

**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

Thursday11th July,2024

OP No.23/2024

Between

Petitioner: Sri. Joseph,
Panackalaya Puthethukunnel, Vallakom,
Vaikom, Kottayam.

And

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

(2) The Assistant Engineer,
Electrical Section, Vaikom

ORDER

1. Grievance of the petitioner

The petitioner is a consumer under Electrical Section Vaikom, bearing consumer number 1146431015810. The assigned tariff for these connection is LT VA, for agriculture purpose. The connection is primarily for watering his agricultural land. However on September 2023, the service wire of the said service connection was dashed by a tipper lorry passing on the nearby road. The petitioner immediately reported this incident to the section office Vaikom and the officials of the licensee agreed to replace service wire immediately.,Due to the rain a tree fall on the top of the motor shed of the aforesaid premises ,and the motor shed had to be dismantled and rebuilt. So the officials of the licensee was informed that the service wire should be replaced only after the construction of the motor shed. On 19/03/2024, the licensee unilaterally disconnected the service connection without giving any notice. Consequently, he could not irrigate his land and

resulted crop damage. Therefore, the petitioner prays the Forum to reconnect the service connection.

2. Version of the respondent

The Service Connection with consumer number 1146431015810, under Electrical Section Vaikom stands in the name of Sri. Joseph Panackalaya, Kottayam. The electric connection is under LT V A agriculture tariff with a connected load of 1000 watts. On 11.01.2003, the petitioner registered a complaint to section office Vaikkom that WP wire has seen as seperated. Upon receiving the complaint, the licensee reached the aforesaid premises and found that the building from which the electricity connection was taken was dilapidated and in a dangerous condition.

Since there was no mechanism to hold up the WP wire, they untied the WP wire from post and wrapped it around the building to avoid danger. The matter was informed to Mr. Joseph to make necessary arrangements for drawing the WP wire at safe height from the road and thereafter inform to the section office. However the petitioner has not given any application for taking measures in this regard. On 17/01/2023, disconnection notice was served by the licensee. But since there is no one in the premise to receive the dc notice, it is pasted on the meter box Panel.

The Licensee alleged that as mentioned in the petition that WP wire of the said service connection is dashed by a lorry is not mentioned by petitioner in the complaint that was registered in the section office. The petitioner has not informed the section office about the destruction of motor shed, and no service was initiated in this regard in his profile so far. Further no application for temporary disconnection of the connection or shifting of the meter has been submitted to the Section Office.

On 21.11.2023 meter reader recorded in the abnormality register that the building was demolished and the meter was lying down in the ground. Subsequently, the revenue Sub Engineer concerned has made a site inspection and found severe lapses on the part of petitioner. The meter was not recovered as the building was completely demolished at this time and the WP wire which was lying broken on the ground was untied from the post. There was no motor shed or temporary metering systems. Since,

the presence of petitioner or other family members was not there, it was not possible to provide a copy of site Mahazar. Also the building where the agricultural connection was provided had been completely demolished or removed, and the notice could not be placed on the building, so the copy of the mahazar and the notice was placed in front of the door of their house nearby. Subsequently the connection was dismantled and account closed on 11/01/2024.

However on 19/03/2024, the meter reader of Vaikom Section reported that a new building was constructed on the aforesaid site and the old meter which was not found were installed on the new building. Pursuant on the communication, officials of licensee has made site inspection and removed the meter. On 30/03/2024 the petitioner visited his premises and gave written application for re-effecting the Service connection. But he was informed that there is no possibility to re-effect the dismantled connection as per the regulation and if he applied for a new connection and paid the estimated amount, the action would be taken to provide the connection as soon as possible.

3 Analysis and Findings

The hearing of the case was conducted on 23/06/2024. Both the petitioner and respondent were present and heard the matter in detail. On examining the petition, the statement of facts filed by the respondent, the arguments in the hearing and considering all the facts and circumstances of the case, this Forum comes to the following findings and conclusions leading to the decisions thereof.

The point to be decided on the case whether the dismantling process carried out by the licensee is maintainable or not.

On verifying the records, the Forum found that disconnection was carried on 17/01/2023, and dismantling was on 10/01/2024. The question arises how long connection be kept disconnected without dismantling.

Regulation 141 of the Kerala Electricity Supply Code clearly spells out that no charge shall be due to the licensee for the period which is in excess of one hundred and eighty days from the date of disconnection if the connection remains continuously

disconnected for one hundred and eighty days except on the request of the consumer.

Regulation 144 of the Kerala Electricity Supply Code 2014 specifies the grounds for dismantling of service.

1) The service shall be dismantled on the following grounds:-

(a) on the termination of the agreement;

(b) if the grounds on which the supply was disconnected are not removed or rectified within the notice period.

(2) If the agreement is terminated or if the consumer does not remove or rectify the grounds for disconnection, the licensee shall arrange dismantling of the service connection:

Hence the Conjoint readings of the above said regulations, makes the sense that licensee should have to dismantle after six months of disconnection date. Here the connection remains disconnected more than 14 months and consumer was paying fixed charge during the aforesaid period. **Regulation 141 of the Kerala Electricity Supply Code 2014 states that The consumer is liable to pay the charges if any as approved by the Commission, during the period of disconnection also:**

Provided that no charge shall be due to the licensee for the period which is in excess of one hundred and eighty days from the date of disconnection if the connection remains continuously disconnected for one hundred and eighty days except on the request of the consumer. This section states about that no surcharge shall be levied beyond 180 days from the date of disconnection, if the connection remains disconnected continuously for more than 180 days. Therefore the forum reminds the licensee that dismantling process is carried as per the regulations not the convenience of the licensee.

The Licensee has made serious allegation that the meter was not found at the time of dismantling. The Forum viewed it as a serious offence **Regulation 119 (1) clearly states that complaints regarding lost meters shall be entertained by the licensee only, if they are accompanied by a copy of the first information Report (FIR) lodged**

by the consumer with police and in all such cases, the licensee shall also conduct an inquiry there to more the hearing of this case conducted. Here the licensee prepared a site mahazar and remains silent. The inaction and lethargy on the the part of licensee is evidently clear .

In short, licensee has failed to establish their argument conclusively, and made severe lapses on adhering the above said regulations. Therefore the dismantling process carried by the licensee is not maintainable.

DECISION

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

- (1) The respondent is hereby directed to re effect the dismantled service connection.
- (2) The Petitioner is not liable to bear any expenditure required for re effecting the service connection.
- (3) 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/-

C .K.HARIKUMAR
ADVOCATE
MEMBER III

Sd/-

SANJEEV KOSHY
EXECUTIVE ENGINEER
MEMBER II

Sd/-

LAILA.N.G
DEPUTY CHIEF ENGINEER
CHAIRPERSON

Forwarded

Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.23/2024/199

Dated : 20 /07/2024

Delivered to:

1. Sri. Joseph, Panackalaya Puthethukunnel, Vallakom, Vaikom, Kottayam.
2. The Assistant Executive Engineer, Electrical Sub Division, Vaikom K.S.E. Board Ltd,
3. The Assistant Engineer, Electrical Section, Vaikom.

Copy to:-

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram.
2. The Deputy Chief Engineer, Electrical Circle, Kottayam.
3. The Executive Engineer, Electrical Division, Vaikom.

Office: CGRF(S), Vidyuthi Bhavanam, Kottarakkara, Pin - 691 506
Web site: cgrf.kseb.in E- mail: Cgrf.ktra@kseb.in, Phone: 0474 - 2451300