

THE STATE ELECTRICITY OMBUDSMAN  
Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,  
Edappally, Kochi-682 024  
www.keralaeo.org Ph: 0484 2346488, Mob: 91 9539913269  
Email:ombudsman.electricity@gmail.com

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APPEAL PETITION NO. P/087/2017  
(Present: Sri. A.S. Dasappan)  
Dated: 06<sup>th</sup> November 2017

Appellant : Sri Manoj V.J.  
Vayalilkadayil Veedu,  
Pulamon P.O.,  
Kottarakkara,  
Kollam

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSEB Limited,  
Kottarakkara, Kollam

### **ORDER**

#### **Background of the Case:**

The consumer is having two numbers of electric connections bearing consumer Nos. 10631 and 13109 under commercial tariff under Electric Section Kottarakkara East. These two electric connections are being used for lodging facilities in the same building in different floors with connected load of 1430 watts for consumer no.13109 and with 4236 watts for consumer no. 10631. The consumer is aggrieved by the fact that the respondent had served a notice to the appellant directing to merge the connections to a single connection as both connections are using for the same purpose of lodging. If both connections are merged into a single one, the existing single phase is to be converted to a three phase for which huge amount is required. Being aggrieved, he filed petition before the CGRF, Kottarakkara in OP No.392/2017 and not satisfied by its decision dated 22-06-2017 dismissing the petition, the appellant has filed the appeal petition.

**Arguments of the appellant:**

The appellant's averments in the appeal are based on the following points.

The appellant had availed an electric connection having consumer No. 10631, on 02-02-2008 with connected load of 4236 Watts for running a lodge. Another connection having consumer no. 13109 was also effected in the first floor of the building on 18-06-2016 with connected load of 1430 Watts. Later the appellant had applied for additional load to consumer no. 13109. After verifying the application, the respondent has given a notice to the appellant that the connections are using for the same purpose of lodging, both connections are to be merged into a single connection. By merging the connections, the total connected load of the single connection will exceed 5000 watts and hence a three phase connection is required in the premises of the consumer. According to the appellant, 100 metres of single phase line drawn through the public road has to be converted as three phase at the expenses of the appellant. The main grievance of the appellant is that he is incapable of spending the amount required for converting line since the single phase line is existing in the public road and other consumers will also avail three phase connection from this line. The appellant requests to set aside the orders of the CGRF and also to exempt him from spending the amount for conversion.

**Arguments of the respondent:**

The Appellant Sri V.J. Manoj, Vayalil Kadayil Veedu, Pulamon. P.O, Kottarakkara, possesses two electric connections in LT VII A tariff vide Consumer Nos. 13109 and 10631 at Fire Station area under KSEB Electrical Section, Kottarakkara East under Electrical Sub Division, Kottarakkara and Electrical Division, Kottarakkara.

1. That the two electric connections are using for commercial purpose (Lodging) in a same building under different floors.
2. That the electric connections vide Con No 13109 was effected on 18-06-2016 with connected load of 1430 watts and the electric connections vide Con. No. 10631 was effected on 02/02/2008 with connected load of 4236 Watts.
3. The existing LT supply in the LT post from which his supply is effected is having only single Phase three wire.
4. The existing three Phase supply is 60 metres away and according to him his financial position is not sound in converting his existing single phase supplies to three phase after clubbing both the single phase supplies. The following observations are made.

1. There are two electric connections vide Consumer Nos. 13109 and 10631 owned by him at Fire Station area under KSEB Electrical Section, Kottarakkara East.
  2. That the two electric connections are using for commercial purpose (Lodging) in a same building under different floors.
  3. The lodge has no name and the entrance is common with building number KM 4/606 of Kottarakkara Municipality.
  4. The existing LT supply in the LT Post No KTE/CK10/2/4/2 from which his supply is effected is having only single Phase three wire.
5. The existing Three Phase supply is 60 metres away.
6. An amount of Rs 10,800/- has to be remitted under ECSC towards the cost for converting the existing single phase supply to three phase. On verifying the office records the following observations are made.
1. The appellant has applied for enhancement of connected load of Con No. 13109 on 04-03-2017.
  2. That the electric connections vide Con No 13109 was effected on 18-06-2016 with connected load of 1430 watts and the electric connection vide Con No 10631 was effected on 02-02-2008 with connected load of 4236 watts.
  3. The existing tariff of Consumer No. 13109 is LT VII A and the existing tariff of Consumer No. 10631 is VII A.

As per regulation 52 of the Kerala State Electricity Supply Code, 2014 supply of electricity to be given only at one point for same purpose at the same voltage level in a single premises and hence the Assistant Engineer of Kottarakkara East, Electrical Section issued a letter to the appellant to take necessary steps to club the two electric connections. Against this the appellant filed OP No 392/2017 before the Honourable Consumer Grievance Redressal Forum (South). The Honourable Forum in its judgement dated 22-06-2017 dismissed the petition due to lack of merit, the judgement is reproduced as below.

"As per Regulation 52 of the Kerala Electricity Supply Code, 2014 supply shall be given only at one point for same purpose at the same voltage level in a single premises. In this case the forum seen that the electric connections owned by the petitioner is using for the same purpose of lodging in a single premises. So the electric connections owned by the petitioner should be clubbed in to a single connection as per Reg 52 of the Kerala Electricity Supply Code, 2014. In this case when the two connections are clubbed together, the connected load will exceed 5000 Watts and a three phase supply is required. So the petitioner is liable to remit the required charge for converting the single phase connection to three phase and to club the two connections in to a single

connection since the conversion of single phase to three phase is exclusively for the use of the petitioner. He is liable to pay the estimate amount”.

### **Analysis and findings**

A hearing of the case was conducted in the Court Hall of CGRF, Kottarakkara, on 20-10-2017. Sri Manoj was present for the appellant's side and Sri G. Soni, Assistant Executive Engineer, Electrical Sub Division, Kottarakkara represented the respondent's side. Both sides have presented their arguments on the lines as stated above. On examining the petition of the appellant, the statement of facts filed by the respondent, the arguments in the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

As per Regulation 52 of the Kerala Electricity Supply Code, 2014, “Supply shall be given only at one point for same purpose at the same voltage level in a single premises”. In the case of the appellant, two connections were given to a double storied building under commercial tariff at the same voltage level. On going through the records, it is found that the connections were given in 2008 and in 2016 and total connected load comes to 5666 watts. It is revealed that the respondent had not made proper verification and not taken proper action while effecting the second connection. The two electric connections are using for commercial purpose (lodging) in the same building under different floors. The lodge has no name and the entrance is common with a single building no.KM/4/606 of Kottarakkara Municipality. The appellant was compelled to incur expenditure for taking the second single phase connection due to the oversight of the respondent.

The appellant's case is that he is not willing to spend the estimate amount for conversion of the single phase drawn through the public road. The supply to the appellant is effected from an existing LT post and the existing three phase supply is 60 metres away. It is contended by the appellant that the distributing main of his connection is the LT post from where his connection was effected. Hence the question to be answered is whether the appellant is required to bear the expenditure for conversion of the single phase line to three phase.

To decide the issue, it is necessary to notice the relevant provisions of the Supply Code, 2014 as discussed hereunder.

*8. Supply voltages for different connected loads or contract demands.- The supply voltage levels for different connected loads or contract demands for new connections or for gross connected load or contract demand consequent to revision of connected load or contract demand, shall be as follows:-*

<i>Supply voltage</i>	<i>Maximum connected load (for those without demand based metering)</i>	<i>Maximum contract demand (for those with demand based metering)</i>
<i>240 V (single phase)</i>	<i>5 kW</i>	
<i>415V (three phase)</i>	<i>100 kVA</i>	<i>100 kVA</i>
<i>11 kV</i>		<i>3000 kVA</i>
<i>22 kV</i>		<i>6000 kVA</i>
<i>33 kV</i>		<i>12000 kVA</i>
<i>66 kV</i>		<i>20000 kVA</i>
<i>110 kV</i>		<i>40000 kVA</i>
<i>220 kV</i>		<i>&gt; 40000 kVA</i>

*Provided that the limit of connected load or contract demand specified for different supply voltage levels may be exceeded up to a maximum of twenty percent if supply at the appropriate higher voltage level is not feasible due to non-availability of distribution line at such higher voltage level in that area of supply:*

*Provided further that the limits of connected load or contract demand specified for different supply voltage levels as specified above may be exceeded in exceptional cases with the approval of the Commission, subject to the conditions stipulated in such approval.*

*Regulation 32 relates to Recovery of Expenditure. 32. (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:*

The distributing main is defined in the Code as follows:

*“distributing mains” means the portion of any main with which a service line is, or is intended to be, immediately connected;*

*37. Expenditure for service line, plant etc., for providing supply.- (1) The consumer shall bear the expenditure for the service line or of the plant or of both, provided exclusively for him by the licensee.*

In a suo motu proceedings, the KSERC has issued an order dated 03-05-2016 that “ Expenditure reasonably incurred by the licensee for conversion of a single phase low tension service line to a three phase low tension service line, on the specific request of the consumer, can be recovered from the consumer.”

The above provisions clearly shows that the appellant has to convert his two connections to one 3 phase connection as the total load exceeds 5000 Watts and he has to bear the reasonable expenses for the conversion. During the hearing, the appellant has intimated that another construction near to his premises is in progress which required conversion of the proposed single phase to three phase and he may be exempted from the expenses for the conversion till the completion of the construction. The respondent is free to consider his request, if it is feasible.

### **Decision**

From the analysis done, the Findings and conclusions arrived at, I take the following decision. The appellant is liable to bear the expenditure for the conversion of his single phase connection to three phase. The cost of weather proof portion of the single phase service connection effected on 18-06-2016 for consumer number 10631 shall be deducted from the estimate cost of the present three phase connection.

Having concluded and decided as above it is ordered accordingly. No order as to costs.

**ELECTRICITY OMBUDSMAN**

P/087/2017/ \_\_\_\_\_ /Dated: \_\_\_\_\_

1. Sri Manoj V.J., Vayalilkadayil Veedu, Pulamon P.O., Kottarakkara, Kollam
2. The Assistant Executive Engineer, Electrical Sub Division, KSEB Limited, Kottarakkara, Kollam

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.