

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

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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 26<sup>th</sup> July,2024

**OP No.33/2024**

Between

Petitioner: Renuka.P  
Madathumuri (H) Lalsalam Road  
Ponnurunni, Vyttila.P.O.,  
Kochi.

And

Respondents. AEE, ESD,Kesavadasapuram.  
AE,ES, Kesavadasapuram.  
EE,ED, Kazhakoottam  
DYCE, EC, Thiruvananthapuram.

**ORDER**

**1. Grievance of the petitioner**

The petitioner is the owner of a commercial buildings at Kesavadasapuram,Thiruvananthapuram having consumer number as 1145168001131 under Kesavadasapuram Electrical Section. As per the rent agreement dated 20.12.2021, the tenant hired the building and used this electricity connection. She complains that the connection is used as unauthorized godown without her knowledge or consent. She had filed a writ petition W.P © 20469/2023 in Honourable High Court of Kerala about this unauthorized connection to disconnect the electric supply. As per the order of Honourable High Court the Assistant Engineer, Electrical Section Kesavadasapuram, conducted a hearing in presence of the petitioner and the tenant. After hearing the Assistant Engineer ordered not to disconnect

the electric supply and continued the service. So she prays the Forum to pass necessary order to disconnect the electric supply.

## **2. Version of the respondent**

The petitioner is the owner of commercial building at Kesavadasapuram, Thiruvananthapuram having consumer number as 1145168001131 under Kesavadasapuram Electrical Section. As per the rent agreement dated 20.12.2021, the tenant entered the building and used this electricity connection. On receipt of complaint, a surprise inspection was conducted in the premises of consumer No.1145168001131 under Electrical Section, Kesavadasapuram on 16.03.2023 by APTS headed Assistant Executive Engineer in the presence of Sub Engineer Electrical Section, Kesavadasapuram, Thiruvananthapuram. Whereby unauthorized use of electricity in the premises or areas other than those for which the supply of electricity was authorized as explained in section 126 of Indian Electricity Act 2003 was detected. The connection at the premise is provided as single phase under LT VIIA tariff with registered connected load of 111 W is in the name of Smt. Renuka.P. During this inspection, it was found that the connected load having 111 watts, and also detected that the premises is functioning as a farmers market with a connected load of 7809 watts without prior approval of the licensee and the tariff will have to be changed to LT VIIA. A site Mahazar was prepared immediately which was duly acknowledged by the occupant of the premises

Provisional assessment under section 126 of Electricity Act 2003 of amount Rs.97444.00 was prepared. Smt.Christy Tressa George had filed objections to the provisional assessment above stating that the extended building had actually started its function after 22.10.2022 and also Smt. Christy Tressa George submitted documents of corporation licence dated 13.03.2022 and advertisement documents of social media of extended building dated 22.10.2022. Hence requested revision in the provisional assessment. Having considered all the documents, and statements, in exercise of the powers conferred under section 126 of Electricity Act 2003, the Assessing officer hereby orders to finalize the provisional bill issued to

the consumer No.1145168001131 to final assessment of amount Rs.61,522.00. Three instalment were allowed and the whole amount was paid by the tenant. The writ petition has been filed before WP No. 20469/2023 before Honourable High Court of Kerala Having heard both sides, the writ petition is disposed of with a direction to the Assistant Engineer, Electrical Section, Kesavadasapuram to take up grievance and take a decision after hearing the petitioner and all effected parties if any, within a period of one month. After heard both sides the Assistant Engineer, Electrical Section, Kesavadasapuram disposed of with a decision " the building having TC.No-15/80 is not having any pending arrear with KSEBL. The said building is having a legal electric connection with consumer number 1145168001131. The additional load taken without the consent of KSEB or consumer by the tenant is to be removed immediately and report to the office. The same can only be regularized in compliance of Kerala electricity supply code 2014 regulation 90 (2). Otherwise the licensee will take appropriate decision comply with the above observation. In pursuance of this order, a disconnection notice has been issued to the occupant of the premises to immediately disconnect the Electricity Supply unauthorizely extended from the existing building, failing which petitioner's supply will be disconnected. Accordingly to this the tenant had given a letter to the KSEB after terminating the extension. Accordingly an inspection, conducted at the premises of M/s Kalappa farmers market, Looms & werves, Kesavadasapuram on 16.01.2023 and a site mahazar was prepared. During the inspection, it is found that KSEB supply from consumer number 1145168001131 was used for the concrete building only and connected load is 2047 watts. An off-grid solar connection was used for energizing the shed constructed near the said building. It is also found that, violation from the direction in the proceedings Vide ref (2) is not seen. Hence the said connection have not been disconnected yet.

### **3 Analysis and Findings**

The hearing was conducted on 27/06/2024. 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 case is with regard to disconnection of electric supply of Smt.Renuka's building with consumer number 1145168001131. The petitioner contented that her rented building is used as unauthorized godown for commercial purpose without her knowledge or consent. She argued that after APTS inspection, the licensee had issued disconnection notice to the tenant. But the tenant remitted that amount for the unauthorized additional load without her knowledge. So she approached the Honorable High Court of Kerala with writ petition WPC 20469/2023. As per the order of the Honourable High Court of Kerala the Assistant Engineer, Electrical Section Kesavadasapuram conducted hearing and ordered not to disconnect the electric connection, The respondent argued that there is no dues pending against the tenant. The Forum viewed that as per regulation 146 of Kerala Electricity supply code 2014 which stipulates that " In case the consumer requests for disconnection of supply or for dismantling of service, while the supply is being utilized and paid for by a lawful occupier of the premises, the supply shall not be disconnected and service shall not be dismantled". However the petitioner has the liberty to approach any court of law if there exists any dispute regarding the tenancy of the premises.

### **DECISION**

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

1. The Forum is pleased to dismiss the petition and disposed the case accordingly.
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/-*

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.33/2024/ 209

Dated : 02 /08/2024

Delivered to:

1. P.Renuka, Madathumuri (H) Lalsalam Road  
Ponnurunni, Vyttila.P.O.,Kochi.
2. The Assistant Executive Engineer, Electrical Sub Division,  
Kesavadasapuram, K.S.E. Board Ltd,
3. The Assistant Engineer, Electrical Section, Kesavadasapuram.

Copy to:-

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