

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/025/2018
(Present: A.S. Dasappan)
Dated: 14th June 2018

Appellant : Sri. Nazer N
Mumtaz Manzil,
Edakkad P.O.,
Kannur

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd.,
Pinarayi, Kannur

ORDER

Background of the case:

The appellant had submitted an application for service connection before the Assistant Engineer, Electrical Section, Dharmadam, Kannur and remitted an amount of Rs.4,70,408/- as ECSC for installation of 100kVA transformer at APA Complex. The grievance of the appellant is that the respondent failed to effect the service connection timely. Aggrieved by this, the appellant approached the CGRF (North), Kozhikode, with his petition dated 29-11-2017 requesting compensation for the delay. The CGRF disallowed the petition and directed the appellant to approach the officer entrusted by the Licensee for compensation for not maintaining the Standards of Performance in energizing the transformer, vide order No. OP 132/2017-18 dated 17th March 2018. Still aggrieved by the decision of the CGRF, the appellant filed this appeal petition before this Authority seeking compensation for the delay in effecting the service connection.

Arguments of the appellant:

1. The appellant, Sri. Nazer. N, is the power of attorney holder of Mr. Ayammed, had paid Rs. 4,70,408/- as ECSC on 09/02/2017 to Dharmadam Electrical Section, KSEB Ltd for the installation of 100 kVA Transformer at APA Complex. The energisation of the transformer is done only after 7 months and 25 days of payment.

2. The Transformer Installation is completed only by energizing the transformer after getting the sanction order from Electrical Inspector. But KSEB Ltd tried to mislead that the work will be completed with the submission of completion report to the Electrical Inspectorate.

3. For the installation of Transformer the contract was given to a person without license from KSEBL. So the work done in nonstandard manner and 23nos. defect reported by Electrical Inspector.

4. The reply to above mentioned letter was not given and no sanction order received till 04/10/2017. Transformer was energized on 04th October 2017 as the appellant frequently contacted the KSEBL. The Assistant Engineer has mentioned in the apologization letter dated 28/10/2017 to Electrical Inspector that the transformer energisation is done without getting sanction order due to continuous pressure from the consumer side.

5. As per Clause 59 of Supply Code 2014 the consumer will get a letter from Licensee regarding the completion but the appellant was not given such a letter. They cannot give such a letter without having sanction order. According to Supply Code 2014 the duration for Transformer Installation is two months.

The appellant requests to take necessary action to allow interest for Rs.407408/- which was possessed by KSEB Ltd. for 5Months and 25 days.

Arguments of respondent:

The respondent has filed the following submissions.

The appellant had remitted an amount of Rs. 4,70,408/- in Dharmadom Section on 09-02-2017 towards the "ECSC" for the construction of 135 metre 11 kV line and installation of one number 100 kVA transformer for providing electric connection to the building owned by Sri A.P. Ayammed. So licensee was allowed 5 months time for completing the above installation i.e. 3 months for 11 kV line and 2 months for the transformer. The work completed on 21-04-2017 and the license applied for the approval of the installation on the same day itself. Intimation of completion of installation was also given to Sri A.P. Ayammed. The Electrical Inspector conducted inspection on 24-05-2017 and the Assistant Engineer received the inspection report dated 12-06-2017 on 24-08-2017. The defects pointed out in the above report were rectified by the licensee and the fact reported to the Electrical Inspector on 31-08-2017. The transformer was charged on 03-10-2017 treating the approval as 'deemed' and the conditional sanction from the Electrical Inspector was received vide letter Bl/12574/2017/EIN dated 01/11/2017.

Usually transformer is energized on receiving application for getting electric connection to the premises. On verifying the work register copy of the

contractor attached with the application for service connection, it can be seen that the wiring was completed on 07-07-2017. The Assistant Engineer has taken action to obtain 'energisation approval' from the Electrical Inspectorate. The erection work of the 11 kV line and the transformer was carried out by an experienced contractor, Sri Jayasenan under the supervision of the Distribution Licensee. The appellant has not produced any document proving his 'Power of Attorney'.

There was no delay in the installation of transformer, construction of 11 kV line and in providing electric connection to the buildings.

Analysis and findings

Hearing of the case was conducted on 29-05-2018 in the Office of the State Electricity Ombudsman, Edappally, Kochi 24. Sri Purushothaman P.K. represented the appellant. Smt. T.K. Latha, Assistant Executive Engineer, Electrical Sub Division, Pinarayi and Smt. Smruthi M, Assistant Engineer, Electrical Section, Dharmadom appeared for the respondent. On examining the Petition and argument notes filed by the appellant, the statement of facts of the Respondent, perusing all the documents and considering all the facts and circumstances of the case, this Authority comes to the following conclusions and findings leading to the final decisions thereof.

The main argument of the appellant is that as per the time line prescribed in the Supply Code, 2014 the respondent has the responsibility to give electric connection to a new applicant within specified days of registration of service connection and remittance of required fees. He argues that there was delay on the respondent's side in effecting the supply. But this fact was not considered by the CGRF for awarding compensation. The respondent contended that no intentional delay or purposeful dereliction of duty was committed from his side.

The only question arose for consideration is with respect to the awarding of compensation for the alleged delay on the part of the respondent in providing the service connection in time. This fact is to be decided based on, whether there was any willful delay or any deliberate deficiency of service from the respondent's side warranting such penalization.

The records produced before this Authority reveals that there is no dispute regarding the date of submission of the application for new electric connections by the applicant, i.e. 09-02-2017 and the connection effected only on 04-10-2017. The appellant requested for the interest of the OYEC amount of Rs. 4,70,408/- remitted on 09-02-2017 from 09-04-2017 to the date of energisation of the transformer as the period allowed for the energisation is two months as per clause 85 of the Supply Code, 2014. The respondent argued that the work was completed on 21-04-2017, but could not be energized for

want of sanction from Electrical Inspectorate. The respondent also contended that licensee was allowed 5 months time for completing the installation comprising of 135 metre 11 kv line and one transformer, i.e. 3 months for 11 kV line and 2 months for the transformer.

While evaluating the rival contentions of the respondent it is essential to look into the following provisions in Supply Code Regulation 2014. Regulation 84 of Supply Code, 2014 reads as follows:

(1) The obligation of the licensee to energize the connection shall arise only after receipt of full payment as per the demand note.

(2) Before energizing any connection, the licensee shall make sure that the applicant has complied with all requirements regarding safety and standards as per the law in force and that the approval for energisation is obtained from the Electrical Inspector and such other statutory authorities wherever necessary.

Regulation 85 deals with the timelines for releasing and energizing new connection.

85. Timelines for releasing and energizing new connections.- (1) The overall timeline for releasing new electricity connection, from the date of receipt of completed application and all the payments as per the demand note, shall be as specified hereunder in the cases where supply can be provided without any extension or augmentation to the existing distribution system:-

<i>Particulars</i>	<i>Maximum time</i>
<i>(a) Inspection of the premises of the applicant and preparation of the cost estimates, and issuance of demand note including security deposit</i>	<i>seven days from the date of receipt of application form.</i>
<i>(b) Giving the connection</i>	<i>one month from the date of receipt of application.</i>

Provided that the priority for releasing connections shall be fixed with reference to the date of remittance of required expenses and security deposits and submission of the required documents.

(2) The overall timeline for releasing new electricity connection, from the date of receipt of completed application and all payments as per the demand note,

shall be as specified here under in the cases where supply can be provided only after extension or augmentation of distribution system:-

<i>Particulars</i>	<i>Maximum time</i>
<i>LT line including conversion from single phase to three phase</i>	<i>forty five days for the first one kilometre or part thereof and fifteen days for every additional kilometre or part thereof</i>
<i>HT line</i>	<i>three months for the first one kilometer or part thereof and one month for every additional kilometre or part thereof.</i>
<i>New distribution transformer and associated switchgear / enhancement of transformer capacity and associated equipment</i>	<i>two months</i>

Provided that the licensee may, in exceptional cases where extension of distribution mains requires more time, apply to the Commission for enlargement of time with details of likely time of completion of works, under intimation to the applicant and obtain such enlargement of time as may be necessary for the completion of the works.

Regulation 86 - Failure to comply with the time line. – (1) If any licensee fails to comply with the time frame stipulated under Regulation 85 he shall be liable to pay penalty as may be determined by the Commission in accordance with subsection (3) of Section 43 of the Act.

2. The liability of the licensee to pay penalty under this regulation shall be without prejudice to the liability to pay compensation to the affected person as per the regulation notified under subsection (2) of Section 57 of the Act.

3. *The licensee shall not be held responsible for delay, if any, in extending supply if the same is on account of problems relating to the right of way or acquisition of land or court order or any delay on account of causes of force majeure conditions, over which the licensee has no reasonable control.*

The respondent has stated that the inspection report dated 12-06-2017 of the Electrical Inspectorate was received in his office only on 24-08-2017. Hence there occurred some delay and the responsibility is not fixed. On verifying the inspection report of the installation of 11 kv line and transformer, it can be seen that almost all the observations of the Electrical Inspector relates the defects for rectifications in the installation. This shows that the erection work is seen completed by the licensee with in 2 ½ months from the date of remittance of estimate cost. The appellant had paid Rs.470408/- ECSC on 09-02-2017 and the transformer was charged only on 03-10-2017, due to some defects in the installation works etc.

Considering the facts and circumstances of the case, this Authority finds that the appellant is entitled to get compensation for the delay, if any, occurred for effecting the service connection. But, as this Authority is not empowered to award compensation in the first instance, it is left open to the appellant to approach the authorities of licensee for compensation as per rules. At the same time, it is confirmed that there is no provision in the rules to allow interest to the consumers for the estimate cost remitted, for the delay on the part of the licensee. In this case the appellant had already utilized the amount for erection of the transformer within the time line prescribed.

Though the CGRF, in its orders, directed the appellant to approach the officer entrusted by the Licensee for compensation for not maintaining the Standards of Performance in energizing the transformer and providing connection within time line prescribed, the appellant had not taken any pain to submit a petition before the concerned officer of the licensee.

Decision

From the analysis done and conclusions arrived at, I take the following decision.

It is left open to the appellant to approach the authorities of licensee for compensation, if desires so. In the above circumstances the appeal is disposed of as above. The order of CGRF in OP No. 132/2017-18 dated 17-03-2018 is upheld. Having concluded and decided as above, it is ordered accordingly. No order as to costs.

ELECTRICITY OMBUDSMAN

P/025/2018/_____ /Dated:

1. Sri. Nazer N, Mumtaz Manzil, Edakkad P.O., Kannur
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Pinarayi, Kannur

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, Gandhi Road, Kozhikode