

BEFORE THE ELECTRICITY OMBUDSMAN
(For the State of Goa and Union Territories)
Under Section 42 (6) of the Electricity Act, 2003
3rd Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18
Gurugram (Haryana) 122015,
Email ID: ombudsman.jercuts@gov.in
Phone No.:0124-4684708

Appeal No-199 of 2023

Date of Video Conferencing: 21.09.2023

Date of Order: 26.09.2023

Ms. B. Sasirekha,
Puducherry.

.... Appellant

Versus

The Superintending Engineer com HOD,
Electricity Department,
Puducherry and others

.... Respondent

Parties present:

Appellant(s) Ms.B. Sasirekha,

Respondent(s) Shri K.Ramanathan,
Executive Engineer




Date of Order: 26.09.2023

The Appellant has preferred an Appeal against Non-implementation of CGRF-Puducherry's order in Consumer Case No-86/2023 dated-17.07.2023 filed by Ms B. Sasirekha. The Appeal was admitted on 22.08.2023, as Appeal No.199 of 2023. Copy of the same as received was forwarded to the Respondents with a direction to submit their remarks/ counter reply on each of the points. The counter reply received from the Respondents was supplied to the Appellant, who has filed the Rejoinder.

(A) Submissions by the Appellant

FACTS OF THE CASE: -

1. This is to bring to your kind notice that it's been 9 months since I applied for Load Enhancement for consumer No- 31-83-04-0583b
2. Even after getting the judgement from the CGRF Puducherry on 17.7.2023 (case no.86/2023), then the department was delayed further.
3. As I didn't get any kind of intimation or confirmation regarding the enhancement from the EB department and also the time period assigned by CGRF for providing the enhanced load was nearing the deadline (30 days since the release of the order), I as a consumer thought to approach the Ombudsman for getting justice in my case on 17-8-2023.
4. I was running Pillar to Post in the EB Department since CGRF Order released, even on 17th August 23. I met SE and EE in their office, requested to process but no one has given any concrete answer.
5. EB department is a service provider to the common public and increase the revenue to the Government. But I have not visualize this. Some Officials in the department are not consumer friendly and they use all possible ways to delay the work.
6. Now we have got the letter from EB department regarding the acceptance of application and department is willing to give enhancement. What we have to kept ready. Letter received on 23rd Aug, same we made ready by 24th and paid the security deposit on 25th. morning, within one hour of communication.
7. Please note I have spent 28 lakhs for diesel to run the business till 20th August 23. Their daily delay will make me to spend Rs. 25000/-daily.



8. Request the Ombudsman to note:
- EB department person communicated verbally that connection will be given today. If they were given on the same day my Rs. 75000/- should have saved. I have requested them but not happen.
 - Please advise the department to reimburse the 28 lakhs which I spent for diesel as the delay happened because of lethargic attitude of AE
 - Please note in Affidavit submitted by AE, BHoomianpet to CGRF, it clearly mentioned the capacity of the three transformers existing near to area is fully utilized. But it was noticed, the enhancement is getting provided from the existing transformer only.
 - Power fluctuation may happen and the costly machines may get spoil.
 - Transformer may get burst and business get disturbed and all my tenants may have to use generator. Again my money spend.
9. Kindly advise the EB department to install a new transformer within 15 days and transfer this connection to that transformer.
10. The Appellant further submitted that :-
- This is to bring to your kind notice about a case which I Registered before the Honourable CGRF Forum in Puducherry (Consumer Case No- 86/2023) against the electricity Department , Puducherry for delaying the process of my Load enhancement application for 23 years old properly since 7 months by citing unusual excuses and till now no demand note has been served to us for the enhancement application.
 - My EB load enhancement application has been kept pending for the past 7 months due to which me and my commercial tenants are facting a lot of trouble and business loss.
 - My commercial tenants have been continuously asking me about the update on power but because of this delay in the process by the EB department, we are not able to answer our tenants.
 - After a lot of pleading, helplessness and loss in money. I finally thought of approaching the CGRF. Puducherry and registered my case before them. After 2 hearings, multiple facts and documentary evidence submission, the CGRF observed that the EB department officials were



consciously not processing my enhancement application and acting in A biased manner (especially the Assistant Engineer, Boomianpet) by citing the Planning Authority notice.

- (e) In the CGRF judgement, it is clearly stated that EB department application referring to planning Authority notice as this is against the JERC rules, 2018.
- (f) By keeping in mind my business losses and hardships I faced till now, the CGRF in its judgement ordered the Officials to process my load enhancement application within 15 days of its judgement by providing the enhanced electricity upto 90 KW at department cost from the existing transformers.
- (g) It's been one month (judgement Date 17.7.2023) and till now the EB officials have not processed my load enhancement application despite multiple site inspections done by various officials. Since the judgement order AE has inspected along with officials visited our place multiple times to calculate the connected load. Finally, EE has inspected our place and made the connected load list which is 89.2 KW, same signed by me.(Same attached for your reference) AE and EE has told me that enhancement application is in process, but till date demand note for security deposit not shared to me.
- (h) As the shop is ready for opening in March 23, opened on April, 23. We are using generator power for the last four months, by spending 20 k per day. BY now lakhs Rupees have already been spent.
But now I feel that even after facing so many hardships, advertise, business and money loss all my efforts and struggle have gone in vain as the EB department is still not processing my load enhancement application even after the CGRF Order .



(i) I plead before this appellate authority to kindly refer to my case and render justice to me at the earliest as I have lost a lot till now and this authority is my last hope for my justice to prevail.

(j) Details of property:

We have purchased 2 properties (March 2020) in the same complex (one 15032 sqft commercial complex comprising of underground. Ground and first floor and other is 3490Sqft L-shape dry land) and now we are asking for this Load Enhancement for this 15032 Sqft(bult 23 years ago)

11. Nature of relief sought from the Ombudsman

Delay in processing my enhancement application by the EB Sept. Even after CGRF order and till now its been almost 8 month since the CGRF Order and EB department is not taking any step according to the Order.

12. The Appellant further filed the Rejoinder as under :-

- i) I am not satisfied with the reply from the electricity department and hence request for a Rejoinder in the Appeal.
- ii) This is to bring to your kind notice that it's been 9 months since I applied for Load Enhancement for Consumer No. 31-83-04-0583B.
- iii) Please note I have spent 28lakhs for diesel to run the business. Their daily delay made me spend around Rs.25000/- daily. Request the Ombudsman to note:
- iv) Please advise the department to reimburse me the Rs 28lakhs which I spent for diesel as the delay happened because of the lethargic attitude of AE.
- v) Please note that in the affidavit submitted by AE, Bhoomiampet to CGRF, it clearly mentioned the capacity of the three transformers existing near to area is fully utilized. But it was noticed, the enhancement is getting provided from the

existing transformer only. I am afraid that Power fluctuations may happen and the costly machines may get spoiled.

- vi) Transformer may explode due to the overload provided on a single transformer, and my business will get disturbed and all my tenants may have to use generator. Again my money will be spent.
- vii) Kindly advise the EB Department to install a new transformer within 15days and transfer this connection to that transformer. Please help.

13. The Appellant further filed necessary documents as deliberated in the e-hearing .

(B) Submissions by the Respondent :

Shri. K. Ramanathan, working as Executive Engineer-Rural North O&M in Electricity Department, Puducherry ,do hereby solemnly affirm and state on oath as under: -

1. That the deponent is working as Executive Engineer, and is authorized by Electricity Department, Puducherry being Deemed Licensee vide letter No.2933/ED/EE-R(N)O&M/Tech/F-Omb/23-24 Date: 08-09-2023 (certified copy enclosed – **Exhibit - 1**), to file this reply and represent on behalf of Electricity Department, Puducherry, in this case.

2. That parawise counter reply is as under:

- (i) The Respondent respectfully submit that an application has been received by the office of AE/Boomianpet from the Appellant / complainant Tmt.B.Sasirekha, R.S.No.209/1, 209/2, 'A'Block, Vasavi Mall, Srinivasa Tower, Oulgaret, Puducherry on Dt:02-12-2022 vide application No:B-32-EL-A1 – (**Exhibit - 2**)towards Enhancement of Connected load to commercial service connections bearing policy code 31-83-04-0583B from 17.4KW to 84.5KW .

- (ii) The Respondent respectfully submit that before processing the application a copy of demolition notice to Tmt.B.Sasirekha (Appellant / complainant) issued by P.P.A No.1248/PPA/Z(OULGARET/SB/R)/2000-2022/4556Dt:16-11-22 – (**Exhibit - 3**) has been received with regard to alteration works carried out at basement floor, ground floor and first floor, front and side setbacks in Block-A of 6 storied residential flats with stilt floor and unauthorized deviation/violation made from the approved plan and requesting this department that “not to extend power supply to the ground floor of Block-A. If power supply connection already extended, same may be disconnected”. subsequent demolition notice was received on 24-2-2023 – (**Exhibit - 4**) from PPA for unauthorized construction and also writ No.5357 of 2023 filed by the Srinivasa Towers flat owners welfare Association at Madras High Court has also been received and numeral objections has been received from the Srinivasa Towers flat owners welfare Association. In this regard a notice has been issued by AE/Boomianpet to call for clarification on the demolition notice issued by PPA on 16-11-2022 and 24-02-2023 vide Lr. no:33/ED/AE/BMPT/F.14/22-23/Dt:05-04-23 – (**Exhibit - 5**) and requested to produce the approval copy of the PPA otherwise the application will be treated as cancelled.
- (iii) The Respondent respectfully submit that the Appellant had filed a petition before the Honourable Consumer Grievances Redressal Forum, Puducherry vide C.C.No.86/2023 Dt:17/05/2023 and stated that the department is denying the process by stating the reasons of PPA. In spite of approaching the department several times, the load enhancement application is pending for the past 6 months .
- (iv) The Respondent respectfully submit that an affidavit has been filed by the AE/Boomianpet and stated that an application for load enhancement to commercial service bearing policy code 31-83-04-0583B for a load of 84.5KW existing in the name of Tmt. B. Sasirekha at 'A' Block Srinivas Tower, Oulgaret was received. While processing the application a demolition notice was received from PPA with regard to alteration works

carried out at basement floor, ground floor and first floor, front and side setbacks in Block-A of 6 storied residential flats with stilt floor and unauthorised deviation / violation made from the sanctioned plan and requested not to extend power supply to the Ground and First Floor of Block-A. If power supply already extended, same may be disconnected. Subsequent refusal-cum-demolition notice was received from PPA for unauthorisedly constructed a single storied commercial building in the said site which was shown as front and side setbacks in the building permit dated 22/09/2000 and requested not to extend power supply to the unauthorisedly constructed building in the front set back. A writ No.5357 of 2023 – (**Exhibit - 7**) filed by Srinivasa Towers flat owner's association at Madras High Court has also been received. The premises was inspected along with Junior Engineer, Boomianpet and noticed that the modification of entire wiring / electrical installation was going on to suit their new activity in the existing service connection bearing policy code 31-83-04-0583B for which enhancement of load applied. Since the work is not completed the requirement of enhancement of load could not be assessed. As the reply furnished by Tmt. B. Sasirekha for the PPA demolition notice dated 24/02/2023 has been refused and not issued building plan approval and not revoked the demolition notice and subsequent issue of refusal and demolition notice and in addition to receipt of Writ Petition from Chennai High Court a notice was issued to the Complainant dated 05/04/2023 requested to respond for violation notice issued by PPA and furnish building plan approval within 15 days of the notice and informed that their application will be treated as cancelled if the building plan approval from PPA is not furnished. As the Complainant has not furnished requisite approval of PPA within 15 days the application was cancelled.

- (v) The Respondent respectfully submit that Meanwhile this department received Puducherry Planning Authority had withdrawn the notices requesting disconnection /not to extend service connections in the name of Tmt. B. Sasirekha vide Lr. no:1248/PPA/Z(Oulgaret/SB/R)2000-2023/1981 Dt: 16/6/2023 – (**Exhibit - 8**)



- (vi) The Respondent respectfully submit that the an additional Affidavit dated 19/6/23 filed by the AE/Boomianpet and stated that there are 6 Nos. of service connections held in the name of Tmt. Sasirekha at the premises as detailed below:

Policy No.	Sanctioned load	connected
31-83-04-0583D	32.21KW	
31-83-04-0583B	17.4 KW	
31-83-04-0583A	25.15 KW	
31-83-04-0583E	14.76 KW	
31-83-04-0583C	3.45 KW	
31-83-04-0583EA	9.34 KW	
Total	102.31 KW	

The distribution transformer 315KVA (Balaji Nagar S/Stn.-II) is catering the above load including 82 No.s of domestic service connections of Block-A building of Srinivas Towers and domestic consumers in the Salai Theru. The tong test reading of Balaji Nagar SS.II 315 KVA was taken in the peak hours on 14/06/2023 and detailed below:

R Phase - 290A

Y Phase - 283A

B Phase - 287A


The wiring of enhancement requested in respect of policy No. 31-83-04-0583B is altered completely and new electrical loads are installed to suit their activity as per detailed enclosure of electrical installation. The actual connected load of the service connection 31-83-04-0583B comes to 140.9 KW in total. As per the JERC (Electricity Supply Code) Regulation 2018 clause 4.3 the supply shall be given at High tension to the applicant as their connected load exceeding 100 KVA. As per the connected load of the connection is projected more than 100KVA a separate transformer

of adequate capacity shall be installed at the consumer's cost. The space / room required for housing the transformer substation, switchgears, meters and panels shall be provided by the consumer free of cost which is easily accessible to the licensee as per JERC Supply Code 2018. As per JERC Supply Code 2018, clause 9.3(2) the supply may be disconnected if the conduct / continuance of any business / industry / activity being carried out in any premises becomes unlawful due to lack of necessary permission or withdrawal of permission from the competent authority. Thus, a notice was issued to the Complainant to respond the violation notice issued by PPA. The Additional Government Pleader has appeared for the case hearing for the Respondent No.1 to 6 and the Court made the Order that the Respondents No.1 to 5 will initiate further proceedings based on the Order dated 24/02/2023 and post the matter after three weeks. Therefore, the subject matter is sub-judice. Further proceeding will be made based on the outcome of the Court Order.

(vii) The Respondent respectfully submit that after perusal an order has been passed by Hon'ble CGRF for the consumer case No.86/2023 Dated:17/07/2023 – (**Exhibit - 6**)and following directions were issued to the respondent and the same has been furnished below.

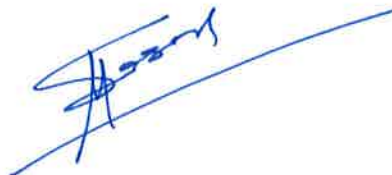
- a. The Respondents are directed to release the available load in the existing transformer to the complainant premises wherein it was sought for within 15 days from the date of this order.
- b. The Respondents are also directed to send written intimation to the complainant as per the provisions 5.100 of the supply code 2018. The respondents are directed to adhere the provisions of 5.102 for the supply of enhanced load if feasible.
- c. The Respondent and complainant were directed to execute an agreement as per provisions of 5.119 of supply code 2018.

(viii) The Respondent respectfully submit that AE/Boomianpet had issued a notice to the complainant to furnish the details of connected load of 85 KW vide letter no:1201/ED/AE-BMPT/F.CGRF/23-24



/Dt:21-07-2023 – (Exhibit - 9) as per the Para(ii) observation of CGRF.

- (ix) The Respondent respectfully submit that the Appellant has furnished the additional connected load details of 67.5KW over and above the sanctioned load of 17.4 KW totaling 84.9 KW on 24-07-2023 – (Exhibit - 10) and same was verified on 09-08-2023 – (Exhibit - 11) and noticed that the actual additional connected load was 71.84 KW over and above the sanctioned load of 17.4 KW totaling 89.24 KW. AE/Boomianpet requested for load approval to the undersigned vide Lr no:1398/AE-Bmpt, dated: 22/8/23. Load approval has been issued vide Approval No.2567/ED/EE-R(N)/Tech/F.21/23-24/Dt:23-8-23 by EE/RN. Accordingly by AE/Boomianpet conveyed to the appellant about the readiness of the department to extent power supply on 23-08-23 vide letter No.1426/ED/AE-Bmpt/F-6/23-24.
- (x) The Respondent respectfully submit that the appellant has paid service connection charges and Security Deposit on 25-08-23 for the enhancement of power supply to one No. of commercial service for a load of 71.84 KW (from 17.40 into 89.24KW) bearing Policy No.31-83-04-0583B/A1 at R.S.209/1,209/2,A-Block,Vasavi Mall,Srinivasa Tower,Oulgaret,Puducherry in favour of Tmt.B.Sasirekha and enhancement of load has been effected on 28/8/2023 .
- (xi) The Respondent respectfully submit that the delay in complying the Hon'ble CGRF order is due to the Assistant Engineer /Boomianpet had preceded on Medical leave from 24/07/2023 to 20-08-2023. Further in view of the Hon'ble President visit to Puducherry on 07/08/2023 & 08/08/2023 all the Electricity Department field officials were engaged for checking the stability of electrical infrastructure and maintaining uninterrupted Power supply.



3. The Respondent respectfully pray that the Hon'ble Electricity Ombudsman may consider our submission, dismiss the complaint in the appeal and do render justice

(C) Order of Ld. CGRF-Puducherry dated-17.07.2023 in CC No-86/2023, preferred for Appeal:

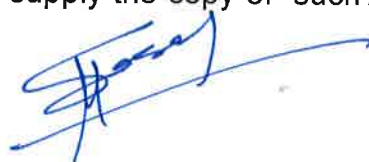
ORDER

- ii. *The Respondents are directed to release the available load in the existing transformer to the Complainant premises wherein it was sought for within 15 days from the date of this Order.*
- iii. *The Respondents are also directed to send written intimation to the Complainant as per the Provision 5.100 of the Supply Code 2018. The Respondents are directed to adhere the provisions of 5.102 for the supply of enhanced load if feasible.*
- iv. *The Respondent and the Complainant were directed to execute an agreement as per provisions of 5.119 of Supply Code 2018.*
- v. *The Complainant is directed to pay the prescribed fee on demand by the Respondents within the stipulated time mentioned there on to get the power supply without any delay.*
- vi. *Thus, the complaint is allowed.*
- vii. *The Complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF Order by the Licensee, may make an Appeal in prescribed Annexure-IV to the Electricity Ombudsman, Joint Electricity Regulatory Commission for the state of Goa and Union Territories, 3rd Floor, Plot No. 55-56, Pathkind Lab Building, Service Road, Udyog Vihar, Phase IV, Sector -18 Gurugram, Haryana-122015; Phone 0124-4684708; email ombudsman.jercuts@gov.in within 30 days from the date of this Order under intimation to this Forum and the Respondent.*

(D) Deliberation during e-hearing on 21.09.2023:-

1. Appellant's Submission:

- a. Tmt. B. Sasirekha reiterated her version as submitted in the Appeal/Rejoinder.
- b. She submitted that she has purchased two commercial properties in the same complex through e-auction from Bank after exhausting all her savings. She had received Demolition Notice from Pondicherry Planning Authority (PPA) for her smaller property (Property No-1-i.e.-3490 Sqft L-shape dry land. She has applied for extension in load for her bigger commercial property (Property No-2-i.e.-15032 Sqft), wherein there was no Demotion Notice from Pondicherry Planning Authority (PPA).
- c. She submitted that she has applied for extension in load for her bigger commercial property (Property No-2-i.e.-15032 Sqft) on 02.12.2022 , but for the last 7 months the Respondents have not given her extension in load and she has suffered huge load on account of running of a diesel sets, to supply electricity to her tenants .She has suffered loss to the tune of around Rs.28 lakhs which may be compensated.
- d. She further submitted that the Respondents have now been released the extension of connection from the old Transformer which is already overloaded and causing voltage fluctuations.
- e. When asked by this court that presently there are Six connections in the property No-2 , which are all in the name of Tmt. B.Sasirekha .After extension in the connection No-31-83-04-0583B, the total load becomes above 100 KVA and as per Supply Code Regulations, Load about 100 KVA is required to be released on HT supply.The Appellant submitted that they have not been guided by the Respondents.
- f. In-between, her husband interrupted in the e-hearing and submitted that they have given Affidavit/Undertaking that they will instal their own Transformer but the Respondents have never told us in writing to do so. On directions by this Court to supply the copy of such Affidavit/Undertaking for



proper appreciations by this Court, the Appellant has supplied the copies of Affidavit/Undertaking etc vide their email dated-22.09.2023. The perusal of their Affidavit/Undertaking both dated-28.01.2023 revealed that at the very first instance , they have agreed to install their own Transformer/sub -station to take the load/supply on HT for their commercial tenants from the Respondents .

- g. The Appellant further submitted that they have taken huge loans and spent their entire savings and at present it is not possible for them to invest in the installation of a separate Transformer to feed their commercial loads and also they have spent more than Rs.28 lakhs in running/rent of DG sets, due to delay of the Respondents in releasing the extension in load ..

2. Respondent's Submission:

- a. Shri K.Ramanathan, Executive Engineer, reiterated their stand as submitted in the counter reply.
- b. He submitted that they received a Demolition Notice dated-16.11.2022 and 24.02.2023 , from Pondicherry Planning Authority (PPA) for not extending the load and if extended same be disconnected , as the unauthorised deviation of construction is in contravention of Town and Country Planning Act,1969. . Further they have also received notice from Madras High Court on the Writ Petition No-5357 Of 2023 filed by Srinivsa Towers flat owner's Welfare Association . Accordingly they have written to the Appellant on 05.04.2023 to clarify her stand on the Demolition Notice . Since no reply was received , the Application was not processed /deemed cancelled .The application was revived only , after CGRF order and withdrawal of Demolition Notice vide letter dated-16.06.2023 from Pondicherry Planning Authority (PPA) . Accordingly, extension in load was released on 28.08.2023 as per CGRF order. He further submitted that as the Assistant Engineer has to proceed on medical leave and also the staff was busy in preparation/maintaining continuity of supply, due to President of India visit and there is some un-intention delay.
- c. When asked by this court that after extension the total load becomes around 170 KVA, which is more than 100 KVA and required to be released on HT as per Supply Code Regulations. He stated that they have acted on the CGRF order, though they have taken objections in the counter reply to the CGRF.



(E) Findings & Analysis: -

1. I have perused the documents on record, in Appeal No-199/2023 and the pleadings of the parties.
2. The documents submitted by the parties have been believed to be true and if any party submitted a fake/forged document, then they are liable to be prosecuted under relevant Indian Penal Code/Rules/Regulations.
3. The issues which have arisen for considerations in the present Appeal are as under: -
 - i. Whether the CGRF order is in order as per Regulations and whether the Electricity Department has delayed the implementation of the Ld. CGRF order dated-17.07.2023?
 - ii. Whether the Appellant is entitled for Rs.28 lakhs as compensation as prayed for?
- 4.1. Regarding issue as at 3(i) above as to whether the CGRF order is in order as per Regulations and whether the Electricity Department has delayed the implementation of the Ld. CGRF order dated-17.07.2023?
- 4.2 Following provisions have been provided in the Supply Code Regulations-2018 , notified by the Hon'ble Commission: -

(a) Classification of Supply

- 4.1 *The classification of supply depends upon the network in the State and Union Territories and has been customized based on the prevailing voltage levels in the State and Union Territories.*
- 4.2 *The supply shall generally be given at the following voltages on the basis of contracted load for the States and Union Territories as per the tables given below:*

Table 1: Standard Voltage of Supply

Category	System of Supply
Low Tension	
<i>All installations (other than irrigation pumping and agricultural services) with a contracted load</i>	<i>Single phase at 220 V/ 230 V</i>

<i>up to and including 5 kW</i>	
<i>Irrigation pumping and agricultural services and all installations with a contracted load exceeding 5kW and up to and including 100 kVA of contracted load</i>	<i>3 Phase, 4 wire at 440 V</i>
High Tension	
<i>Contracted load exceeding 100 kVA and up to and including 5000 kVA</i>	<i>6.6 kV/11kV/22kV/33kV</i>
Extra High Tension	
<i>Contracted load exceeding 5000 kVA</i>	<i>66 kV and above</i>

Notwithstanding above, the consumer may opt for supply at higher voltage even though the contracted load is less than the specified limit, if the consumer so desires:

Provided that such supply shall be provided only in case it is found technically feasible:

Provided further that the cost of such supply at higher voltage shall be borne by the consumer seeking such supply.

The Licensee may, depending upon the technical constraints of the distribution system, offer supply at a higher voltage than that specified above, however, the differential cost for supplying at higher voltage shall be borne by the Licensee.

Supply to existing consumers at voltage lower than the limit specified above, shall continue and in case their load requirement increases, the above specified limit will be applicable and the consumer has to opt for supply at higher voltage.

Further, the Licensee wise specific details regarding voltage of supply at various Contract Loads shall be as per the Conditions of Supply and the provisions of Supply Code, 2018 in this regard shall be read in conjunction with Conditions of Supply.

- 4.3 *The Voltage Rebate for availing the supply at higher voltage level than the voltage level prescribed in this Supply Code, 2018 shall be as specified by the Commission in the Tariff Orders.*

- 4.4 Load for energy intensive consumers such as arc/induction furnaces, rolling mills, re-rolling mills and mini steel plants shall be released only through an independent feeder wherever feasible and all necessary charges shall be paid by the consumer. Supply may be given through independent feeder in other cases at the request of the consumer if the consumer is willing to bear all applicable charges.
- 4.5 The Licensee may, depending upon the technical conditions of the distribution system, give supply at a voltage and phase other than the classification of supply in Regulation 4.2 of this Supply Code, 2018, subject to the Commission's approval.

(b) Procedure for Supply to Multi-Consumer Complex

5.56 In case of multi-consumer complexes, such as Group Housing, Showrooms (Shop cum Offices SCOs) etc., the new connection sought shall preferably be provided at single point with single meter on LT if load is up to 100 kVA and on HT if load exceeds 100 kVA. A new connection will not be granted until the entire electrical infrastructure is completed. The Licensee shall ensure energization of new connection only after physically verifying the entire internal electrical infrastructure and fulfilment of Regulation However, this shall not restrict the individual owner or occupier of any premises for applying for individual connection and the Licensee shall sanction such individual connections. The choice of having single LT/HT connection or individual connections, once exercised before release of connection, cannot be revoked due to operational problem.

In case the connected/contracted load of any connection, as decided by the Licensee, is projected to be more than 100 kVA, a separate transformer of adequate capacity shall be installed at consumer's cost. The space/room required for housing the transformer, substation, switch gears, meters and panels shall be provided by the consumer, free of cost, which is easily accessible to the Licensee.

For any new connection with connected /contracted load lower than 100 kVA also, Licensee may install a separate transformer if requested by the consumers, at consumer's cost.

In case the consumers in Multi-consumer complex have availed individual connections, separate connection shall be provided for consumption of energy for common services such as lifts, pumps for pumping water, etc., and such consumption of such connection shall be billed at highest slab of respective tariff category.

For all the connections exceeding 11 kV for multi-storeyed building of more than fifteen metre in height, the connection shall be released after obtaining the certificate from Electrical Inspector in accordance with the provisions of Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 as amended from time to time.

5.57 For such Multi Consumer complexes, the builder / developer /society/ Owners Association shall be liable to pay service connection charges, i.e., cost of service connection from the existing network of the Distribution/Transmission Licensee to the point of supply, as approved by the Commission from time to time.

Note: The developer/builder/society/Owners association includes any agency whether Government, local body or private that constructs the Multi-consumer Complex.

- (1) Location for installation of meter should be decided in consultation with the consumer in accordance with the procedures detailed in Chapter-6 of this Supply Code, 2018.
- (2) Connections for common facilities like lift, water pumps, etc., shall be given in the name of the builder / developer /society/ Owners Association.
- (3) In case the original approved plan is for a multi-consumer complex, but the builder/developer / society / consumer desires to avail connection for a portion of it, the connection shall be provided treating it as multi-consumer complex.
- (4) If a building comes under the category of multi-consumer complex and if a separate distribution transformer of sufficient capacity is necessary for giving supply to such building which was not provided earlier, it will be provided at the cost of the builder/developer/society consumer. Alternatively, the builder/developer/society/ consumer shall bear the additional cost to augment the capacity of the existing 11/0.4 kV substation, if found necessary by the Licensee.
- (5) On receipt of requisition from the builder/developer/society consumer for supply of electricity to multi-consumer complexes, the Licensee shall extend the supply as per this Supply Code, 2018.

(C) Load Enhancement

5.98 Applicants shall apply for load enhancement to the Licensee in the format prescribed in **Annexure VII** to this Supply Code, 2018. The Licensee shall process the application form in accordance with Regulations of this Supply Code, 2018. For site inspection, issuance and payment of demand note for the estimated cost of works, both the Licensee and applicant shall follow the procedure and timelines as laid down in Regulations of this Supply Code, 2018. Consumer can retrieve the self-declaration Forms from the website of the Licensee or collect the same from the office of Licensee, if the consumer has to increase/decrease load at any time.

5.99 If on inspection, there are no defects found, or on re-inspection, the defects noticed earlier are found to have been removed, the Licensee shall sanction the additional load applied for, and issue a demand note in writing

under acknowledgment, within the timeline specified below:

Table 2: Timeline for raising Demand Note for Additional Load

S.No.	Item	Time Limit (within)
1	Aggregate Loads up to 100 kVA	10 days of receipt of Application
2	Aggregate Loads above 100 kVA and up to 4000kVA	15 days of receipt of Application
3	Aggregate Loads above 4000 kVA	30 days of receipt of Application

Provided that the time taken by applicant in removing the defects/deficiencies found at the applicant's premises shall not be included in the timeline specified above. The timeline shall not include the time taken by the Licensee to augment the infrastructure subject to ceiling limit as specified in Regulation of this Supply Code, 2018.

5.100 The Licensee's written intimation sent along with the demand note to the consumer shall cover the following:

- (1) Whether the additional power can be supplied at existing voltage or at a higher voltage;
- (2) Addition or alterations, if any, required to be made to the system and the cost to be borne by the consumer;
- (3) Amount of additional security deposit, cost of additional infrastructure and the system strengthening charges or capacity building charges, if any, to be deposited; and
- (4) Change in classification of the consumer and applicability of tariff, if required.

5.101 The application form for enhancement of load shall not be accepted if the consumer is in arrears of payment of the Licensee's dues. However, the application form may be accepted if such payment of arrears has been stayed by a Court of law, or the Commission or an authority appointed by the Commission.

5.102 If supply of enhanced load is feasible, the consumer shall:

(1) Pay additional security deposit, cost of addition or alteration required to be made to the system, if any, and system strengthening charges/capacity building charges, if any, within 15 working days of receipt of the demand note, and;

(2) Execute a Supplementary Agreement.

5.103 Supply of enhanced load shall be provided in adherence to the timeline specified in Regulation **Error! Reference source not found.** of this Supply Code, 2018.

5.104 If the consumer feels aggrieved by the Licensee's action or omission, the consumer may file his representation to the concerned Consumer Grievance Redressal Forum (CGRF) for redressal of his grievance.

5.105 If the application is not decided by the Licensee within the period mentioned in Table 6 above, the applicant may, by a written notice to the Licensee, draw its attention to the matter and yet if no decision is communicated to him within a further period of 15 days, the permission for enhancement of contract demand shall be deemed to have been granted.

5.106 The enhancement of load shall be effective from the date on which the enhanced load is released by the Licensee or deemed permission is granted.

(e) Following provisions had been provided in the Tariff Order for 2023-24 for Chandigarh Electricity Department issued by the Joint Electricity Regulatory Commission: -

A handwritten signature in blue ink, consisting of several loops and strokes, is written over a horizontal line. The signature is somewhat stylized and difficult to decipher.

Large Industrial Power Supply (Ls)	
Applicability	Character of service
<p>The schedule shall apply for consumers having industrial connected load above 100KV.A Their contract demand shall not be less than 100 KVA No consumers shall increase their connected load without prior approval off the Electricity department. The consumer availing supply at high tension shall indicate rated capacity of all the step down transformers installed in his premises and shall not increase the capacity of such step down transformers without prior approval of the department</p> <ol style="list-style-type: none"> i. The above tariff covers supply at Kv. Surcharge at 20% on the tariff shall be leviable for all the existing consumers which are being given supply at 400 volts. A consumer getting supply at 33 KV and above will get a rebate of 3%. ii. Surcharge @ 17.5% on the tariff shall be leviable for all the the are furnace consumers which are given supply at 11 KV. This surcharge at 17.5% shall also be leviable on other industrial consumers having contract demand exceeding 5000 KVA and running at 11kv. iii. In case of steel rolling mills having supply at 400 volts, an additional surcharge of 5% shall be leviable. iv. In case of HT consumers (11kv and above) where maximum demand and energy consumption is recorded on the lower voltage side of the Consumer transformer instead of the high voltage side, maximum demand and energy consumption for billing purpose should be computed by adding 3% extra on units on account of transformation/cables losses. However, this agreement shall in no case continue for more than three months and the meter shall be installed on the HT side of the transformer within the said period including such existing connection. v. For new connection, all metering will be on HT side only. 	<p>AC, 50 Cycles, 3 phase 11kv supply for loads above 100 kVA Supply can be given at 33/66/220KV depending on quantum/type of load and contract demand and availability of bus voltage and transformer winding capacity at the feeding substation wherever possible at the discretion of supplier. For are furnace loads and other loads of equally violent fluctuation nature, voltage of supply will be 33kv and above depending upon availability of bus voltage and transformer winding capacity at the feeding substation wherever possible, at the discretion of supplier.</p> <p>Contract demand is the load KW, KVA or HP, as the case may be agreed to be supplied by the licenses and contracted by the consumer and specified in the agreement . If the consumer in a month exceeds the contract demand, such excess shall be charged at an additional rate of INR 250/kVA.</p>

(f) As per records, the Appellant has filed the extension in load on 02.12.2022 from 17 KW to 85 KW in one of the connection No--31-83-04-0583B, out of the 6 commercial connections already existing in the name of the Appellant in her property/premise. The Respondents vide their letter dated- 05.04.2023 and 21.07.2023 had issued notice to the Appellant that the Electricity Department had received Demolition Notice dated-16.11.2022 and 24.02.2023 from Pondicherry Planning Authority (PPA) for not



extending the load and for disconnection for her property . Further they have also received notice from Madras High Court on the Writ Petition No-5357 Of 2023 filed by Srinivasa Towers flat owner's Welfare Association .. Accordingly, they have written to the Appellant to clarify her stand. As there was no response , they cancelled the application for extension of load of connection No-31-83-04-0583B.

In the mean while the Appellant has filed a complaint with the Ld. CGRF on 15/5/2023 . The Respondents have submitted to Ld. CGRF that as there was no response to their notice dated -05.04.2023 ,so they have cancelled the application dated-2/12/2022.They further submitted that after considering the extended load of 85 KW, the total load in the premises was more than 100 KVA and accordingly the Appellant is required to take supply at High Tension voltage , as per Supply Code Regulations , section-4.2 and is required to install her own Transformer and other equipments accordingly.

I have perused the CGRF order and in my opinion, Ld. CGRF has erred completely in appreciating the facts of the complete case. Their first objection that application has not been rejected technically is not tenable because once a Demolition Notice has been received in their office from the Pondicherry Planning Authority(PPA) , specifically asking Respondents not to extend the supply , it is obvious on the part of Respondents to first ask the Appellant to clarify her stand on the property where connection/extension has been applied. It was more so important when even a Writ Petition has been received by the Respondents from the Hon'ble Madras High Court in a case filed by the Residents of Srinivas Towers Welfare Association. No document has been brought to the notice of this court neither by the Appellant nor by the Respondents regarding the stay order or any order in this regards. The officer/official of Electricity Department are not Tehsildar/Patwaris , who could ascertain on which part of the property , there has been unauthorized construction in the eyes of PPA. The onus is on the Appellant herself to clarify her title of the property and Respondents has acted in a fair and just manner to ascertain the true facts from the Appellant . This action of the Respondents cannot be faulted and termed as intentional delaying the release of extension of load to the



said connection/premise. The observation of the Ld. CGRF that application has been not rejected ~~on~~ technically , also holds no water because unless the title of the property is cleared by the Appellant herself in view of PPA notice , only thereafter it is to be examined by the Respondents legally, as to how proceed further. If the application is not complete to proceed further for extension of load , they are not required to examine it technically. The whole matter remained under consideration of the Ld. CGRF from 15/5/2023 to 17/7/2023 and only during this period the withdrawal of PPA Demolition Notice dated-23/6/2023 was brought to the notice of the Ld CGRF by the Respondents as ponted out in the CGRF order.

In my considered view another aspect which has completely ignored by the Ld. CGRF is the voltage at which supply is required to be extended. As per records, there are 6 commercial connections in the premises in the name of the Appellant. These were released on LT voltage and the total load of 6 connections is 102.31KW (102.31X 0.9(PF) =92.079KVA) before extension as per details below:-

Policy No.	Sanctioned connected load
31-83-04-0583D	32.21KW
31-83-04-0583B	17.4 KW
31-83-04-0583A	25.15 KW
31-83-04-0583E	14.76 KW
31-83-04-0583C	3.45 KW
31-83-04-0583EA	9.34 KW
Total	<u>102.31 KW</u>

After extension of load applied for 85 KW vide application dated-2/12/2022 , the total load would have becomes 169.91_KW (169.91X0.9(PF)=152.92 KVA) as per details given below:-

Policy No.	Sanctioned connected load
31-83-04-0583D	32.21KW



31-83-04-0583B	85.0 KW
31-83-04-0583A	25.15 KW
31-83-04-0583E	14.76 KW
31-83-04-0583C	3.45 KW
31-83-04-0583EA	9.34 KW
Total	<u>169.91 KW</u>

As per Regulation stated above in para-4.2, the load above 100 KVA is required to be released on High Tension voltage and as per Procedure for Supply to Multi-Consumer Complexes. Even the Appellant vide her Affidavit and undertaking dated-26/1/2023 has agreed to install her own Transformer. As noted by the Ld. CGRF that the Appellant connected load would be 140.9KW and the Appellant would restrict it to 85KW. Even in the existing circumstances, the margin left so that total of all loads released on Low Tension (LT) remain below the prescribed limit of 100 KVA is only 07.921 KVA ($100-92.079 = \text{KVA}$), therefore CGRF ordering that "The Respondents are directed to release the available load in the existing transformer to the Complainant premises wherein it was sought for within 15 days from the date of this Order" was illogical and is against the Regulations. This order indirectly means to direct the Respondents to release the extension applied which precisely the Respondents had misunderstood and released the extended load of 85 KW on LT voltage against the provisions of Supply Code Regulations, though after some delay of around 30 days. Their plea that delay was on account of Assistant Engineer proceeding on medical leave and also due their preoccupation in the President's visits is just an afterthought to cover up the delays which cannot be appreciated.

This extended release of load on LT is not only violating the Regulations but has also results in revenue loss to the Respondents due to application of lower tariff. No document has been produced before me wherein the loss of revenue could be compensated till the issue is regularized as per Supply Code Regulations . As per Tariff Order foe FY 2023-24 issued by the Hon'ble Commission for Chandigarh Electricity Department, such loss can be compensated if the Appellant pay at normal

tariff plus surcharge of 20% on all the connections released on LT voltage against the specified provision of HT voltage.

In view of the above discussions the order dated-17/7/2023 of Ld. CGRF is not in order and is required to be quashed.

5.Regarding issue no-3(ii) above , as to whether the Appellant is entitled for Rs.28 lakhs as compensation as prayed for ?

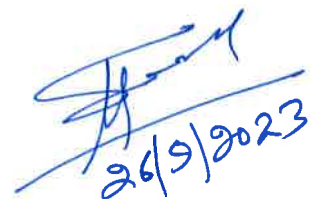
As deliberated in para-4.2 above, the Appellant herself is responsible to clarify the Respondents regarding the Demolition Notice issued by the PPA and for submitting a scheme for approval of the Respondents regarding laying of infrastructure/Transformer/Meter etc. for taking the HT supply. But the Appellant has failed to fulfill her part of obligations to take supply at HT voltage. In my opinion , the Respondents have bonafidely acted on the Demolition Notice of the PPA for the public safety and order. The undertaking /Affidavit dated 28/1/2023 of the Appellant clearly shows that Appellant was fully aware that load above 100 KVA is required to be released on HT but no action was taken by her to install a Sub Station with Transformers of adequate capacity.The Respondents have nothing to do with her agreements between herself and her tenants or her obligations towards them. Therefore , the prayer of compensation to run DG sets and cost of diesel is hereby rejected being devoid of merits.

(F) DECISION:

1. For the reasons discussed above, the Appeal of the Appellant is hereby dismissed being devoid of merits.
2. The orders passed by Ld. CGRF-Puducherry in Complaint No-86/2023 dated-17/7/2023 are hereby set aside.

3. Since the Respondents-Electricity Department have already released the extension on LT voltage due to ambiguous orders of Ld. CGRF, against the provisions of Supply Code Regulations, therefore taking a lenient view so that Appellant is able to earn her livelihood and to avoid any revenue loss to the Respondents, the Appellant should pay at normal commercial tariff plus surcharge of 20% on all the connections existing on LT voltage in the premise, from the date of release of extended load on 28/8/2023, till the Appellant is able to take supply at HT voltage as per the Regulations, but not later than one year from the date of issue of this order by email. Thereafter, the Respondents can disconnect the extended connection after due notice to the Appellant.
4. In case, the Appellant or the Respondents are not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate bodies in accordance with Regulation 37(7) of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019.
5. Non-compliance of the orders of the Electricity Ombudsman by the Electricity Department/Licensee shall be deemed to be a violation of Regulations and shall be liable for appropriate action by the Hon'ble Commission under Section -142 of the Electricity Act, 2003.
6. The appeal is disposed of accordingly.

Dated:26.09.2023
Gurugram (Haryana)



(M.P. Singh Wasal)
Electricity Ombudsman
For the State of Goa & UTs