

**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. Sanjeev Koshy Executive Engineer, Member II
3. Sri.C.K.Harikumar,Advocate,Member III

Friday 15th December,2023

OP No.51/2023

Between

Petitioner: Sri.G. Santhosh Kumar
Assistant Engineer, (Electrical)
Sabarimala Development Project,
Travancore Devaswam Boad, Sabarimala.

And

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

(2) The Assistant Engineer, Electrical Section, Ranni- Perinad.

ORDER

1. Grievance of the petitioner

The petition is based on the letter and estimate received from (KSEBL) Ranni- Perinad office Vide letter No.DB20/ES-RP/2022-23/Sabarimala/153 dtd:23/3/2023, related to street light maintenance charges in Sabarimala & Pampa. The petitioner Assistant Engineer (Electrical), Sabarimala Development Project, Travancore Devaswom Board, Sabarimala argued that the maintenance charges claimed by the KSEBL is exorbitant. The petitioner also mentioned that compared to the cost of materials the labour charges is much high, and prays the Forum to reduce the bill amount at the earliest.

2. Version of the respondent

The first argument of the respondent is that Honble Forum may dismiss the petition for want of jurisdiction.

The regulation 102(10) of Kerala Electricity Supply Code 2014 reads: Supply of electricity for street lights.- The licensee may install street lights in private

areas where the distributing lines of the licensee are in existence, on special terms and conditions to be agreed mutually by the licensee and the person who applies for such service. The Travancore Devaswom Board being the administrative authority at Sabarimala, services rendered by KSEBLtd over the past years for lighting, upkeep and maintenance of the street lights at Sabarimala has been in conformity with the terms and conditions agreed upon by the KSEBLtd and the Travancore Devaswom Board.

The Travancore Devaswom Board has availed of 13 monthly and 39 bimonthly LT service connections in LT 8B tariff for street lighting at various locations at Pamba, Triveni, Parambaragatha Patha, Swami Ayyappan Road and Sannidhanam at Sabarimala, in addition to the HT connection availed for lighting of Thirumuttam, residence of the Melsanthi, lighting and functioning of the Aravana Plant as well as an LT at Pamba Ganapathi Kovil under LT 8B tariff. Of these the maintenance of the streetlights in LT 8 B tariff are being done by the KSEBLtd in conformity with the terms and conditions agreed upon by the KSEBLtd and the Travancore Devaswom Board. Details of the same are submitted herewith as exhibits.

The demand notice for Rs 1,57,388/- was served upon the Executive Officer, Travancore Devaswom Board, towards realisation of actual expenditure incurred in terms of maintenance and upkeep of the aforesaid permanent street lights at Sabarimala for the period of Feb-March 2023. The amount has been arrived at as per the terms and conditions of cost data agreed upon by the KSEBLtd and the Travancore Devaswom Board.

· Sabarimala pilgrimage is controled and fully coordinated by the Government of Kerala wherein all government departments function as per the directives disseminated by the State Disaster Management Authority headed by the Chief Minister. KSEBLtd being a public utility under the Government of Kerala, and being the Licensee of power supply within the state of Kerala, is duty bound to the maintenance and upkeep of the critical infrastructure beneficial to the power requirement for the pilgrimage.

All activities for the pilgrimage to the holy shrine at Sabarimala are umbrellaed under the Disaster Management Act 2005 and coordinated by the State Disaster Management Authority. The KSEBLtd, being the distribution

Licensee of power in the area, has under over all these years, has performed multifarious activities such as 24x7 onsite deployment of amplified workforce, availability of materials, supply chain management, supervision and review of works, obligatorily, to the utmost satisfaction of the Disaster Management Authority. The standard of performance of KSEBLtd at Sabaraimala is over and above it's normal standard of performance criteria to be met vide KSERC Regulations. The service rendered by KSEBLtd at Sabarimala transcends the Licensee - Consumer relation otherwise.

This respondent also mentioned about the facts of the unfortunate stampede that occurred during "Makaravilakku" in January 2011 at Pullumedu which claimed 102 valuable lives. Hon'ble Justice M R Hariharan Nair Commission that enquired the incident, in its report specifically asserts the importance of uninterrupted lighting at Sabarimala for averting disaster and ensuring the safety of pilgrims. In this respect the KSEBLtd is bestowed with the operation and maintenance of street lights owned by the Travancore Devaswom Board, at and around Sabarimala.

The Division Bench of the Orissa High Court in Harihar Bhainipaty Vs State of Orissa has observed that "The duty of maintaining order and discipline inside the temple is different from the duty of the policeman to keep law and order outside on the public road" in the context of maintenance of order and discipline at Shri Puri Jagannatha Temple. This draws a parallel to the standard of performance of KSEBLtd at Sabarimala.

This respondent further presents the following facts for the kind consideration of this Hon'ble Forum:

The KSEBLtd has been efficacious in supplying power and maintaining the electrical installations at Sabarimala for years, seamlessly incorporating the prevailing Electricity Act and Regulations to the directives disseminated by the State Government, like a well oiled machine for the plain sailing of Sabarimala pilgrimage. The demand note served was solely towards the realisation of actual expenses incurred by the KSEBLtd in the maintenance and upkeep of permanent street lights at various locations at Sabarimala. KSEBLtd has never had a profit motive while preparing the demand note.

KSEBLtd has been efficacious in supplying power and maintaining the electrical installations at Sabarimala for years. The allegation made by the petitioner regarding the veracity of the amount demanded is unprecedented. The Travancore Devaswom Board has not ever expressed any iota of doubt as regards the demand notes served by the KSEBLtd in the preceding years.

The current charges of the service connections at Sabarimala are demanded by the KSEBLtd as per the tariff regulations of the Hon'ble Kerala State Regulatory Commission (KSERC) as read under Section 62 of The Electricity Act, 2003 and the estimates and demand notes for realisation of expenditure for maintenance and upkeep of permanent street lights at various locations at Sabarimala are prepared totally in concurrence with the cost data approved by the Hon'ble KSERC as under Section 46 of The Electricity Act, 2003.

At Sabarimala only a modest 2% in terms of wastage, 2% depreciation charge, 10% handling charge and 16% hire charge/Storage and other and Contingent charge (SOC) are being charged monthly, for years for maintenance and upkeep of LED lights and fittings. This is owing to the fact that tractors are the only means of conveyance and transportation of materials due to the difficult terrain of Sabarimala and also due to the augmented loading and unloading charges there.

The expenditure incurred though need be collected in advance as per the prevailing code, the demand is raised by the KSEBLtd after the execution of the maintenance work considering the Sabarimala Pilgrimage as a special case, ensuring hassle free pilgrimage. KSEBLtd has not brought any hike in the cost data of expenditure for maintenance and upkeep of electrical installations .

The maintenance of supply and lighting at Sabarimala having a disaster management aspect to it, is done by KSEBLtd on a war footing basis hence mostly performed in such a manner that the works is not delayed or weighed down by procedural delay.

The KSEB Ltd has a Transmission Subdivision dedicated to transmission of power to Sabarimala which spends millions of rupees each year for maintaining uninterrupted supply at Sabarimala. KSEBLtd has 34 employees

deployed at Pamba and Sannidhanam during pilgrimage season and 5 employees at all other times in different shifts round the clock. The KSEBLtd has been supplying men and material for years traversing the difficult and rough terrain of Sabarimala purely in conformity with the directives of the State Disaster Management Authority going beyond it's required standard of performance.

KSEBLtd has no vested interests or ulterior motives of demanding any enhanced or blown up expenditure costs from the The Travancore Devaswom Board. The expenditure cost demanded vide exhibits submitted herewith is indisputably in conformity with the prevailing cost data approved Hon'ble Kerala State Electricity Regulatory Commission and the terms and conditions agreed upon by the KSEBLtd and the Travancore Devaswom Board, as is.

The respondent argued that the aforementioned facts and substantiating exhibits/ evidences, the demand note served solely towards the recovery of amount due to the KSEB Ltd is legally and ethically sustainable, as well as strictly on the basis of the Acts and Regulations prevailing.

3. Analysis and Findings

Hearing was conducted on 26.10.2023. Both the respondent and petitioner were present and heard the matter in detail. On analysing the petition and other documents in the file, the Forum viewed that the case is with regard to the demand notice for Rs 1,57,388/- was served upon the Executive Officer, Travancore Devaswom Board, towards the realisation of actual expenditure incurred in terms of maintenance and upkeep of the aforesaid permanent street lights at Sabarimala for the period of Feb-March 2023. The respondent argued that the amount has been arrived at as per the terms and conditions of cost data agreed upon by the KSEB Ltd and the Travancore Devaswom Board.

Sabarimala pilgrimage is controlled and fully coordinated by the Government of Kerala wherein all government departments function as per the directives disseminated by the State Disaster Management Authority headed by the Chief Minister. KSEBLtd being a public utility under the Government of Kerala, and being the Licensee of power supply within the state of Kerala, is duty bound to the maintenance and upkeep of the critical infrastructure beneficial to the power requirement for the pilgrimage.

The demand note served was solely towards the realization of actual expenses incurred by the KSEBL Ltd in the maintenance and upkeep of permanent street lights at various locations at Sabarimala for the period Feb-March 2023.

The current charges of the service connections at Sabarimala are demanded by the KSEBLtd as per the the tariff regulations of the Hon'ble Kerala State Regulatory Commission (KSERC) as read under Section 62 of The Electricity Act, 2003 and the estimates and demand notes for realisation of expenditure for maintenance and upkeep of permanent street lights at various locations at Sabarimala are prepared totally in concurrence with the cost data approved by the Hon'ble KSERC as under Section 46 of The Electricity Act, 2003.

Considering the difficult terrain of Sabarimala and also due to argued loading and unloading charges there & tractors are the only means of conveyance and transportation of materials. At Sabarimala only a modest 2% in terms of wastage, 2% depreciation charge, 10% handling charge and 16% hire charge/Storage other and Contingent charge (SOC) are being charged monthly, for years for maintainance and upkeep of LED lights and fittings.

The Version of the respondent is maintainable and their argument related to maintenance of supply and lighting at Sabarimala having a disaster management aspect to it, is done by KSEB Ltd on a war footing basis.

The KSEB Ltd has a Transmission Subdivision dedicated to transmission of power to Sabarimala which spends millions of rupees each year for maintaining uninterrupted supply at Sabarimala. KSEBLtd has 34 employees deployed at Pamba and Sannidhanam during pilgrimage season and 5 employees at all other times in different shifts round the clock. The KSEBLtd has been supplying men and material for years traversing the difficult and rough terrain of Sabarimala purely in conformity with the directives of the State Disaster Management Authority going beyond it's required standard of performance.

The respondent argued that the maintainance charges demanded falls short of the expenses for meeting the establishment costs required for functioning of the dedicated substation as well as deploying the said number of employees

round the clock at Sabarimala. The demand raised is but a tiny fraction as compared to the expenditure in terms of establishment costs, and huge maintenance cost of transmission and distribution lines feeding to Sabarimala. Also the argument of appreciating performance of KSEBL.

KSEB Ltd providing exceptional service in ensuring uninterrupted power supply to Sabarimala. The licensee exhibited commendable dedication and efficiency in maintaining a continuous and reliable power source, contributing significantly to the smooth functioning of various activities in Sabarimala region. This uninterrupted power supply played a crucial role in enhancing the overall experience for pilgrims and residents alike. The professionalism and commitment demonstrated by KSEB staff have not gone unnoticed, and is to be acknowledged. The licensee's proactive measures to prevent disruptions and prompt responses to any potential issues have undoubtedly contributed to the success of the events in Sabarimala the licensee's dedication for ensuring a reliable power supply in Sabarimala has positively impacted the lives of many.

The licensee's commitment to social responsibility is evident in the consistent efforts to maintain uninterrupted power which is essential for the safety and well being of the pilgrims especially considering the unique challenges posed by the remote and challenging terrain of Sabarimala. The licensee's proactive approach in anticipating and addressing the power requirements during peak time is truly commendable. It reflects a sense of responsibility towards the community and aligns with the spirit of service that is integral to success of such significant religious events. Efforts made by KSEBL have undoubtedly contributed to the success of the pilgrimage and the well being of the countless devotees who visit this sacred site.

The Forum observed that the licensee has no vested interests. The expenditure cost demanded is in conformity with the prevailing cost data approved by Hon'ble Kerala State Electricity Regulatory Commission and based on the terms and conditions agreed upon by KSEB Ltd and the Travancore Devaswom Board, therefore the demand raised by the licensee is sustainable

4. Decision

Considering the facts and circumstances of the case, the Forum ordered as follows.

- (1) There are no grounds seen for reducing the demand raised by KSEBLtd., and therefore the same is sustainable.
- (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/-	Sd/-	Sd/-
C .K.HARIKUMAR	SANJEEV KOSHY	LAILA.N.G
ADVOCATE MEMBER III	EXECUTIVE ENGINEER MEMBER II	DEPUTY CHIEF ENGINEER CHAIRPERSON

Forwarded

Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.51/2023/313

Dated :15 /12/2023

- Delivered to:
1. Sri.G. Santhosh Kumar, Assistant Engineer, (Electrical)
Sabarimala Development Project, Travancore Devaswam Board,
Sabarimala.
 2. The Assistant Executive Engineer, Electrical Sub Division,
Vadasserikkara.
 3. The Assistant Engineer, Electrical Section, Ranni, Perinad.

Copy to:

1. The Secretary, KSERC, KPFC Bhavanam,Vellayambalam, TVPM.
2. The Deputy Chief Engineer, Electrical Circle, Pathanamthitta.
3. The Executive Engineer, Electrical Division , Pathanamthitta.