

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

Present : Sri.T.M. Manoharan, Chairman
Sri. Mathew George, Member
Sri. K. Vikraman Nair, Member

In the matter of: Penalization under Section 142 of the Electricity Act, 2003 for
the non-compliance of Regulations 76 to 83 of the Kerala
Electricity Supply Code, 2014.

Sri. R. Anilkumar,
Kalluthattu,
Karumkulam, : Complainant
Puthiyathura P.O.

V/s

Sri. P. Sureshkumar,
Assistant Engineer, : Respondent
KBSEL Electrical Section,
Poovar, Neyyattinkara Division

ORDER DATED 22-01-2015

Background of the case:

1. Sri. R. Anilkumar, Kalluthattu, Karumkulam,Puthiyathura P.O., applied for agricultural connection before the Assistant Engineer, KSEBL Electrical Section, Poovar on 29-05-2014.
2. The complainant could get the service connection only on 17-08-2014 and that too after intervention of the Executive Engineer, Electrical Division, KSEBL, Neyyattinkara.

3. The complainant approached the Commission with a written complaint on 14-8-2014 for punishing the Assistant Engineer, Electrical Section, Poovar for harassment and non-compliance of the provisions of the Kerala Electricity Supply Code, 2014.

Complaint:

4. Sri. Anilkumar, Kalluthattu, Karumkulam, Puthiyathura applied for agricultural connection before the Respondent on 29-5-2014. The Respondent visited the site on 11-8-2014. On 12-8-2014, cash deposit for Rs.400/- and an amount of Rs.6,150/- being the expenditure for the electric line and plant was remitted by the complainant as directed by the respondent.
5. The Respondent had realized the expenditure for one post and weather proof wire even though the span length between the service post and the premises is only 10 meters. Instead of using the G.I. pipe erected by the Complainant above the pump house for getting road clearance, the respondent has realized the cost of one PSC pole.
6. The complainant has prayed for
 - (i) refund of the excess amount collected by the KSEBL.
 - (ii) punishing the Respondent for delaying the registration of service connection for more than two months from the date of remittance of application fee.
7. On receipt of complaint, report was called for by the Commission from the Executive Engineer, Electrical Division, Neyyattinkara. The Executive Engineer visited the premises of the complainant and has reported as follows:
 - (i) Based on the written complaint of the Complainant on 6-8-2014, the Executive Engineer visited the site on 11-8-2014 and found that the Assistant Engineer had not done the site inspection.
 - (ii) The Executive Engineer directed the respondent to take all necessary steps immediately to get the grievance of the prospective consumer redressed.
 - (iii) The Executive Engineer again visited the premises of the Complainant on 28-8-2014 and found that the service connection was effected using

weather proof wire with a support post. The distance of supply point from the service post is approximately 10 meters. The consumer has provided a G.I. support pipe above the pump house building, as the service wire has to cross the public path.

- (iv) The Executive Engineer has reported to the Deputy Chief Engineer, Electrical Circle, Kattakkada, the non-compliance of Regulation 77 of Kerala Supply Code, 2014, and requested to take suitable action against the respondent.
- 8.** Show cause notice was issued vide No.1613/Com.Ex/KSERC/2014/1208 dated 12/11/2014 under section 142 of the Electricity Act, 2003, to Shri. P. Sureshkumar, Assistant Engineer, Electrical Section, Poovar for the non-compliance of the Regulation 76 to 83 of the Kerala Electricity Supply Code, 2014 in dealing with the registration of the electric connection to the Complainant.
- 9.** Reply to the show cause notice was submitted by the Assistant Engineer, Electrical Section, Poovar on 26-11-2014. The following facts are stated.
- (i) Even though the Supply Code, 2014 had come into force w.e.f. 1.4.2014, the copy of the same has not been made available to the Section Office till date. He could get a copy only on 2.6.2014.
 - (ii) Inspected the premises on 5.6.2014, but the door was locked. On viewing from outside, it was seen that the earth pipe was not connected properly. The defect regarding earthing was informed to the workers present at the site during inspection.
 - (iii) The complainant approached Section Office only on 28-6-2014. The defect of the earthing was informed to him on that date.
 - (iv) The consumer after rectifying the defects of the earthing, reported only on 12-8-2014. He was allowed to remit the security deposit on 12-8-2014 itself and service effected on 14-8-2014.
 - (v) The service connection was effected using a weather proof support post, as per the circular issued by the KSEB Ltd, in the case where road-crossing is necessitated while effecting the service connections.

10. Explanation to the show cause notice was not satisfactory. Hence notice was served on the Assistant Engineer, Electrical Section, Poovar to appear for a personal hearing, in the matter of punishment as per section 142 of the Electricity Act, 2003, for the non-compliance of Regulation 76 to 83 of the Kerala Electricity Supply Code, 2014.

Hearing of the matter:

11. Hearing was conducted on 9/1/2015 at the Commission's office at Thiruvananthapuram. Sri. P. Sureshkumar, Assistant Engineer, Electrical Section, Poovar appeared in person. He stated that
- (i) The complainant applied for agricultural connection on 29-5-2014. He could inspect the premises only on 4-6-2014. On inspection it was found that the earthing of the installation was not proper. He had informed the matter to the workers who were present at the site, since the door was locked up and the complainant was absent at work site.
 - (ii) The complainant reported to the office only on 12-8-2014, after rectifying the defect in earthing. He was allowed to remit the cash deposit and cost of expenditure on that date itself and service connection effected on 14-8-2014.
 - (iii) Even though the Assistant Executive Engineer is the authority to sanction the agricultural connection, as per the direction of the Executive Engineer, the service connection was effected after realizing the cash deposit and cost of expenditure.
12. On an enquiry of the Commission regarding the disciplinary action pending against him, the Asst. Engineer stated that the Deputy Chief Engineer, Electrical Circle, Kattakada has initiated disciplinary action against him for violating the sub regulation (2) of Regulation 77 and Regulation 85 of the Kerala Electricity Supply Code, 2014.

Analysis and decision of the Commission

- 13.** The procedure to be adopted by the licensee, while processing the application for new service connection, is detailed in Regulation 77 to 83 of the Kerala Electricity Supply Code, 2014.
- 14.** As per Regulation 77, the licensee, here in this case, the Assistant Engineer for and on behalf of the licensee has to stipulate a date of inspection of the premises, in consultation with the applicant, under written acknowledgement. The date of inspection shall be scheduled within five working days from the date of receipt of application form. The licensee shall inspect and test the installations in the presence of the applicant or his authorized representative, and shall maintain a record of test results in the format given in Annexure 6 of the Code. In the instant case, the Assistant Engineer, Electrical Section, Poovar has inspected the site, without giving a prior intimation. Moreover, he failed to submit the record of test results of the installation before the Commission even at the time of hearing. Hence it has to be concluded that the respondent has violated Regulation 77 of the Kerala Electricity Supply Code, 2014.
- 15.** As per Regulation 78 of the Kerala Electricity Supply Code, 2014, if on inspection, the licensee finds any defect in the installation of the applicant, the licensee shall intimate the same in the format given in Annexure 6 of the Code on the spot under proper acknowledgement. In this case, the Assistant Engineer, an officer of KSEBL has failed to comply with the above provision of the Supply Code.
- 16.** As per Regulation 81 of the Kerala Electricity Supply Code, 2014, the Assistant Engineer has to intimate the applicant, within seven days from the date of receipt of application form, a demand note to the applicant under acknowledgement, to remit the recoverable expenditure and security deposit. In this case, the security deposit and the recoverable expenditure was realized by the Respondent only on 12/8/2014, after two months from the date of submission of application form, that too, after the intervention and direction of the Executive Engineer, Electrical Division, Neyyattinkara. The

Executive Engineer, in his letter No.GBI/Compl/873/2014-15/PVR/1552 dt 1/9/2014 has reported that a weather proof connection without Psc pole could have been given to the complainant.

17. As per Regulation 82 of the Kerala Electricity Supply Code, 2014, the demand note is to be prepared as per the cost data approved by the Commission. Again as per sub regulation (3) of Regulation 83 of the Kerala Electricity Supply Code, 2014, if on actual execution of work, it is found that certain items of works are not required to give connection to the applicant, the expenditure realized for such items of works has to be refunded to the applicant by the licensee. Hence, in this case, since the complainant had installed a G.I. pipe above the pump house for getting statutory clearance of service line for road crossing, erecting of weather proof support post was not necessary and as such the amount realized for the support post is to be refunded to the complainant. The Assistant Engineer, Electrical Section, Poovar, failed to comply with the above provision. Even though the G.I. pipe was installed prior to the remittance of security deposit, the Assistant Engineer realized the expenditure for the support post and erected the The above actions of the Assistant Engineer could not be defended by him properly during the hearing.
18. From the Analysis explained in paragraph 13 to 17, it is established beyond doubt that the Assistant Engineer, Electrical Section, Poovar has violated the Regulation 76 to 83 of the Kerala Electricity Supply Code, 2014.

Decision of the Commission

19. After considering the facts and circumstances of the case, the Commission issues the following orders, to be implemented on or before 28/2/2015.
 - 1) The expenditure for giving weather proof connection without Psc Pole, to the complainant shall be assessed and the balance out of the amount of Rs.6,150/- remitted by the complainant shall be returned to him with

interest at simple interest rate of 18% per annum from the date of remittance to the date of return of the balance amount.

- 2) The complainant is eligible for compensation for the delay in giving connection as per the provisions of KSERC (Standards of Performance of Distribution Licensee) Regulation.
- 3) Sri. Sureshkumar, Assistant Engineer, KSEB Ltd. Electrical Section, Poovar shall pay a penalty of Rs.5,000/-, to be remitted in the Commission.

Sd/-
Mathew George
Member(F)

Sd/-
K. Vikraman Nair
Member (E)

Sd/-
T.M. Manoharan
Chairman

Approved for Issue

SECRETARY