Consumer Grievance Redressal Forum
Kerala State Electricity Board - Southern Region,
Vydyuthi Bhavanam, Kottarakkara

No: CGRF/KTR/RP No.1/671/2011/1282 Date: 15 .5.2012.

From

Chairperson

To

The Assistant Executive Engineer,
Electrical Sub Division,
K.S.E Board,
Kesavadasapuram.

Sub: - Releasing of order of disposal of RP.No.1/671/2011.
Ref: - B.O (FB) No.585/2006 (LA.II/1173/2006) dated 25.2.2006.

Sir,

Enclosed the order of disposal of petition filed by Smt. Bindu Ria Alex, in RP No.1/671/11 for further action.

Yours faithfully,

CHAIRPERSON
DEPUTY CHIEF ENGINEER
CGRF (SOUTH)

Copy to:-

1. Smt.Bindu Ria Alex, Managing Director, Vega Ventures (P) Ltd, Kuravan Konam, Kowdiyar, Thiruvananthapuram.
2. The Deputy Chief Engineer, Electrical Circle, Thiruvananthapuram (U).
3. The Executive Engineer, Electrical Division, Kazhakoottam.
4. Sri.Sakthidharan Nair.B,Standing Counsel, KSEB.

CONSUMER GRIEVANCE REDRESSAL FORUM (SOUTH), KOTTARAKKARA

Present: 1. Sri.R.Suku, Chairperson, Deputy Chief Engineer
2. Smt. Beena Pious, Executive Engineer
3. Sri.N.Sasidharan Unnithan, Member

Tuesday the 17th day of April 2012

RP No.1/671/2011

Between

Petitioner: Smt.Bindu Ria Alex,
Managing Director,
Vega Ventures (P) Ltd,
Kuravan Konam,
Kowdiyar, Thiruvananthapuram.

And

Respondent: The Assistant Executive Engineer,
Electrical Sub Division,
Kesavadasapuram.

Grievance of the petitioner

The complainant is the promoter of a commercial complex Mark Plaza, under Electrical Section, Kesavadasapuram. The petition is against the collection of excess amount for effecting power supply and the delay in reimbursing the balance amount by the KSEB. When the petitioner applied for power supply to this premises, an estimate amounting to Rs.22,86,000/- was sanctioned by the Deputy Chief Engineer, Electrical Circle, Thiruvananthapuram. Further an estimate of Rs.7,91,587/- was sanctioned by the Executive Engineer, Electrical Division, Kazhakkoottam and the petitioner had remitted the said amount on 31.10.2008. 250 KVA transformer and all other electrical installations were done as per the stipulations and guidances of the Electrical Inspector, at the petitioner's expense. Again the petitioner

was informed to remit Rs.69912/- on work deposit, and it was remitted on 12.1.2009.

Hence it is seen that, Rs.7,91,587/- was collected unnecessarily wherein Rs.69,912/- only was needed to effect the supply, which is the reasonable expenses for effecting the supply. No extension type RMU has been provided for supply and the occupants enjoy power connection which proves that installation of such an equipment is not at all essential for providing supply. The licensee is authorized to collect only the reasonably incurred expenses for effecting a supply. 10% supervision charges for the works done by the petitioner is also charged by the licensee, which is totally against rules. Hence the petitioner prays

(1) To set aside the estimate and demand of Rs.7,91,587/-

(2) To reimburse the excess amount with interest, after deducting Rs.1452/- the actual incurred expenditure from the collected amount of Rs.7,91,587/- as LEOYEC.

(3) To audit the work executed on work deposit scheme by realizing Rs.69912/- and to reimburse the balance amount with interest.

(4) To declare that the maintenance of 150 sq.mm cable is the duty of the licensee.

(5) To declare that the obtaining of sanction to cut/cross the roads for laying/erecting electrical utility is the duty of the licensee and

(6) To pay the cost and expense of the petition.

Version of the Opposite party

The petitioner applied for power supply to her premises, and the work involved tapping of 11KV supply, through a CTC extensible type RMU, laying 100m of 3x150 sq.mm XLPE cable to the transformer at the consumer premises. The work was sanctioned for an amount of Rs.22,86,000/-.

The consumer has volunteered to install the transformer and lay the cable, and hence demand was raised for the balance part towards the cost of giving supply including installing extensible type RMU and 10% supervision charges. The amount was arrived to be Rs.7,91,587/- and was collected on 31.10.2008. All works except the installation of RMU was completed, due to the non availability of RMU. The consumer then requested to provide alternate arrangements for providing supply. Hence, as an interim measure , supply was directly tapped from the structure and, for this an amount of Rs.69,912/- was collected.

The amount Rs.7,91,587/- was collected as per Section 46 of Electricity Act 2003 and Section 7(1) of Supply Code 2005 and no violation has been done in this regard. RMU installation has been formulated in the Thiruvananthapuram city area and the guidelines for arriving cost of works in distribution sector is approved by KSERC. Now the petitioner is given supply as an alternate arrangement, and the supply to this HT consumer shall be provided with RMU. The provision for 300m2 cable and associated items are included for connecting extensible RMU, with the existing RMU. The work is not completed and hence it cannot be excluded from the estimate.

Only reasonable expenses incurred for providing supply to the premises had been collected by the licensee and the rates approved by KSERC are general in nature. KSEB had standardized the size of UG cable laid for maintaining the distribution network. Board vide order dtd.5.5.2008, accorded sanction to the consumer to procure and lay cable on their own under the supervision of the Board officials and the maintenance of it shall be done by the consumer, if there is no possibility of further line extension by the Board.

As all the allegations put forth by the petitioner are baseless and are created by misinterpreting the rules and regulations, it is prayed to dismiss the complaint.

This forum, on the basis of the arguments advanced by both the parties, and also relying on the documents available on file, passed an order dtd.12/12/2011. But the petitioner filed a review petition dtd.21/1/2012 requesting to review the above order upon various grounds. His review petition No.1/671/2011 was considered and heard both the parties. On hearing the parties, and upon perusal of the documents, this forum found it just and proper to allow the review petition. Accordingly the review petition was allowed, and the earlier order dtd.12/12/2011 on this complaint was recalled and the case stood posted for detailed hearing.

Discussion and Findings

5 hearings were conducted and both the parties were present for all the hearings. The main argument of the petitioner in this case is that the RMU purchased/cash remitted by the petitioner is a part of the distribution system of the licensee. The RMU, which is a sophisticated device, installed in the distribution system for making the supply efficiently. As per Section 42 of the Act, it is the duty of the licensee to develop and maintain the distribution system efficiently. In such an instance, it is the duty of the licensee to install the RMU.

The standing counsel of the Board and the Assistant Executive Engineer argued that the licensee had installed RMU in the distribution system in Thiruvananthapuram urban area, under the APDRP scheme. Later applicants have to bear the cost of RMU, as per the Supply code 2005, and as such, the cost of RMU is recovered from the petitioner.

Here the opposite party stated that, the expenses incurred for giving a particular supply is totally realized from the 1st applicant. The forum observed that, from the 1st applicant ie, from the petitioner, the opposite party has recovered Rs.6,60,000/- towards the cost of RMU and Rs.48,656/- being the cost of 300 sq.mm cable. But after 4 months, Rs.2.50 lakhs only was recovered from Mr.Afsal Musaliyar who

was the 2nd applicant and similar consumer. From the 3rd applicant Mrs. Lekshmi Suresh Jacob, also only the cost of Add on ie, Rs.2.50 lakhs is recovered. 4th applicant is registered by the licensee under MG Agreement. All these are connected to the extension type RMU which is purchased by the 1st applicant Smt. Bindu Ria Alex. Here the petitioner had done nothing but simply become the 1st applicant for supply and here it is the clear violation of natural justice in all dimensions in casting the entire cost upon him.

At the time of implementing the APDRP scheme, there should have been a long term planning for installing an extensible type RMU instead of the present non extensible type RMU, wherein the expenses do not vary, and this provision is safe guarded under Section 42 of the Act. Thus, the licensee could have installed an extensible type RMU, and supply could have been effected to the applicants, including the petitioner, realizing the cost of the Add on modules @ Rs.2.50 lakhs. Section 46 of the Act states that only the actual incurred expenditure shall be realized from an applicant for effecting his particular supply. On the basis of the principles of natural justice, it is seen that the licensee had not bothered to extend justice to the petitioner, where 4 applicants have approached for supply from the same point of supply, within a short duration of a few months, who were differently treated. The petitioner is improperly discriminated among other similarly situated consumers.

The opposite party had argued that when an applicant approaches for electric supply the total expenses for the release of supply would be recovered from him and that the Board cannot anticipate for future applicants and release connection in such a way. Board is installing RMU in the same way, under Thiruvananthapuram urban area.

The petitioner had submitted nearly 10 documents in proof of his claim that the Board does not have a uniform procedure in installing RMU. It is evident that, the procedures differ in each connecting points. In some places, the cost one RMU is realized from the applicants. In some other places cost of 2 RMUs are realized from the applicants. The opposite party argued that, if a mistake had occurred in giving supply to a particular applicant the same mistake cannot be followed to effect supply to other applicants also.

The question now arises is that whether the Board has committed errors in the procedure of installing RMUs?

If it is not a mistake, it may be concluded that the petitioner's arguments are correct and just. In this context, the Forum issued an interim order, which is reproduced hereunder:-

Considering the contentions raised by the petitioner and the rival contentions raised by the opposite party and the standing counsel of the Board, it has become necessary to examine the merit of the case in detail.

The main arguments of the petitioner are as follows:-

" Under Section 42(1) of the Electricity Act it is the mandatory duty of the distribution licensee to develop and maintain an efficient, coordinated and economical distribution system and also that, under Section 46, the licensee is empowered to realize from a person requiring supply of electricity in pursuance of Section 46, any expenses reasonably incurred in providing any electric line or electrical plant used for the purpose of giving that supply. According to the petitioner the distribution system as defined in the Electricity Act, is " the system of wires and associated facilities between the delivery points on the transmission line and the point of connection to the installation of the consumer". Again referring Reg.4 of the supply code the petitioner argued that the point of commencement of supply of the petitioner is

the out let of the 11KV switch gear. In this case, the switch gear is the RMU. The point of commencement of supply is the outlet of the RMU. His case is that, in view of the above statutory provisions, it is the duty of the licensee to install the RMU at their own cost and the petitioner is liable to pay only those lines and electrical plants or systems necessary for effecting supply from the outlet of the RMU.

As per the documents produced by the petitioner as Ext.RP2,6,7 and 8, the work stated in RP2, " for laying 725 m 3x300mm2 XLPE UG cable from Muttada transformer structure to the proposed RMU, which is to be installed at the premises of the consumer and laying 120 m 3x150mm2 XLPE UG cable, from the proposed RMU to energize 1 No. 400 KVA transformer".

Here the connection is tapped from the existing DP structure using 300mm2 cable without an extensible type RMU or an add on module and cable is extended to the RMU installed in the premises of the consumer and then the supply goes through the 150 sq. mm cable to the transformer of the applicant. An extensible type RMU is needed in this case, as per the version of the opposite party ,but no amount is seen remitted towards the same, by the applicants in Ext.RP2,6,7 & 8. This petitioner claims to have such an action to be adopted by the opposite party in his case also.

As per Ext.RP9 &10, the work stated in RP 9 is, "to procure and lay 520 mts. Of 3x300 sq.mm XLPE UG cable from the proposed Add on Module RMU at Sree Bhadra Transformer structure to the proposed RMU in the premises of creations Lavanya and laying 25 mts of 3x150sq.mm XLPE cable from RMU to 160 KVA in-door transformer in the premises".

Here it is seen that, the existing RMU is connected by a 300 mm2 cable, through an Add on Module and an RMU is installed at the premises of the applicant and 150mm2 cable is connected to the indoor

transformer of the applicant. Here an extensible type RMU is already existing.

This procedure is totally against the procedures adopted in the cases of Ext.RP2, 6, 7 & 8. In Ext.RP3,4&5 the work stated in RP3 is, " Procure and lay 440 mts of 3x300mm2. 11KV XLPE UG cable from west cliff RMU to the extensible type RMU installed in front of the building and laying 70 mts of 150mm2 11KV XLPE UG cable from the RMU to 160 KVA indoor transformer".

Here it is seen that there is already a RMU and that, supply is not seen tapped through an Add on Module. The cost of Add on Module Rs.2.50 lakhs is not seen realized. This is against the procedure adopted in the case of the consumers in Ext.RP 9 & 10.

In all these estimates, it is clear that, different offices under the same Electrical circle of Thiruvananthapuram has realized different costs and different procedures adopted to effect power supply from the Board's Ring Main System. In some cases no cost is seen realized.

As per Electricity Act Section 42 (1) and 46, the non realization of cost for the same is absolutely correct and according to law. Hence the petitioner claims to have the same procedure to be adopted for him also.

As such, supply can be effected to the petitioner from the outlet of the switchgear by laying 150sq.mm cable. But the Board arbitrarily realized the cost of RMU of Rs.6,60,000/-. As per the documents produced by the petitioner, as Ext.RP2,6,7,8, these connections were given from the 11KV out put of the distribution system. As such, he is entitled to the refund of the cost of RMU. The petitioner has a further case that 4 months after remitting the cost of RMU by him an applicant, M/s.Afsal Musaliyar has requested for supply from the same point and Rs.2.50 lakhs towards the cost of add on only is seen realized from him. Later other 2 applicants also have requested for supply from the same

point and from them also, the cost of add on only is seen realized. The petitioner also argued that under the same electrical section different amounts are realized to effect supply to different applicants from the same DP structure.

Another grievance put forth by the petitioner is that the supply was given from the very same temporary DP structure, the cost of which was remitted by the petitioner. While giving such supply cost of DP structure with AB switch was realized from the petitioner, and the amount excluding the cost of AB switch was realized from another applicant. While from the 3rd person, no cost of the DP structure and the AB switch was realized.

The petitioner also argued that there is no approval of the KSERC for realizing the cost of RMU from the applicants.

The main contentions raised in the version and during hearing, by the opposite party is as follows:-

1. *The Board is empowered to realize the cost for effecting supply to a consumer as per Section 46 of Electricity Act 2003.*
2. *The petitioner availed LT supply, as such under Reg.44 of Terms and Conditions, the incoming terminal of the cut out installed by the consumer in case of LT supply is the point of supply. As such, only by providing an extensible RMU, supply can be effected while add on module is sufficient for giving supply to subsequent consumers.*
3. *DP structure belongs to the Board even though the cost of the same was remitted by the petitioner. The Board is empowered to effect supply from the very same DP structure to other consumers.*
4. *The supply given to similar consumers as shown in Ext.Rp 2 to 10, without realizing the cost of RMU may be a mistake. Even if it is a mistake, the petitioner cannot claim that he should also be given*

supply by repeating the same mistake. The opposite party also could not collect the documents to examine in detail regarding this issue.

5. *The petitioner was the 1st applicant for connection. As such the entire cost of extensible type of RMU is Rs.6,60,000/- was realized from him. Subsequent consumers need only Add on module for effecting supply and as such they need to bear the cost of Add on only.*
6. *During hearing, the standing counsel of the Board stated that, supply as a temporary measure by means of the DP structure was given to the petitioner upon the specific written request of the petitioner, for the same.*

Considering the contentions and rival contentions, it is necessary to examine some important issues involved in this case for determining the merit of the case. ***Since the petitioner argued that the procedures for effecting supply to applicants of Ext.RP3,4 &5 are in accordance with the regulations and as per Section 42 and 46 of Electricity Act also, these procedures are lawful. But the opposite party of the Board stated that it was a mistake.*** *This view is not accepted by the forum since, the higher level officers of the opposite party had accorded sanction for these estimates. We do not think that it is a mere mistake, because the exhibits produced shows that a number of connections are seen effected in the similar way, and also the opposite party stated that she has not examined these documents and procedures in detail. Some procedural errors were noted by the forum regarding the estimate, giving supply to 3 consumers in a single 11kv DP structure, and also not produced any Board order to clarify the action taken by the opposite party. Hence the opposite party was directed to furnish Board orders, orders from*

Hon'ble KSERC and the clarification from the Board, on the following matters.

1. *The petitioner had submitted Ext.RP2,3,4,5,6,7,8,9 & 10, coming under Electrical Circle, Thiruvananthapuram Urban. Clarify, from which all consumers, the cost of RMU/Add on is realized for effecting power supply.*
2. *As per the documents mentioned above clarify, if it is not a mistake in providing supply to similarly situated consumers, without realizing the cost of RMU, If so specify the sections, regulations approved by the Hon; KSERC and relevant Board Orders.*
3. *Is there any board order authorizing to realize the entire cost of RMU from the first applicant, while dispensing with the same from the subsequent consumer from whom only the cost of Add on is to be realized? If so a copy of the same shall be produced.*
4. *In this case, whether the supply can be given only through realizing the cost of RMU / add on module? Is there any Board Order for this? If so a copy of the same shall be produced.*
5. *The amount Rs.6,60,000/- is remitted by the petitioner on 31/3/2008.*

   Even after 4 years, the work is not completed till date. The opposite party stated that the RMU is not available. In this context, submit report as to when the work shall be completed and furnish a report showing the actual expenditure is made or not?
6. *Licensee stated in another OP, application submitted before Hon: Commission for approval to realize the cost of RMU / Add on module from the consumers ?. Whether approval from Hon: KSERC is received?.*

In the above points ,the clarifications from the licensee after considering the exhibits mentioned above are absolutely necessary for the disposal of this petition, on merits. Hence it is ordered that the opposite party is directed furnish the same within 15 days from the date of receipt of this order.

The case was posted for further hearing on 15/3/2012".

On the basis of this order, hearing was again conducted. But on the hearing, the opposite party Assistant Executive Engineer, Kesavadasapuram stated that, all the connected documents were not available. Hence, upon the 10 Nos of documents, the petitioner had submitted that all the concerned officers who have prepared the estimate on the above documents/cases, were to be heard as witnesses. And as such the Assistant Engineers of Electrical Section:

1) Kesavadasapuram
2) Puthenchantha
3) Petta
4) Cantonment
5) Vellayambalam
6) Peroorkada

were heard.

Statement of Assistant Engineer, Kesavadasapuram in the subject case revealed that the estimate for the cable include lumpsum and is not the actual cost. Hence the forum came to the conclusion that the estimate prepared was not as per the Act.

In the case of effecting supply to M/s. Serene Square, the Assistant Engineer Cantonment stated that as per the estimate, there was no provision for an extensible type RMU, and it was not stated how to install it. Here the forum views that this estimate is also not as per the rules and regulations.

Assistant Engineer, Puthenchantha, stated that in RP 7 & RP 8, no cost of RMU is realized from the applicants since there existed a RMU. Here the petitioner's arguments are rejected.

In the case of YMCA point, there was an extensible type RMU, installed under APDRP scheme. From the Govt. Secretariat point, supply could have been given using an add on module. Here the Board had installed RMU and the consumer has requested to shift out the RMU from their premises and the request is under consideration of the authorities. Here it is understood that the Board had installed extensible type RMUs under APDRP scheme in many places in Thiruvananthapuram (U) area. The petitioner stated that the Joy Ice Cream Structure point was fast developing and an extensible type RMU should have been installed by the Board. This statement is also proved right.

In effecting supply to M/s. Creation Lavanya, the Assistant Engineer, Vellayambalam stated that, under APDRP scheme an extensible type RMU had been installed. Here, the Assistant Engineer of the concerned section, had proposed for extensible type RMU, keeping in mind the future developments of the area.

On the other hand there is lack of a common procedure. Under each division of the circle, different type of procedures are seen adopted. The forum understands this from the documents submitted by the petitioner.

Assistant Engineer, Beach, stated that in the case of supply to Samridhi Syam Manor, the cable was cut and joined to effect supply. Here it is to be noted that, number of joints of the cable should be minimum otherwise it will affect the efficiency of the distribution system. The concerned officials here violated the Board Order by making two straight joints to effect the supply. The Assistant Engineer Petta argued that the Board Order was only to minimize the cuts and joints of the cable. Forum does not agree with this view. This proposed area is fast

developing and as per Section 42 of the Act, it is the duty of the licensee to maintain an efficient distribution system. Hence the licensee should have installed a RMU under APDRP scheme, and thus the two joints in the cable could have been avoided. Here the argument of the petitioner is accepted.

From these exhibits, the forum observes that, the Board Order for installing RMU does not provide a uniform procedure. In the Board Order it is clearly indicated to minimize the number of joints in the cable but it is not followed in many instances. Also it is seen that the Board's distribution main is placed in private property/premises of the applicant, and the distribution main is cut and tapped using a cable to install a RMU. From there, if further applicants are to be given supply, normally, the consent of the property owners is required. This can create a greater constraint to the Board in future.

It is evident from the points raised during hearings that, lack of uniform procedure in installing RMU, has created many number of issues and similar petitions have come up before this forum. For Eg: OP 574, OP 589, OP 700, OP 717etc.

From this, the Forum would like to put forth a suggestion before the Board. All the petitions related with installation of RMU under Thiruvananthapuram (U) area shall be examined in detail, and a common, feasible procedure shall be framed. In many similar cases, it was noted that the arguments of the Board were contradictory.

Eg: OP 717,

From the exhibited 10 documents, the forum finds that the argument of the petitioner is partly correct and just.

As per Section 42, it is the sole duty of the licensee to develop and maintain an efficient distribution system. Here at the time of installing RMU as part of the development programme of the distribution system of the licensee, due to the lack of a long term planning, non

extensible RMUs are installed. At that time, it was apparent that the Thriruvananthapuram (U) area was fast developing and as such, extension type RMU's under APDRP scheme could have been installed, where the cost of the two does not differ much.

The forum infers that this laxity has occurred only due to the above said problem of the lack of a long term planning.

It is noteworthy that as per Sub Section (1) of the Section 42 of the Electricity Act, a distribution licensee is responsible to develop and maintain efficient coordinated and economical distribution system. For convenient reference Section 42 (1) is reproduced hereunder.

Section 42(1) –" It shall be the duty of a distribution licensee to develop and maintain an efficient, co-ordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act".

Now it is necessary to quote the definition of distribution lines and mains for further discussion.

Section 2(17) *"distribution licensee means a licensee authorized to operate and maintain a distribution system for supplying for electricity to the consumers in his area of supply"*

Section 2(19) *"distribution system means the system of wires and associate facilities between the delivery points on the transmission lines or the generating station connection and the point of connection to the installation of the consumers".*

Now Section 45(5) is to be referred

Section 45(5) –"*The charges fixed by the distribution licensee shall be in accordance with the provisions of this Act and the Regulations made in this behalf by the concerned state commission".*

Power to recover expenditure:- The State Commission may, by regulations, authorize a distribution licensee to charge from a person requiring a supply of electricity in pursuance of Section 43 any expenses

reasonably incurred in providing any electric line or electrical plant used for the purpose of giving that supply.

The above provisions amply make it clear that it is the duty of the distribution licensee to develop and maintain the distribution systems and that the charges leviable by the distribution licensee shall be in accordance with the provisions of the Act and regulations of the KSERC.

The Hon'ble KSERC had an occasion to consider the issue regarding the development charges in OP No.13/14.5.2009 filed by the KSEB. The Hon'ble commission disposed the above petition by a detailed speaking order dated 16/11/2009. In the above order the commission relied an order of the Appellate Tribunal for electricity in a similar matter. For convenient reference the relevant portion of the above order of the commission is quoted hereunder.

As found above Section 46 of the Act which provides that the State Electricity Regulatory Commission may, by regulations authorize a distribution licensee to charge from the person requiring supply of electricity in pursuance of Section 43 any expenses, reasonably incurred on providing electrical line or electrical plant used for the purpose of giving that supply. As per Section 43(2) it shall the duty of every distribution licensee to provide if required, electric plant or electric line for giving electric supply to the premises specified in Sub –section(1).

From the above it is clear that the Distribution licensee is entitled to charge only expenses incurred for providing supply specifically to that consumer as approved by the Commission. In the case of any consumer, KSEB is entitled to collect expenses approved by the Commission for giving electric connection to that Consumer. This was approved for 2009-10 as per letter No.KSERC/IV/Supply Code 2009/746 dated 28/8/2009 of the Commission. Cost of equipment required for development of the system is to be borne by the licensee. Such

expenditure incurred is recovered by way of interest and depreciation included in the ARR approved by the Commission. The capital works include all the development works in Generation, Transmission and Distribution."

Thus it is the settled position that as per Section 46, as quoted above, only reasonably incurred amount shall only be realized from the consumer for giving electric supply. In this case the forum examined the meaning and scope of 'reasonably incurred expenses" The Board says that installing of RMU is a reasonably incurred amount. But it is not right. In the areas outside Thiruvananthapuram (U), to effect supply by installing a 50 KVA Transformer, it is needed to erect AB switch in the existing line and from there, either by cable or by OH line, supply is tapped. This is the meaning of "reasonable expenses" outside Thiruvananthapuram (U) area. As per the Board Order, it is reasonable to recover the expenses for giving supply in Thiruvananthapuram (U) area by installing an add on module of @ Rs.2.5 lakhs. But for installing a transformer worth Rs. 2 lakh, it is not reasonable to recover an expense of Rs.6, 60,000/- towards the cost of an extensible type RMU, also for the sake of giving supply to later applicants.

As per Section 42,43,45 & 46 of the Act, it is the duty of the licensee to maintain an efficient distribution system. Also the distribution licensee shall provide for the open access.

An 11 kV supply is to be provided through the outlet of the switch gear as stated in Reg.44 of Terms and Conditions of Supply 2005. Here RMU is the switchgear at the connecting point. As it is statutory that the expenses for giving a particular supply shall only be realized from that particular applicant, the forum finds ample merit in the complaint of the petitioner. But the opposite party produced a Board Order BO(FB)(Genl)No.2024/2011 (DPC IIAE/T&C of Supply

02/2009/2011)dtd.Tvpm 18/8/2011 and the specific portion is reproduced hereunder.

Board, vide BO read as 4th paper above, ordered that all prospective HT consumers or consumers requiring installation of transformers for availing supply, within the APDRP scheme area shall be allowed to tap HT supply only through Ring Main Units. It was ordered that if RMU stations are not available within a distance of 200 m, then connection can be effected by tapping of HT supply after installing an extensible CTC Ring Main Unit and if RMU station is available within a distance of 200m, supply can be tapped from the Ring Main Units stations using an extensible "Add-on " type RMU module. It is noted that even with this direction, there is no uniformity in the field. Distribution Advisory Committee suggested that Board shall issue additional clarification in this regard.

This Board Order was submitted as per the interim order dtd.27/2/2012. Forum has discussed in details about this Board Order of the licensee, and it is seen that this order is not in tune with the concerned clauses and sections of the Act 2003. But this forum do not wish to interfere into the orders of the licensee. Hence, the complaint of the petitioner is not fully accepted by this forum.

The procedures adopted by the opposite party according to this Board Order is seen right yet it is evident from the Hearings of the witnesses that there are substantial errors also in the estimates prepared by the opposite party.

In this case 4 applicants approached for supply and so it is only just and proper to recover the expenses equally from all the 4 applicants. Hence the petitioner can approach the Board for necessary orders in this regard.

ORDER

(i) The estimate prepared in this case is not in accordance with the provisions of the Electricity Act. Service connection was given on 2/2009 and now 38 months are over. Therefore the quantum of the work excluding RMU shall be assessed within one month and the balance if any has to be refunded within one month. If it exceeds one month, the amount shall carry interest twice the bank rate as stipulated in Reg.17 of Supply Code 2005.

(ii) The complaint against the Board order shall be taken before the Board for necessary redressal.

(iii) No order as to cost.

If the petitioner is not satisfied with the above order of this Forum, he/she is at liberty to prefer appeal before the Electricity Ombudsman within 30 days from the date of receipt of this order. The address of the Electricity Ombudsman is furnished below.

State Electricity Ombudsman, Pallikkavil Buildings, Mamangalam-Anchumana Temple Road, Opp:Kochi Corporation Regional Office, Edappally, Kochi – 682 024, Ph: 0484 -2346488.

Sd/-	Sd/-	Sd/-
BEENA PIOUS EXECUTIVE ENGINEER, MEMBER	N.SASIDHARAN UNNITHAN MEMBER	R.SUKU CHAIRPERSON DEPUTY CHIEF ENGINEER

Forwarded

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)
CGRF (SOUTH), KOTTARAKKARA.