

**CONSUMER GRIEVANCE REDRESSAL FORUM  
NORTHERN REGION, KOZHIKODE.**

(Formed under section 42(5) of Electricity Act 2003.)

Vydyuthibhavan, Gandhi Road, Kozhikode -673011

Telephone Number -0495 2367820 Email.cgrfkzd@kseb.in

**PRESENT**

SANDHYA DIVAKAR : CHAIRPERSON

BUSHRA .V : MEMBER (Licensee)

FRANCIS A.C : MEMBER (Law)

**Review Petition No. 01/2025-26**

*IN*

**OP NO. 75/2024-25**

**REVIEW PETITIONER :-**

The Assistant Executive Engineer, Electrical Sub Division,  
Perambra, KSEB Ltd, Kozhikode District.

**RESPONDENTS :-**

Sri. A.R. Shankar, (Power of Attorney), M/s. Summit Digital  
Infrastructure, Pukkalakkattu Kariyattu Tower,  
Mammangalam, Palarivattom, Cochin – 682 025.

## ORDER

The Review petition is led by the Assistant Executive Engineer, Electrical Sub Division, Perambra aggrieved by the decision of this Forum in OP 75/2-24-25. The above order issued on 05<sup>th</sup> day of November 2025, and the Review Petition was submitted on 21-04-2025.

The Review Petitioner, Assistant **Executive** Engineer, Electrical **Sub** Division, Perambra, has stated as follows in his complaint;

The **Respondents, Sri.** A. R. Shanker, M/s. Summit Digital Infrastructure Ltd., Pookkalakkattu Kariyattu Tower, Mammangalam, Palarivattom, Cochin was applied for 20 KW load Electric Connection through the office Electrical Section, Meppayur which is under **the** Review Petitioner's Office. As the existing distribution system under the area where the Respondent, (Sri. A. R. Shanker, M/s. Summit Digital Infrastructure Ltd.,) applied for Electric connection was facing serious voltage problem, the **Respondent** was informed the necessity of installing a new 100 KVA transformer for providing them new service connection with 20 KW **load**. For this, construction of HT OH using HT Aerial Bunched Cables of 290 meters and installation of one 100 KVA transformer was required. Hence, with the prevailing approved/actual rates, an estimate for Rs.14,42,601/- was prepared and **was** informed **to** the

**Respondent to remit it. The Respondent was not ready to remit the amount instead filed the petition OP No. 75/2024-25 before the Hon'ble Consumer Grievance Redressal Forum, Kozhikode.**

**The Hon'ble CGRF by their verdict dated 05-11-2024 has disposed the petition by directing **Sri. A. R. Shanker, M/s. Summit Digital Infrastructure Ltd.**, to remit Rs.4,80,867/-, only the one third of the actual estimate amount submitted by this Review Petitioner. The verdict further directed this Review Petitioner to revise the estimate with the per KVA/KW figure approved by the Kerala State Electricity Regulatory Commission as per clause 32 of Supply Code and adjust the excess or short amount remitted by the Petitioner accordingly. Having a depth reading of the above verdict this Review Petitioner is in a crisis that we apprehend an inconsistency is prevailing in the verdict of Hon'ble CGRF with that of the order framed by the Hon'ble Kerala State Electricity Regulatory Commission in this regard. Hence this Review Petition.**

**The Hon'ble Kerala State Electricity Regulatory Commission, In the order dated 08-02-2024 (OP 36/2023), explicitly stated that KSEB Ltd., shall submit a petition for approval of per KVA/KW rates. The Commission decided that the cost data rates approved as per the above Order will be applicable for a period of 6 months from the date of this order or till the approval of per KVA/KW rates for the items, whichever is earlier. Later the Hon'ble Commission as**

per order dated 16/12/2024 had approved the extension of the existing cost data (2024) until 31.03.2025 or till per KVA rates are approved by the Commission. The CGRF's directive to adjust the demand retrospectively based on per KVA/KW rates yet to be sanctioned by KSERC is inconsistent with the regulatory framework. KSERC has not authorized the retrospective application of per KVA/KW rates. As per KSERC's existing orders, cost recovery for connections must be based on the extended cost data (2024) or until new per KVA/KW rates are notified. Any adjustments or reconciliation based on per KVA/KW rates can only apply prospectively from the date of KSERC's approval.

On the basis of the above orders of the KSERC this Review Petition fears that implementation of verdict of Hon'ble CGRF in OP No.75/2024-25 may lead to breach of KSERC's orders in this regard.

Hence the Review Petitioner, the Assistant Executive Engineer, Electrical Sub Division, Perambra, requests the Hon'ble Forum for the review of the verdict dated 05-11-2024 in OP No.75/2024-25, otherwise it will lead to irreparable loss and agonies to this Review Petitioner.

In this Review Petition, the Respondent, Sri. A.R. Shankar, (Power of Attorney), M/s. Summit Digital Infrastructure, Pukkalakkattu Kariyattu Tower, Mammangalam, Palarivattom, Cochin has stated as follows in his Statement of fact;

The **Respondent**, is one of India's largest telecommunication Infrastructure providers, operating approximately 1,75,000 sites to support the latest Telecom Technologies. Their scalable infrastructure enables mobile network operators to offer seamless voice and data services, including emerging application like IoT, AI, Massive MIMO, and Outdoor Small Cells, in urban and rural areas. They have over 10,000 energized sites in Kerala, ensuring robust connectivity across the state.

The Respondent, **is** writing formally **to** submit a complaint regarding the excessive demand note issued for the electric connection to their Telecommunication Tower situated **at** **Keezhariyur**.

The Respondent hereby object to the Review Petition filed in an untimely manner, 139 days after the Hon'ble Forum's Order, contrary to the stipulated 15 day limit. The reason provided by the Assistant Executive Engineer lacks genuineness and merit.

The Respondent, **load** applied for an electric connection for their Telecommunication Tower on 1<sup>st</sup> January 2023 under Application No.2166172400035. Subsequently, a demand note for Rs.14,42,601/- was issued on 09<sup>th</sup> October 2024 via Demand Note reference No.DB/AE/ES/MPR/2024-25/09-10-2024 for stringing 290mts High-Tension (HT) overhead ABC cable line and installing on 100 KVA new Transformer.

The justification for this high-demand note is based on the load details of the existing 100 KVA transformer, at **various limits** as follows:

Day	Name of Transformer	Rating (KVA)	Peak Load (A)		
			R	Y	B
		100			
1	Vadakkummuri		110	115	74
2	Vadakkummuri		117	108	81
3	Vadakkummuri		121	116	79

These figures indicate that the existing 100 KVA transformer is capable of supporting their requested connected load of 20 KW after the load balancing (Now the Transformer is **in** unbalanced condition).

Suppose the Transformer load is under balanced conditions. In that case, the existing 100 KVA Transformer has sufficient spare capacity to handle the requested 20 KW load without issues. The authority is compelling us, a new applicant, to develop the distribution system to obtain a power supply. This includes nearing the cost of extending the 11-kV distribution line by **290** meters and installing a 100 kVA Transformer, amounting to Rs.14,42,601/- even though the Low Tension (LT) distribution main is available near their site premises.

The **Licensee** acknowledged this **Respondent's** application for a new Electricity service connection with a connected load of 20 kW. They explained that the voltage Regulation would be 6.6% with this **Respondent's** proposed load of 20KW, necessitating the stringing of 290 meters of 11 KV Overhead line with Aerial Bunched Cable (ABC) and the installation of a 100kVA transformer to provide the connection.

“Regulation 6.1(a) of the Kerala Electricity Supply Code, 2014 describe the Voltage levels for LT Supply, and Regulation 7 of the Kerala Electricity Supply Code 2014, denotes that it is the duty of the licensee to maintain specified voltage levels with allowable variations at various supply levels.

Said Regulations are **as** given below;

Regulation 6. Voltage levels for LT, HT and EHT supply.

*“(1) Voltage levels specified for low tension (LT), high Tension (HT) and extra high tension (EHT) supply are the following:*

*(a) Low Tension (LT) supply;*

*(i) Single phase 240 Volts between phase and neutral;*

*(ii) Three-phase 415 Volts between phases;”*

*Regulation 7. Duty of licensee to maintain the specified voltage levels.*

***“The licensee shall not vary the voltage at the point of supply from the voltage levels as specified in Regulation 6, except with the written consent of the consumer or with the previous sanction of the Commission:***

***Provided that variations in voltage at the point of supply within the limits specified hereunder are permissible without the written consent of the consumer or the sanction of the Commission:***

- (i) Six per cent on the higher side and the lower side in the case of low-tension supply:***
- (ii) Six percent on the higher side or nine per cent on the lower side in the case of high tension supply; and***
- (iii) Ten percent on the higher side or twelve and a half percent on the lower side in the case of extra-high-tension supply:***

***Provided further that the above limits of variation in voltage levels shall be applicable till the Central Electricity Authority specifies a different set of limits”.***

***Regulation 6 and 7 of the Kerala Electricity Supply Code, 2014, require the licensee to maintain specified voltage levels and allowable variations. Despite the existing 100 KVA Vadakkummuri Transformer having sufficient spare capacity to handle the requested 20KW load, the licensee is compelling the petitioner, a new applicant, to develop the distribution system to avail a power supply. This includes bearing the cost of extending the 11kV***

*overhead line with ABC and installing one 100 kVA Transformer, even though the LT distribution main is available near their Tower site. Thus, the licensee has escaped from its duty.*

*The given below Regulation 35 of the Kerala Electricity Supply Code, 2014 defines that the expenditure for extension or both of the distribution system up to and including the distributing main, for meeting the demand of new consumers and the additional demand of existing consumers shall normally be borne by the distribution licensee.*

*As per Section 35 of the Kerala Electricity Supply Code 2014:*

*“Expenditure for extension or upgradation or both of the distribution system to be borne by the licensee, the expenditure for extension or upgradation or both of the distribution system up to and including the distributing main, for meeting the demand of new consumers and the additional demand of existing consumers shall normally be borne by the distribution licensee and this expenditure shall be recovered from the consumers through tariff as approved by the Commission”.*

*The Respondent, Sri. A. R. Shanker, (Power of Attorney), M/s. Summit Digital Infrastructure, Ltd., have applied for a service connection of only 20kW from the existing 3-phase overhead line in front of their site. They believe that the current infrastructure can accommodate their requirement via a normal ECSC connection*

without extending the High Tension (HT) line and installing a new Transformer.

The given below Regulation 36 of the Kerala Electricity Supply Code 2014, defines the circumstances under which the consumer bears the cost of system upgrades.

Regulation-36. Expenditure for extension or upgradation, or both, of the distribution system to be borne by the consumer:-

*“The expenditure for extension or upgradation or both of the distribution system undertaken exclusively for giving new service connection to any person or a collective body of person or a developer or a builder, or for enhancing the load demand of a consumer or a collective body of consumers or a developer or a builder, shall be borne by the respective applicant or consumer or collective body of consumers or developer or builder, as the case may be, in the following cases:-*

- (i) For meeting the demand of an applicant with a contract demand above one megawatt (MW):*
- (ii) For meeting the additional demand of existing consumers, if the aggregate demand, including the additional demand applied for is above one megawatt (MW);*
- (iii) For meeting the demand of the domestic or commercial, or industrial complex or colony constructed by a developer or a builder with a demand above one megawatt(MW);*

- (iv) For meeting the demand of a high-rise building irrespective of its demand;*
- (v) For meeting the demand of power-intensive units irrespective of its demand; and*
- (vi) For meeting the demand of a consumer requesting for dedicated feeder or protected load status irrespective of its demand;*

*Provided that, if due to technical reasons, the extension or upgradation or both to be undertaken by the licensee as per this regulation is more than the requirement of such consumer, the expenditure for such extension or upgradation or both to be realized from the consumer shall be limited to the proportionate expenditure.”*

Here, the Respondent does not belong to any of the categories mentioned in Regulation 36 of the Kerala Electricity Supply Code, 2014. The present load in the three phase of the 100kVA Vadakkummuri Transformer, which has to cater to the petitioner’s load, is 116A, 113A, and 78A in the R,Y and B phases, respectively, which is very much unbalanced. Since the rated secondary current of a 100kVA transformer is 133 Amperes, the transformer has sufficient capacity to accommodate the new **applicant’s** load requirement after balancing the load in the three phases of the transformer. Hence, the normal service connection shall be effected without any construction or installation of a transformer.

Further, Section 42(1) of the Electricity Act, 2003 obligates the licensee to develop and maintain an efficient distribution system, which is echoed in Regulation 4(1) & (2) of the Kerala Electricity Supply Code,2014.

Section 42(1) of the Electricity Act, 2003 states:

“It shall be the duty of a distribution licensee to develop and maintain an efficient, coordinated, and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act.”

**Regulation 4(1) & (2) of the Kerala** Electricity Supply Code,2014 states:

- (1) The distribution licensee shall develop and maintain an efficient, coordinated, and economical system in his area of supply.
- (2) The licensee is responsible for ensuring that its distribution system is upgraded, extended and strengthened to meet the demand for electricity in its area of supply.

As per the letter from the Assistant Engineer, Meppayur

Section dated 28<sup>th</sup> February,2024, clearly stated that the existing feeder transformer in that area, 100KVA Vadakkummuri Transformer, is overloaded. **Also** received numerous complaints regarding continuous flickering, and received two mass petition

complaints for low voltage issues through Chief Minister's Nava Kerala Sadas. Even these many issues have been faced in this area, one year has passed, and still, no voltage improvement work has been initiated from the authority side. It is the clear-cut negligence of the authority officials, even if the Chief Minister has given direction to rectify the voltage issues. It is a violation of Supply Code 2014 and the Electricity Act 2003.

In Review Petition, the Respondent draw the Hon'ble Forum attention to a similar case decided in their favour – OP No. 47/2024-25 dated 07/08/2024, by CGRF (General Region), where the facts and technical conditions mirrored their case. The Hon'ble Forum ruled that a Normal ECSC supply should be provided from the existing infrastructure, reaffirming their current position.

The Respondent, Sri. A. R. Shanker, (Power of Attorney), M/s. Summit Digital Infrastructure, Ltd., **concluded as below:**

- The availability of an LT main near **their** site.
- The sufficient capacity of the existing 100 KVA Transformer (post-balancing).
- The negligence of the licensee in resolving known voltage issues, and
- The time-barred and meritless Review Petition.

In the light of the matters the Respondent **requests** the Hon'ble Forum to reject the Review Petition and; Uphold the

original order in OP No.75/2024-25, thereby directing the licensee to effect service connection without burdening us with the cost of unnecessary infrastructure upgrades.

**Summary of the Hearing :**

The hearing of the Review Petition was conducted on 22-05-2025 FN at Court Hall, CGRF(NR), Vydyuthi Bhavanam, Gandhi Road, Kozhikode, in which both the parties were present. Respondent, Sri. A. R. Shanker raised the objection that the Review Petition is filed after 4 months after the order of the Forum in OP 75/2024-25 was issued. Further, he informed that the licensee has not complied with the order.

On enquiry by the Forum, Petitioner, Assistant Executive Engineer, Electrical Sub Division, Perambra informed the Forum, that he has sought concurrence for compliance of the order in OP 75/2024-25 but he was advised to file Review Petition as KSERC in their order dated 16/12/2024 had approved the extension of the existing cost date till 31-03-2025.

As this Forum's directive was to adjust the demand retrospective based on per KVA/KW rates, Forum finds it reasonable to admit the Review Petition.

On further queries by the Forum the Petitioner stated as follows:-

- ❖ The existing distribution mains is within 35 meter from the consumer premises and their connected load is 20 KW only.
- ❖ Transformer is to be enhanced **by the** licensee when the load reaches 80%.  
The 100 kVA Vadakkummuri Transformer is 103% loaded. In such conditions, enhancement of the Transformer is the duty of **KSEBL**; as per prevailing **norms**.
- ❖ If the Vadakkummuri Transformer is enhanced to next level ie., **160KVA**, **the** demand of M/s. Summit digital Infrastructure Ltd., can be served without any additional infrastructure development.

After hearing the above statements, Respondent stated that they have nothing more to submit. They are waiting for an LT 3phase Weather proof service connection with a connected load of 20KW since October 2024. As KSEBL is having a monopoly in the area they are helpless and seek justice before the Forum.

#### Observations and Analysis :-

Having gone through the contentions raised by both the parties, the Forum noted with displeasure that the Licensee has not complied with the Forum order in OP 75/2024-25.

At the time of issue of **the** Order, dated, 05<sup>th</sup> day of November 2024, **no** extension was given by the Hon'ble KSERC for

approval of per KVA/KW rates. KSERC issued order later on 16/12/2024.

Section 37(1) of Kerala Electricity Supply Code 2014 states as follows:

“The consumer whose premises is at a distance of over 200m from the existing distributing mains at the applicable voltage level shall bear the expenditure for the service line or of the plant or of both, provided exclusively for him by the licensee.”

The consumer premises is **within** a distance of 35 mtr from the distribution mains and hence he is not liable to bear the expenditure.

The consumer also does not fall under the category of consumers vide Sec.36 of the Kerala Electricity Supply Code **2014**, as the contract demand of the consumer is not above 1MW. Neither the consumer **is a** high rise building, nor having power quality **impairing** units, nor requesting for a **dedicated** feeder or protected load status.

Section 35 of Kerala Electricity Supply Code 2014 states as below:

“Expenditure for extension or upgradation or both of the distribution system to be borne by the licensee:- The expenditure for extension or upgradation or both of the distribution system up to and including the distributing main, for meeting the demand of

**new consumers and the additional demand of existing consumers shall normally be borne by the distribution licensee and this expenditure shall be recovered from the consumers through tariff as approved by the Commission.”**

**Here the Petitioner himself admitted that the over loaded Vadakkummuri Transformer should have been enhanced to 160KVA as load has crossed 80% of the full load and has reached 103%.**

**Having considered all the documents submitted and the deliberations during the hearing, the Forum has come to the following conclusions leading to the decision:**

**Decision:**

- 1. The Petitioner, the licensee shall provide Electricity connection to the Respondent, Consumer from the existing LT distributing mains within 15 days on receipt of this order.**
- 2. Necessary extension or upgradation or both of the distribution system is to be borne by the licensee according to Section 35 of the Kerala Electricity Supply Code 2014.**
- 3. Compliance report of this Order shall be submitted by the licensee within 7 days from the date of compliance and both to the Forum as well as to the consumer.**

**The Review Petition is disposed Accordingly.**

***Dated this the 22<sup>nd</sup> day of May, 2025.***

**Sd/-  
Francis . A .C  
Member (Law)**

**Sd/-  
Bushara .V  
Member(Licencee)**

**Sd/-  
Sandhya Divakar  
Chairperson.**

**Endt.on CGRF-NR/RP 01/2025-26/ 80**

**/ 28 .05.2025.**

**Copy to:**

**1. The Assistant Exe. Engineer  
Electrical Sub Division,  
Perambra, KSEB Ltd,  
Kozhikode.**

**If the petitioner is not satisfied with the above order of this  
Forum, he is at liberty to prefer appeal before the State  
Electricity Ombudsman,D.H. Road, Offshore Road Junction  
Gandhi Square, Ernakulam, Kerala- 682016.(Ph: 0484  
2346488) within 30 days from date of receipt of this order.**

**2.Sri. A.R. Shankar, (Power of Attorney),**

**M/s. Summit Digital Infrastructure, Pukkalakkattu Kariyattu Tower, Mammangalam,  
Palarivattom, Cochin – 682 025.**

**Copy Submitted to:**

**1) The Secretary, K.S.E.B.L, Thiruvananthapuram.**

**2) The Deputy Chief Engineer, TRAC, Thiruvananthapuram .**

**Forwarded**

**Sd/-**

**Chairperson**