

CONSUMER GRIEVANCE REDRESSAL FORUM

CENTRAL REGION

(Formed under Section 42(5) of the Electricity Act 2003)

220 kV Substation Compound, HMT Colony P.O. Kalamassery, Pin – 683 503
Phone No. 0484-2556500 Website: cgrf.kseb.in, Email: cgrf.ekm@gmail.com,
CUG No. 9496008719

Present	(1) Smt.Sheeba. P (2) Sri. Biju Varghese	Chairperson 3rd Member
Petitioner	Sri. Greenol. K.B, Gree Nest, Kalarikkal, Kurumpilavu, Thrissur, Pin – 680 564	
Respondent	The Assistant Executive Engineer, Kerala State Electricity Board Ltd, Electrical Sub Division, Kalady. (Electrical Section, Kalady)	

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No.CGRF-CR/OP No.49/2023-24 Date: 24.11.2023.

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ORDER

Background of the case:

The petitioner owns an apartment in a high-rise building known as Atlas Celestial Park within the jurisdiction of the Electrical Section in Kalady and their apartment is among the 146 apartments included in the Energization approval sanctioned by the department of Electrical Inspectorate. The petitioner has requested for a Low Tension (LT) electricity connection for domestic purpose, having submitted all requisite documents as stipulated in the Kerala Electricity Supply Code, 2014. However, the licensee (Kerala State Electricity Board Ltd) has declined to provide electricity to their apartment based on a discrepancy that the contractor who submitted the test cum completion report for the electrical installation of petitioner's apartment differs from the one specified in the Energization approval sanctioned by the Department of Electrical Inspectorate. Consequently, the petitioner has approached this Forum for redressal.

Version of the Petitioner:-

The petitioner is owner of an apartment, Door No.210(57) in ward 16 in the High rise building, Atlas Celestial Park. He has applied for a LT-1A service connection to this apartment. The application is included a test cum completion certificate (No. 69728) issued by Sri. Benny Sebastian, holding license No. 10330 as a C-Class Contractor. Despite the submission of the application and relevant documents, the service connection to the flat has not been provided. The petitioner lodges this complaint seeking an LT-Service connection to their apartment.

Version of the Respondent:-

The respondent stated that the petitioner has applied for a electricity connection to his flat in a high rise- Multi storied building named Atlas Celestial Park. Approval from department of Electrical inspectorate is a mandatory document to effect service connection to such buildings. The Electrical Contractor to whom the Energization Approval issued by department of Electrical inspectorate is M/S Power fact Electrical Solutions Pvt. Limited (an A -class contractor) whereas the petitioner has submitted his application with a test cum completion certificate No. 69728 from another contractor, Sri. Benny Sebastian with license No. 10330 (C-Class Contractor).

As per Regulation 30 of the Kerala State Electricity Licensing Board Rules, 2020, the petitioner should submit his application with the test cum completion certificate certified by the electrical contractor to whom the approval is issued by department of electrical inspectorate. Out of 146 connections approved to energise by Department of Electrical inspectorate 140 connections were effected with the support of completion certificate of the contractor undertaken the work.

The regulation also insists that if entry of the second contractor is necessitated, no objection certificate from the first contractor should be submitted to the Electrical Inspectorate and the second contractor should commence the work only after obtaining the fresh approval for change of contractor from the chief

electrical inspector. So in this context ,the respondent has no authority entitled for providing service connection to the petitioner.

Analysis and findings:

Hearing was conducted at the chamber of the Chairperson, Consumer Grievance Redressal Forum, Ernakulam. The Forum afforded an opportunity to hear the Petitioner and the Respondent on 31-10-2023. Both the petitioner and the respondent were present for hearing. Having examined the petition in detail and the statement of facts of the respondent, considering all the facts and circumstances in detail and perusing all the documents of both sides, the Forum comes to the following observations, conclusions and decisions thereof.

During the hearing, the petitioner stated that they own an apartment in the high-rise building known as Atlas Celestial Park and their apartment is one of the 146 apartments covered in the Energization approval sanctioned by the Department of Electrical Inspectorate. However, the petitioner argued that despite applying for an electricity connection and submitting all the required documents including the energization approval as envisaged in the Kerala Electricity Supply Code, 2014, the licensee refused to provide electricity to their apartment. The reason given was that, the contractor who submitted the test cum completion report for their apartment differed from the contract or mentioned in the Energization approval of the Department of Electrical Inspectorate.

In response, the respondent reported that the petitioner's apartment was included in the energization approval sanctioned by the Department of Electrical Inspectorate and the petitioner had submitted all the necessary documents for getting new electricity connection to their apartment. However, the respondent pointed out a discrepancy that the petitioner submitted a test cum completion report from Sri.Benny Sebastian, a C-Class Contractor, whereas the contractor mentioned in the energization approval sanctioned by the Department of Electrical Inspectorate was M/S Power fact Electrical Solutions Pvt. Limited, an A-Class Contractor. The respondent argued that, in accordance with the Kerala Electricity Licensing Board Rules 2020, the Sub-rules (5) of Rule 30 in Chapter 4 under the

license to electrical contractors - Mode of Contract and Execution of Work, they could not provide electricity to the petitioner's apartment due to safety reasons arising from the mismatch in contractors between the submitted test cum competition report and the Energization Approval.

Rule 30 of Kerala Electricity Licensing Board Rules, 2020 - Mode of Contract and Execution of work:

(5) If the entire or a portion of an electrical installation work, the scheme for which has been forwarded to the Chief Electrical Inspector or his nominee under the seal and signature of a contractor as provided in sub-rule (3) above and approved by the Chief Electrical Inspector or his nominee is intended to be executed by another contractor, the same shall be forwarded by a condition that:—

If entry of the second Contractor is necessitated due to termination of the contract between the owner of the installation and the first contractor, no objection certificate from the first Contractor together with an undertaking signed by the owner of the installation and the second contractor that the electrical installation work shall be carried out as per the scheme submitted by the first contractor and approved by the Chief Electrical Inspector or his nominee, shall be submitted to the Chief Electrical Inspector or his nominee and the second Contractor shall commence the work only after obtaining the fresh approval for change of contractor from the Chief Electrical Inspector or his nominee. If any dispute arises the same shall be referred to the Secretary.”

The respondent added that if a different contractor is intended to carry out the work than the one mentioned in the scheme approval sanctioned by the Department of Electrical Inspectorate, the second contractor must adhere to Sub-rule (5) of Rule 30 of the Kerala Electricity Licensing Board Rules, 2020 (mentioned above). The second contractor is required to commence the work only after obtaining fresh approval for a change of contractor from the Department of Electrical Inspectorate.

After reviewing the arguments presented by both the petitioner and the respondent, as well as examining the documents submitted by both parties, this

Forum focused solely to the issue of whether the supply to the petitioner's apartment can be denied based on a disparity between the contractor mentioned in the test cum completion report for the electrical installation of the petitioner's apartment and the contractor specified in the Energization approval granted by the Department of Electrical Inspectorate.

The Regulation 2(46) of the Kerala Electricity Supply Code, 2014 defines "high rise building" as below:

Regulation 2: Definitions.- In this Code, unless it is repugnant to the context, "high rise building" means a high rise building as defined in the Kerala Municipality Building Rules, 1999, as amended from time to time or in its statutory re-enactment;

Rule 80 of the Kerala Municipality Building Rules, 2019, under Chapter XVII, which pertains to safety provisions for high-rise buildings, provides the following definition for high-rise buildings.

Rule 80 of the Kerala Municipality Building Rules, 2019 : *"High rise building.— For the purposes of this Chapter, 'high rise building' means a building having a height of 16 metres or more, or with more than 4 floors (excluding basement floor(s)), other than telecommunication towers /poles."*

Considering that the petitioner's apartment is categorized as a multi-storied building with a height exceeding 15 meters, it is mandatory to secure approval from the Electrical Inspector for electrical installations in order to enable the electricity supply to the apartment as per the Sub-regulation 4(ii) of Regulation 15 of the Kerala Electricity Supply Code, 2014, as quoted below:

Regulation 15. Wiring in the premises of the consumer.- *"(4) Approval from the Electrical Inspector shall be obtained for the electrical installations in the case of;*

(i) HT or EHT service;

(ii) multi storied building of height above 15 M;

(iii) installation involving stand by generator;

(iv) neon sign board;

(v) X-ray unit;

(vi) lift and escalator; and for

(vii) temporary connection where more than 100 persons are likely to assemble.

The Regulation 26 of the Kerala Electricity Supply Code, 2014 describes the safety of electrical installation using electricity at Low Tension (LT)

Regulation 26. Safety of electrical installations.-

(3) In the case of electrical installation using electricity at LT level, the licensee may give the connection after inspection and ensuring that the installation is safe for energization.

(4) Alternatively, the licensee may, at its discretion, give the connection on the basis of the test cum completion report of installation of consumer, in the format specified in Annexure - 1 from a licensed electrical contractor.”

As per the Regulations outlined in Sub-regulations 3 and 4 of Regulation 26 of the Kerala Electricity Supply Code, 2014, a test cum completion certificate from a licensed contractor is not a mandatory for providing LT supply. Also, after receiving Energization Approval from the Department of Electrical Inspectorate, Sub-rule (5) of Rule 30 in the Kerala Electricity Licensing Board Rules, 2020 becomes irrelevant. This is because Sub-rule (5) is applicable before obtaining Energization Approval, specifically when the electrical installation work is intended to be carried out by a different contractor specified in the scheme submitted by the initial contractor and approved by the Chief Electrical Inspector. Here, in this particular case, the contractor is same both in the scheme approval and the energization approval. The essential requirement for providing electricity supply to the petitioner's apartment in the high-rise building is the approval from the Department of Electrical Inspectorate for the electrical installation. Hence, in

this particular case, if the Energization Approval is obtained from the Department of Electrical Inspectorate, and the load details align with those specified in the Energization Approval, the respondent is bound to provide electricity connection to the petitioner.

DECISION:

Considering the above facts and circumstances, the Forum issues the following orders: -

- 1. The respondent shall immediately provide the electricity connection if Energization Approval is obtained from the Department of Electrical Inspectorate as specified in the Regulation 15.4(ii) of the Kerala Electricity Supply Code, 2014, and the load details align with those specified in the Energization Approval.**

- 2. No cost ordered.**

The petitioner is at liberty to file appeal before the State Electricity Ombudsman, D.H. Road, Off shore Road Junction, Near Gandhi Square, Ernakulam, Pin – 682 016 (Ph: 0484 -2346488 , Mobile No. 8714356488) within 30 days of receipt of this order, if not satisfied with this decision.

Dated this 24th day of November 2023

Sd/-

Sri.Biju Varghese
3rd Member
CGRF, Ernakulam

Sd/-

Smt. Sheeba. P
(CHAIRPERSON)
CGRF-CR, Ernakulam

Endt. On CGRF-CR/OP No.49/2023-24 Dated

Delivered to

Smt. Greenol. K.B,
Gree Nest, Kalarikkal,
Kurumpilavu, Thrissur,
Pin – 680 564

Sd/-
CHAIRPERSON
(DEPUTY CHIEF ENGINEER)
CGRF-CR, KALAMASSERRY

Copy submitted to: 1) The Secretary, KSEBL, Vydyuthi Bhavanam, Pattom,
Thiruvananthapuram.
“ 2) The Secretary, Kerala State Regulatory Commission,
KPFC Bhavanam, C.V Raman Pillai Road,
Vellayambalam, Thiruvananthapuram.

Copy to: - (1) The Deputy Chief Engineer, Electrical Circle, KSEBL,
Perumbavoor
(2) The Executive Engineer, Electrical Division, KSEBL,
Perumbavoor
(3) The Assistant Executive Engineer, Electrical Sub Division,
KSEBL, Kalady
(4) The Assistant Engineer, Electrical Section, Kalady