presided by the State Election Commissioner insisted uninterrupted supply towards that office. Hence a new connection from the existing transformer will adversely affect the supply to that office.
- 6). The next contention of the respondent is that the annex building is a high rise building. When a consumer requires enhancing his connected load or when application for a new electric service connection is received in a high rise building, the rules regarding high rise building is applicable for both cases since the licensee is bound under 'The Electricity Act, 2003'.
- 7). The respondent has furnished the peak load details of the existing transformer feeding supply in the same premises. The maximum load is 398 Amps at R phase, 396 Amps at Y phase and 424

Amps at B phase which means the transformer is fully loaded at present condition.

8). The respondent contends that the year of manufacture of existing 315 KVA transformer is 1997 and it is 13 years old. It has already 295 KW registered connected load and 25 KW UAL of Air Travels India Ltd. i.e. a total of 356 KVA. Diversity factor cannot be made applicable in this case since the total connected load of the transformer and maximum demand are almost one and the same. Technically speaking, the transformer can be loaded up to 75% for attaining maximum efficiency with minimum loss. According to the respondent it is proper to install a new T'rfr where the existing transformer has above 75% load in order to reduce loss.

9). Finally the respondent reproduces the findings of the CGRF in which it was held that the respondent cannot be directed to act beyond the frame work of rules and regulations of the additional loads and providing a new service connection can be done only by observing the procedures enumerated in S 8 (1) of the Supply Code.

ANALYSIS AND FINDINGS: -

On examining the Petition, the statement of facts of the Respondent, perusing all the documents and considering the facts and circumstances of the case, this Forum comes to the following conclusions and findings, leading to the final decisions thereof.

The Hearing of the case was conducted on 10.05.2011, at KSEB IB at Paruthipara, T'vpm and Mr. K Ananthakuttan Nair and Mr. Binu S, Sr. Manager, Air Travel Enterprises India Ltd, represented for the Appellant's side, and Smt. Sujatha R.S., Asst. Exe. Engineer, Electrical Sub Division, Puthanchatha, represented the Respondent's side.

The first point to be decided is whether 'formalities as applicable to High rise building' is required now to process the applications submitted before the Assistant Engineer (AE), even if the annexe building of the City Corporation, is a high rise building? The annexe building, even if it is a High rise building, has been provided with electric supply earlier by installing a 315 KVA T'rfr, and the existing LT consumers are demanding only 'alterations' like additional load or reduction in load to the existing LT connections. To process the applications for the above said purpose under LT category, there is no relevance of the rules applicable for High rise building, as per Clause 26 (Extensions, Alterations etc) of the T&C of Supply, 2005. The AE is bound to act as per clauses 3, 4 and 5 of the T&C of supply, 2005 only. If the consumer remits the costs for the works required for providing the additional load or for a new connection, it has to be executed, if the capacity of the T'rfr permits.

The next point is, when the original consumer, i.e. the Secretary, City Corporation, T'vpm is not willing to bear the costs for the works to provide New connection and additional load to the existing consumers of the building (under lease), then what is the alternative?. In such a case, if the prospective applicants or consumers are ready to bear the estimated cost required to provide the additional power or fresh power, the Licensee may act accordingly. There is no need to provide separate transformer for this purpose, as already a 315 kva transformer has been installed for the purpose of the City Corporation building, but there is no harm to provide a separate T'rfr, if it is more convenient and there is space for T'rfr installation. Since the existing Transformer is said to be over-loaded, to cater the fresh load of 24 KW, the transformer may be replaced with its next higher size rating, on collecting the difference in cost of the two items, plus any cost absolutely required for providing the supply, like fuses, providing UG cable from the Transformer end to Meter box etc.

It is not correct the claim of the appellant that, already he is using 90 KW load, including his unauthorized loads of 25 KW (connected to consumer Nos 5931 and 4865) and so a demand of 4.5 KW (in addition to 25 KW) can be freely permitted without causing any harm. If that is the case then any body can connect unauthorized load and then demand its regularization without observing any technical study or the rules framed for such conditions. This will only lead to total disorder. No Public office is supposed to function arbitrarily. They have to follow the rule laid down for the same purpose.

The main reliefs sought by the Appellant are;

1. To issue directions to the AE to approve and allow enhanced/ reduced load on consumer no 5931 and 4565
2. To issue directions to approve the service connection application and effect the service connection.
3. To issue directions to pay penalty to the appellant for delay as fixed by the Regulatory Commission through Standard of Performance Regulations
4. To issue orders to pay penalty specified under section 43 (3) of Electricity Act 2003.

**DECISION: -**

On analyzing the case as detailed above and reaching the findings and conclusions arrived at, I am inclined to take the following decisions, on the reliefs sought by the appellant.

It is the duty of the Licensee to cater the energy requirement of the consumers as and when the request is submitted. The Licensee should also be ready with Transformers to supply any LT load demands and for small additional loads it is not reasonable to ask the cost of Transformer. These Expenses are to be met from the ARR of the Licensee itself under the Heading of Normal Infrastructure development or so. But in our case, it has not happened and therefore as per the existing provisions in the KSEB T&C of Supply, 2005, it is decided as follows;

**1 &2) :-**

The respondent argues that the annex building having 8 consumers including Govt. and private parties are fed from a 315 KVA transformer installed in the compound of the Corporation main building. Total registered load of main building and annex building are 60 KW and 208 KW respectively. Another 27 KW towards university hostel is also fed from this transformer making the total as 295 KW i.e. approximately 347 KVA assuming 0.85 power factor. Moreover, there is lot of expansion in each premises of the consumers carried out during the past years, including the appellant using unauthorized additional load, thus making the existing transformer overloaded. I feel there is nothing to disbelieve in the above statement of the respondent.

The normal practice in KSEB is to assume a diversity factor, to take care of the fact that all consumers will not avail their total connected load throughout or at the same time and also the fact that their maximum requirement of power may be at different times. Therefore the Trfr is connected with more loads than the rated capacity of the transformer and is practically possible. It is also noted that the peak load current measured and furnished by the respondent is less than the full load current. Considering all these and assuming a diversity factor of 1.2, I feel that the request of the consumer for the additional load of 22KW (from sanctioned load of 18 KW to 40 KW) in the case of consumer No 5931, can be issued. The consumer has expressed his willingness to reduce the connected load of Consumer No 4865 to 31 KW from the sanctioned load of 34 KW, which may also be done along with. That is, the application for additional load of 22 KW for Consumer NO 5931 and reduction of load for consumer No 4865 may be processed with in 30 days and settled as decided above.

If the appellant is ready to bear the difference in cost of the new transformer (next higher rating standard transformer available in KSEB) than the existing 315 KVA transformer (cost at present rate), and other eligible costs as is required to provide the fresh load, as per the existing rules, the KSEB may replace the same and initiate action to give new connection. That is to say if the appellant expresses his willingness for the above, the Licensee shall carry out the work and process the applications of fresh power connection of 24 KW and settle the matter on out of turn priority.

The existing 315 kva transformer is technically overloaded (with out considering the Diversity Factor) and even the appellant does not dispute this fact seriously. The registered consumer of the electric service connections (No 5931 & 4565) in the Corporation building is the Secretary, City Corporation, T'vpm. The AE is reported as having sent letters to the consumer (Secretary) asking him to remit the cost of Trfr: and space for erection of new Trfr: to cater additional load and fresh loads but without success. The appellant also, so far has not expressed his willingness to pay the estimated cost for the additional Trfr and its connected works. In such a situation, i.e.

without remitting the due estimated cost for the work needed to provide for new electric service connection, the Licensee cannot be find fault with for the delay. The Licensee cannot be compelled to provide free supply.

4): -

The request to pay penalty under section 43(3) of IE Act, 2003, is declined for the reasons stated in the last paragraph (3) above.

But I find that there was some delay tactics on the part of AE (respondent's side) like asking the consumer to produce the Power allocation papers and even after applying for the same, taking no further action etc, which are against the prevailing rules. Hence I am ordering the Respondent to pay Rs 250/- (Rs Two hundred fifty only) as litigation costs to the appellant with in 45 days of this order.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the Appellant stands allowed to the extent ordered above and is disposed of.

Dated the 20<sup>th</sup> April, 2012.

Electricity Ombudsman.

Ref No P/ 174/ 2010/ 1205/ Dated 20.04.2012.

Forwarded to : - 1). Mr. Saheer E.N.,

Director, Air Travel Enterprises India Ltd. &Chairman,  
Great India Tour Company, LMS junction,  
Thiruvananthapuram.

2). The Assistant Executive Engineer,

Electrical Sub division, KSEB, Puthanchanda, Thiruvananthapuram.

Copy to:

(1). The Secretary. Kerala State Electricity Regulatory Commission,  
KPFChavanam, Vellayambalam, Thiruvananthapuram-10.

(2). The Secretary, KSEBoard, Vidyuthibhavanam, Pattom,  
Thiruvananthapuram-4.

(3). The Chairperson, Consumer Grievance Redressal Forum, KSEBoard,  
Vidyuthibhavanam, Kottarakkara.