

**CONSUMER GRIEVANCE REDRESSAL FORUM
KERALA STATE ELECTRICITY BOARD LTD- SOUTHERN REGION
VYDYUTHI BHAVANAM, KOTTARAKKARA**

Present: 1. Smt.Laila.N.G, Deputy Chief Engineer, Chairperson
2. Sri. Rajeev.N Executive Engineer, Member II
3. Sri. M. Sabu, Advocate, Member III

Friday 11th August, 2023

OP No.10/2023

Between

Petitioner: Sri. T. Muraleedharan Nair
GTP Cottage, EP-1/19/LA,
Vettakada, Edava (P.O) Thiruvananthapuram

And

Respondents : (1) The Assistant Executive Engineer
Electrical Sub Division, Varkala.

(2) The Assistant Engineer
Electrical Section, Edava.

ORDER

1. Grievance of the petitioner

The petitioner is a consumer under Electrical Section, Edava bearing the service connection number 1145260012841. The petitioner is aggrieved by the disconnection of electricity supply to the premises by the licensee on 31.12.2022, without giving any mandatory notice. The petitioner contented that supply to the petitioner's service connection premises has been disconnected by the licensee violating the agreement executed between the consumer and the licensee at the time of effecting the service connection. In order to reinstate the supply to premises, the petitioner approached the Forum with the subject petition.

2. The Version of the respondent

According to the respondent the petitioner is a single phase consumer bearing the consumer number 1145260012841 under the area of Electrical Section Edava. The petitioner availed the service connection on 25/06/2018, with connected load 700 watts under commercial tariff LT-VIIA, registered in the name of the petitioner. The Secretary of Edava Grama Panchayat has intimated that the petitioner had been using the electric connection for unauthorized construction purpose violating the CRZ rules even after issuing

stop memos by Edava Grama Panchayat. The Secretary of the said Grama Panchayath, sent an intimation letter to the Chief Vigilance Officer of the licensee also regarding the matter.

The petitioner availed the service connection for commercial purpose on the basis of an ownership certificate issued from Edava Grama Panchayat along with an undertaking stating that he is willing to disconnect/ dismantle the supply to his premises upon the order of any court or government or any other competent authority restricting or prohibiting such grant of supply of electricity to his premises. On site inspection it is found that the petitioner was using electricity supply unauthorizedly for construction purposes and also one 8 meter PSC Pole was found damaged during construction activities by the petitioner. Pursuant to this a site mahazar was prepared and a notice was issued to the petitioner indicating violation of rules and to furnish reasons within 15 days from the date of receipt of the notice. The service connection was disconnected considering the safety aspects after serving notice to the petitioner and later restored the connection as the petitioner remitted the amount of loss sustained to KSEBL. It was noticed that the petitioner was still using electricity inappropriately and again a disconnection notice was issued to the petitioner by the Licensee on 02/04/2022 as per the regulation 138 (e), 138 (f), 138 (n), 138 (o) and 139 (4) of the Kerala State Electricity supply Code, 2014 and the supply was disconnected on 30/12/2022. The law Officer had also directed the Assistant Engineer , Electrical Section,Edava to issue disconnection notice to the petitioner. The Kerala State Electricity Supply Code,2014 regulation 138 (e), 138 (f), 138 (u), 138 (o) allow the licensee to disconnect the supply of electricity if the consumer is found to be using electricity for a purpose that violates the provisions of any law or regulation by issuing prior notice to the consumer.

3 Analysis and Findings

The hearing of the case was conducted on 09/05/2023, Both the petitioner and the respondent were present and heard the matter in detail.

On going through the petition and other documents in the file, the Forum viewed that the petition pertains to the disconnection of electricity supply to the petitioner's premises by the Licensee as per the intimation from the Grama Panchayat authority and the Senior Law Officer of the licensee for violating the CRZ rules .

The petitioner alleged that the licensee disconnected electric supply to the premises without giving any mandatory notice to him and thereby violating the conditions of the service connection agreement signed between the petitioner and the licensee .

According to the respondent the service connection was disconnected due to safety aspects and also as per an intimation from the local authority that the petitioner used the service connection for the purpose of unauthorized construction, violating CRZ rules. Besides the respondent stated that an 8 meter support post of weather proof service line was broken almost in the middle and seen abandoned at the seaside. The live weather proof service line drawn to the construction site was seen placed in dangerous condition on the ground. More over it is not permitted to use the service connection availed under commercial tariff,LT-VIIA for construction purpose.

The Assistant Engineer, Electrical Section Edava issued a prior intimation letter on 10/02/2022 before disconnecting supply to the premises with a time limit of 15 days to inform the reasons for the alleged violation of rules by the petitioner and disconnected the supply to the premises on 04/03/2022. In the letter issued by the Secretary of Edava Grama Panchayat under the area of which the petitioner's service connection premises is situated, it is stated that the petitioner has violated the provisions of CRZ Rules. It was also stated in the letter that the petitioner has used the electric connection unauthorizedly for construction purpose even at night time without permission and ignoring the stop notice issued by that authority. In addition to this the respondent alleged that the service line to the premises was seen placed on the ground dangerously. The site mahazar prepared after inspecting the site is produced before the Forum as evidence.

Regulation 138 of Kerala Electricity Supply Code,2014 specifies the grounds on which the supply to any premises shall be disconnected by the licensee.

138. Grounds for disconnection.- (1) The licensee shall not disconnect the supply of electricity to any consumer except on any one or more of the following grounds:-

(a) if the consumer defaults in payment of the dues payable to the licensee as per the bill or demand notice or any order issued by a competent authority, within the period stipulated therein;

- (b) if the security provided by the consumer has become insufficient or the consumer fails to provide additional security as required by the licensee;*
 - (c) if the consumer is found to have indulged in theft of electricity;*
 - (d) if the failure to disconnect is likely to cause health hazard or safety risk or damage to property or to the consumer or to any other person;*
 - (e) if the conduct or continuance of any business or industry or activity being carried out in any premises becomes unlawful due to lack of necessary permission from the competent authority or due to withdrawal of such permission by any competent authority;*
 - (f) if the licensee is mandated to do so by an order of a legal authority, competent to issue such a mandate;*
 - (g) if the licensee is entitled to do so under an agreement with the consumer;*
 - (h) if the installation of the consumer does not comply with the applicable rules or any other reasonable requirements stipulated by the licensee;*
 - (i) if the consumer has contravened the provisions of the Code or of the Act, which entitles the licensee to disconnect the supply;*
 - (j) if the wiring, apparatus, equipment or installation at the premises of the consumer is found to be defective or unsafe or there is leakage of electricity;*
 - (k) if the consumer is found to have altered the position of the meter and related apparatus or if the consumer uses any apparatus or appliance other than the ones authorised by the licensee;*
 - (l) if the consumer uses the energy in such a manner as to endanger the service lines, equipment, electric supply mains and other works of the licensee;*
 - (m) if it is found that energy is being used in any manner which unduly or improperly interferes with the efficient supply of electricity to any other consumer;*
 - (n) if at any time the consumer is found to be using energy for a purpose other than for which it was intended or provided;*
 - (o) if the consumer extends or allows supply of electricity to any other premises from his connection without the permission of the licensee.*
 - (p) if the supply of electricity to the consumer is liable to be disconnected as per any of the provisions in the Code.*
- (2) In the case of detection of theft of electricity, the supply of electricity shall be disconnected immediately as provided in subsection (1A) of Section 135 of the Act.*

The Forum found that the petitioner's service connection was liable for disconnection for reasons mentioned as per clauses (d) and (e) of Regulation 138(1), quoted above.

Procedure to be adopted by the licensee for disconnection of supply is further stipulated in Regulation 139 of Kerala Electricity Supply Code, 2014. As per the said regulation in the case of disconnection to be effected due to reasons mentioned in clauses (d) and (e) of Regulation 138(1),

(3) The licensee shall disconnect the supply to the consumer immediately if the disconnection is on the grounds in clauses (c) and (d) of sub regulation (1) of regulation 138 and the consumer may be given intimation to that effect soon after the disconnection.

(4) In the case of disconnection as per clauses (e) to (p) of sub regulation (1) of regulation 138, the supply shall be disconnected only after giving a notice for a period not less than seven clear days and intimating the consumer about the grounds for disconnection.

The Forum viewed that notices were served to the petitioner on 10.02.2022 and 04.03.2022 and subsequently supply to the premises was disconnected. Thereafter supply was reconnected after compensating the loss sustained to the licensee by the petitioner, the details of which is not furnished to the Forum. The licensee reconnected the supply to the premises without rectifying the other ground for disconnection i.e. lack of permission or withdrawal of permission by the competent authority to continue the activities conducted in the premises. Thereafter the supply to the premises was again disconnected on 30.12.2022 after serving disconnection notice on 02.04.2022.

In this instant case the service connection has been in disconnected status and the petitioner approached the Forum for reconnection of supply indicating the procedural lapses occurred from the part of the licensee. It is pertinent to mention that even though lapses are noted from the part of the licensee in reconnecting the supply without producing a No Objection Certificate from the Grama Panchayat authorities who intimated the licensee that the petitioner had been doing construction activities violating the CRZ rules and purposefully ignoring the stop notices issued by the local authority. However since the Grama Panchayat authorities and the respondent has indicated serious violation of rules by the petitioner, the supply shall be reconnected by the licensee only after receiving a No Objection Certificate

from the concerned local authorities as per Regulation 147 of Kerala Electricity Supply Code,2014.

147. Reconnection of supply.- (1) The licensee shall reconnect the service of the consumer which was disconnected under regulation 139, within twenty four hours of payment of past dues, reconnection charges and other charges, as applicable, for that category of consumer and after getting necessary formalities completed from the side of the consumer.

(2) If the ground for disconnection of the consumer has been remedied, the licensee shall give reconnection within twenty four hours.

(3) The licensee may charge a reconnection fee as approved by the Commission.

(4) In case the supply is disconnected on the request of the consumer, the licensee shall give reconnection on the request of the consumer, within twenty four hours of the payment of all dues by the consumer.

(5) The charges for disconnection and reconnection shall be in accordance with the Schedule of Miscellaneous Charges as per schedule 1 of the Code.

The respondent shall reinstate supply only after ensuring that there exists no dangerous installations in the premises. Before reconnecting supply to the premises the respondent shall also make sure that the various installations in the premises conform to the standards specified in Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations,2010 as amended from time to time.

Decision

Considering the facts and Circumstances of the case, the Forum disposed the case with the following orders

1. The Forum observed that the action of the licensee by which the supply to the premises of the petitioner was disconnected as per the intimation from the local authority is justifiable. The supply shall be reconnected after producing a No Objection Certificate by the petitioner from the Grama Panchayath authorities and after ensuring that the wiring and other installations in the premises conform to the standards specified in Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations,2010 as amended from time to time.

2. No order as to cost.

If the petitioner is not satisfied with the above order of this Forum, he 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.

'The State Electricity Ombudsman, D.H & Foreshore Road Junction, Near Gandhi Square, Ernakulam, Kerala - 682 016. Phone: 0484 2346488'.

Sd/-
M. SABU
ADVOCATE
MEMBER III

Sd/-
RAJEEV.N
EXECUTIVE ENGINEER
MEMBER II

Sd/-
LAILA.N.G
DEPUTY CHIEF ENGINEER
CHAIRPERSON

Forwarded

Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.10/2023/151

Dated : 14 /08/2023

Delivered to:

1.Sri. T. Muraleedharan Nair , GTP Cottage, EP-1/19/LA, V, Vettakada, Edava (P.O) Thiruvananthapuram.

2. The Assistant Executive Engineer, Electrical Sub Division, Varkala K.S.E. Board Ltd,

3. The Assistant Engineer, Electrical Section, Edava

Copy to:

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam, TVPM.

2.The Deputy Chief Engineer, Electrical Circle,Thiruvananthapuram.

3.The Executive Engineer, Electrical Division, Attingal.