

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

**Present : Adv. A.J Wilson, Member
Shri B Pradeep, Member**

OP No 03/2023

In the matter of : Petition for redetermination of tariff for providing Single Point Supply to Vadakke Madham Brahmaswam and sharing of electricity charges among the beneficiaries of Vadakke Madham Brahmaswam.

Petitioner : Thrissur Corporation Electricity Department (TCED).

Respondent : 1. Kerala State Electricity Board Ltd (KSEB Ltd)
2. Vadakke Madham Brahmaswam

M/s TCED represented by : Shri. N.K.Krishnakumar, Asst: Secretary, TCED
Shri. T.S.Jose, Electrical Engineer, TCED

Vadakke Madham represented by : Shri. Sreekanth, Manager
Shri. Josen.K.K, Electrical Contractor

KSEB Ltd represented by : Shri. M.P.Rajan, Deputy Chief Engineer
Shri Rajesh AEE, TRAC, KSEB

Date of hearing : 09.02.2023, 11:00 AM

Venue : e-hearing through video conferencing

Order dated 05.09.2023

1. Thrissur Corporation Electricity Department (hereinafter referred as TCED or petitioner) filed a petition dated 30.11.2022 before the Commission with the prayer to **“approve appropriate tariff for single point supply of Vadakke Madham Brahmaswam”**.
2. The summary of the petition filed by M/s TCED is given below;
 - (1) M/s. Vadakke Madham Brahmaswam is a traditional Vedic Institution at Thrissur, close to the Vadakkumnathan Temple. Sri. Sankara Complex is a building at the premises of Vadakke Madham Brahmaswam, consist of an eight storied Mall, SreeSankara Kalyanamandapam and a Residential Vedic Institution. SreeSankara Mall is a newly constructed five storied building and is proposed to be expanded to an eight-story building. The total area of the proposed building is 13611.92 M² and the completed area is 8,618.80M². Two floors of the building are for car parking and other floors are to be let out on rent.

There is a two storied Kalyanamandapam “SreeSankara Hall” in that compound having a total area of 2120.54m². A residential Vedic Institution is also functioning therein, with an area of 1371m². The electricity connection is for the functioning of all these buildings.

- (2) M/s.Vadakke Madham Brahmaswam is designed for an electrical connected load of 880.75KW+95.5KW Fire pump+500 KVAR capacitor. The electrical installation consist of 1000 KVA Transformer and a 320 KVA Generator. At present the connected load of the beneficiary is 376.04 KW+110 HP Fire pump+250 KVAR +14.49 KW Lift.
- (3) As requested by M/s TCED, the Commission after hearing the parties and KSEB Ltd, the Commission vide the Order dated 24.04.2020 in OP No.01/2020 approved the Single Point Supply tariff to M/s. Vadakke Madham Brahmaswam as Demand Charge @₹450/KVA and Energy Charge as ₹7.90/unit. The Commission also directed M/s. Vadakke Madham Brahmaswam that within one year from the date of Order they shall file a separate petition with complete details of the individual beneficiaries for the re-determination of Single Point Supply Tariff. The relevant portion of the Order is extracted below.

“The Commission, after examining the petition filed by M/s TCED, as per the provisions of the Electricity Act, 2003 and Supply Code, 2014, hereby orders the following.

- (1) *As per the Regulation 56 of the Supply Code, 2014, the licensee TCED may provide single point supply to the developer M/s Vadakke Madham Bramaswam as per Regulation 56 of the Supply Code, 2014 as detailed under paragraph-15 above.*
- (2) *Supply to the individual beneficiaries of the developer shall be provide at LT voltage levels , strictly complying the Regulation 11 of the Supply Code, 2014, as detailed under paragraph-18 above.*
- (3) *The developer shall collect electricity charge from the individual beneficiaries at the ‘retail tariff’ determined by the Commission from to time, based on the purpose of usage, as detailed under paragraph-21 above.*
- (4) *The Single Point Tariff approved for the developer M/s Vadakke Madham Brahmaswam is given below.*

Demand charge (Rs/kVA/month)	450
Energy charge (Rs/unit)	7.9

The single point tariff approved is applicable for a period of one year from the date of this order.

- (5) *Within one month after completion of one year from the date of this order, the licensee shall, file a separate petition with complete details of the individual beneficiaries for re-determine the single point tariff, for the periods beyond one year from date of this order, as explained under paragraph 24 above.*

- (6) *Electricity duty shall also be collected by the developer from each beneficiary along with the electricity charges at the rates specified in the Kerala Electricity Duty Act 1963 and the same shall be remitted to M/s TCED latest by 10th of the succeeding month.”*
- (4) In compliance of the Order of the Commission dated 24.04.2020, M/s TCED has filed the instant petition for seeking the re-determination of Single Point Supply tariff. In this petition, M/s TCED submitted the following.
- (i) Due to Covid-19 pandemic, the developer M/s Vadakke Madham Brahmaswam had taken considerable time for augmenting the metering arrangements and other safety measures as per the Kerala Electricity Supply Code, 2014 (herein after referred as Supply Code, 2014) Regulations. M/s TCED had allotted Single Point Supply to M/s. Vadakke Madham Brahmaswam on 27th April 2021.
- (ii) M/s TCED, constantly urged the developer to submit the details of individual beneficiaries and single point supply details to file petition from June 2021 onwards. But due to COVID-19 pandemic the developer was not able to furnish the details.
- (iii) M/s TCED further submitted that meanwhile, the Commission vide the tariff Order dated 25.06.2022 in OP No.11/2022 has determined the RST and BST of the Consumers in the State of Kerala. The BST of TCED is revised as follows;
- Demand charge- enhanced from Rs 340/kVA/month to Rs 380/kVA/month.
 - Energy charge- enhanced from Rs 6.05/unit to Rs 6.50/unit.
- However, the single point tariff of the Vadakke Madham Brahmaswam was not revised subsequent to the tariff revision Order dated 25.06.2022.
- Hence TCED is operating at a loss due to non re-determination of the single point supply tariff of the developer.
- (5) As per the Regulation 56(6) of the Supply Code, 2014, the developer can collect the electricity chares from individual beneficiaries at no profit no loss basis. The entire electricity charges collected from individual beneficiaries has to be passed on to the licensee at the single point tariff. The petitioner M/s TCED also submitted that, the distribution loss, i.e., the difference between the single point purchase from TCED and distribution to the beneficiaries of Vadakke madam has to be ignored while calculating the tariff for single point supply of Vadakke Madham Brahmaswam.

4. KSEB Ltd vide the submission dated 08.02.2023 submitted the following;

- (1) The Commission vide Order dated 24.04.2020 in petition OP No.01/2020 had approved the Single Point Supply Tariff applicable to M/s Vadakke Madham Brahmaswam in HT provisionally for one year with Demand Charge of Rs 450/kVA/month and Energy charge as Rs 7.9/unit.
- (2) Before availing Single Point Supply, M/s Vadakke Madham Brahmaswam has availed power supply at HT with a contract demand of 50kVA under HT-IV commercial tariff, from the petitioner M/s TCED.
- (3) KSEB Ltd further submitted that the present petition doesn't specify the present contract demand of the Single Point Supply. No valid document i.e., HT agreement is provided in the petition. The Commission vide Order dated 24.04.2020 has approved the Single Point Tariff for the developer M/s Vadakke Madham Brahmaswam considering connected load-based billing for individual beneficiaries.
- (4) As per the General conditions for HT and EHT vide the tariff Order dated 08-07-2019 in OA No 15/2018 stipulates that "Billing demand shall be the recorded maximum demand for the month in kVA or 75% of the contract demand as per the agreement, whichever is higher".

As the contract demand for the HT supply is not specified, it can't be ascertained whether the monthly demand is within the contract demand or not. So, whether the demand charge billed is correct or not is also uncertain.

The Commission vide the Order dated 24.04.2020 for the approval of Single Point Supply Tariff had taken the demand of all beneficiaries as 193kVA. So providing a 10% excess on the above, the Commission had assessed 212kVA as contract demand of the Single Point Consumer (SPS). If the contract demand of 212kVA is assessed on the SPS, then 75% of 212kVA comes to 159kVA. As per the details provided in the petition, it can be seen that the SPS had been billed for 150kVA for several months which is less than the minimum demand applicable.

Similarly, if 193kVA is taken as the contract demand, then there are months when the demand had crossed 193kVA, which needs to be charged with excess demand charges. This has also not been taken into consideration.

- (5) KSEB Ltd further submitted that it cannot be ascertained whether any PF incentive/penalty is given to the SPS during the billing period. Surcharge @2.5 ps /kWh is included in the bills of the beneficiaries. As per the Kerala State Electricity Surcharge (Levy and Collection) Act, 1989, surcharge is applicable to HT&EHT connections only.

- (6) M/s Vadakke Madam Brahmaswam has claimed running and maintenance expenditure. However, this is not allowed in the case of availing single point supply.
- (7) KSEB Ltd submitted that the Commission vide Order dated 17.03.2022 in OP No 08/2021, in the petition filed by M/s South Asian Plywood Mills Pvt Ltd has ordered that the beneficiaries shall have all the right of a consumer as provided in Electricity Act 2003 and hence can approach CGRF and Ombudsman for adjudicating the dispute, if any with the developer/ KSEB Ltd. Similarly, the dispute resolution mechanism between beneficiaries and single point consumer needs to be addressed in this case also.
5. The Commission admitted the petition as OP 03/2023. Shri. T.S.Jose, Electrical Engineer, TCED presented the matter on behalf of the Petitioner. Sri. Rajesh, AEE, presented the comments on behalf of the respondent KSEB Ltd. Shri. Sreekanth, Manager presented the comments on behalf of Vadakke Madham Brahmaswam. The summary of the deliberations during the hearing is given below.

- (1) TCED submitted the following;

As per the Regulation 56(10) of the Kerala Electricity Supply Code 2014, M/s TCED filed petition on 24.04.2020, OP 1/2020. The Commission vide the Order dated 24.04.2020 has approved single point supply for developer M/s. Vadakke Madham Brahmaswam.

The Commission, as per the Regulation 56(10) of the Kerala Electricity Supply Code 2014, had determined the tariff of the Single Point Supply to be availed by M/s Vadakke Madham Brahmaswam vide its Order dated 24.04.2020 in Petition OP No.01/2020, as below.

- (ii) Demand Charge @₹450/KVA and;
(iii) Energy Charge as ₹7.90/unit.

The Commission has also ordered that, the tariff approved as above is applicable for a period of one year from the date of the Order. Within the said period of one year, M/s TCED shall file a separate petition with complete details of the individual beneficiaries for re-determination of the single point tariff.

At present there are 5 beneficiaries in M/s Vadakke Madham Brahmaswam, as detailed below.

- M/s Vadakke Madham Brahmaswam (Kalyanamandapam) with a connected load of 34.05kW,
- M/s Vadakke Madham Brahmaswam (Common Use) with a connected load of 36.37kW,
- M/s Future Lifestyle Fashion Ltd. (Brand Factory) with a connected load of 256.91kW,
- M/s CSB Bank Ltd. with a connected load of 35.30kW, and
- M/s Sundaram Finance with a connected load of 13.41KW.

TCED further submitted that they had allotted single point supply to Vadakke Madham Brahaswam (Developer) on 27th April 2021. The delay was mainly due to the delay in installing the metering arrangements by the developer M/s Vadakke Madham Brahaswam due to Covid-19 pandemic and related issues.

An amount of ₹3644604.21 collected from the five beneficiaries for the yearly consumption of 289031 units. The yearly Consumption of single point consumer comes to 300439 units, and the amount collected by the TCED amounts to Rs 3738197.85.

(2) KSEB Ltd submitted the following;

The petition does not specify the Contract Demand of the Single Point Supply. While approving the single point tariff provisionally, the Commission had estimated the demand of all beneficiaries as 193 kVA.

KSEB Ltd further submitted that, it is noticed that billing is done for the highest energy charge approved by the Commission for LT VII(A) and LT VI(C), i.e. Rs 9.3/unit and Rs 8.5/unit respectively, even though the consumption is within the limits of other energy slab rates.

Further in the petition it is not clear whether connected load billing or optional demand billing is followed in the case of individual beneficiaries. No valid document i.e. HT Agreement is provided in the petition. From the petition it cannot be ascertained whether any PF incentive/Penalty is given to the SPS Consumer during the billing period.

KSEB Ltd further submitted that the Surcharge is applicable to HT and EHT connections only, imposing surcharge to LT connections is not in accordance with the existing rules and regulations.

As per the Order of the Commission no running and maintenance expenditure had been approved to the Single Point Consumer.

(3) The developer M/s Vadakke Madam Brahaswam submitted the following during the hearing;

Though the Commission had approved the Single point supply charges vide Order dated 24.04.2020 in petition OP No.01/2020, but they got sanction from Electrical Inspectorate for availing single point supply only on 25.03.2021. Subsequently they had got the Electricity Connection from M/s TCED and they had raised bills to every beneficiary according to the tariff Order of the Commission. The bills raised to the beneficiaries on ToD rate for the reason that M/s TCED is billing the Single Point Supply consumer under ToD tariff. Vadakke madham submitted that if any anomalies pertain in the billing, the same can be rectified as ordered by the Commission.

Vadakke Madham further submitted that the distribution loss of 3.8% is occurred due to the losses in the distribution transformer. If the loss is neglected, it will be a great peril to the Madham since it will create extra financial burden to the Vadakka Madham.

- (4) During the deliberations, the Commission has directed the developer M/s Vadakke Madam Brahmaswam to clarify whether they are willing to avail single point supply for providing electricity to the beneficiaries within their premises. Since there is only five beneficiaries within the premises and few of them are occupied in individual buildings within the premises, there is no necessity for availing single point supply. The beneficiaries can directly avail electricity supply from the licensee M/s TCED.
6. Vadakke Madham Brahmaswam vide the submission dated 20.02.2023 submitted the following;
- (1) The Management Committee of Vadakke Madham Brahmaswam in its meeting held on 18.02.2023 has decided to shift from Single Point Power Supply System to the direct billing system of the beneficiaries under TCED.
 - (2) Vadakke Madham Brahmaswam requested before the Commission to give necessary directions to TCED for implementing direct billing system under TCED.

Analysis and Decision of the Commission:

7. The Commission having examined in detail the petition filed by M/s TCED for the approval for Single Point Supply and Sharing of Electricity Charges for Vadakke Madham Brahmaswam as per the provisions of the Electricity Act,2003, Kerala Electricity Supply Code, 2014, decides as follows;
8. The Regulation 56 of Supply Code 2014 provide that the distribution licensees in the State of Kerala may give single point supply to the premises with multiple beneficiaries subject to the conditions specified therein.

The relevant Regulations is extracted below.

"56. Single point supply and sharing of electricity charges. -

(1) The licensee may give single point supply to the following premises with multiple beneficiaries subject to the conditions specified in the sub regulations hereunder:-

(i) multi-storeyed buildings;

(ii) colony developed by any development authority or private builder or promoter or developer;

(i) domestic, commercial or industrial complex;

(ii) residential complex constructed by any employer for this employees or by a panchayat or a cooperative society

(2) *The development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries shall submit an application to the licensee for availing single point supply with a detailed project report (DPR) on the scheme for giving supply to all beneficiaries and such other necessary particulars.*

(3) *The development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries shall bear the expenditure for the augmentation or upgradation or uprating of the distribution system, exclusively required for the supply of electricity to the entire premises included in the detailed project report (DPR) and shall also construct at his cost the internal distribution network within the project area as per the standards and specifications stipulated in this Code.*

Provided that the expenditure to be borne by the development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries shall be governed by the relevant provisions in regulation 36.

(4) *Supply may be provided by the development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries to the individual beneficiaries and for common service by installing sub-meters.*

(5) *The development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries shall remit the charges for the entire electricity availed at such single point of supply as per the bill preferred by the licensee within such time as indicated in the bill.*

(6) *The development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries shall collect, on a no profit no loss basis, the cost of energy consumed by individual beneficiaries.*

(7) *The tariff charged from the individual beneficiaries shall under no circumstances exceed the tariff specified by the Commission for the respective category of consumers.*

(8) *Providing of connection to individual beneficiaries in such premises with multiple consumers and sharing of expenses of consumption of electricity as per the above provisions shall not be construed as unauthorised extension of supply or resale of energy.*

(9) *The maintenance of internal distribution network and providing services to individual beneficiaries shall be the responsibility of the development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries.*

(10) *The tariff applicable to the single point supply shall be as determined by the Commission:*

Provided that the provisions of this regulation shall not in any way affect the right of a person residing in the housing unit sold or leased by such development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries, to demand supply of electricity directly from the distribution licensee of the area.”

As extracted above, as per the Regulation 56 of the Supply Code, 2014, it is the discretion of the distribution licensee to provide single point supply to developer subject to the terms and conditions specified in the said Regulations. Also, it is the option of the developer to avail single point supply and discharge the responsibilities specified therein. Further, the beneficiaries has the option to avail supply directly from the licensee, M/s TCED.

9. As per the Regulation 56 of the Supply Code, 2014, the petitioner M/s TCED had filed a petition before the Commission on 10.12.2019 for the approval for Single Point Supply and Sharing of Electricity Charges for Vadakke Madham Brahmaswam. The Commission vide the Order dated 24.04.2020 in OP No.01/2020 approved the Single Point Supply tariff to M/s. Vadakke Madham Brahmaswam as Demand Charge @₹450/KVA and Energy Charge as ₹7.90/unit. The Commission also directed that within one year from the date of Order they shall file a separate petition with complete details of the individual beneficiaries for the re-determination of Single Point Supply Tariff. The relevant portion of the Order is extracted below;

“The Commission, after examining the petition filed by M/s TCED, as per the provisions of the Electricity Act, 2003 and Supply Code, 2014, hereby orders the following.

- (1) *As per the Regulation 56 of the Supply Code, 2014, the licensee TCED may provide single point supply to the developer M/s Vadakke Madham Bramaswam as per Regulation 56 of the Supply Code, 2014 as detailed under paragraph-15 above.*
- (2) *Supply to the individual beneficiaries of the developer shall be provide at LT voltage levels , strictly complying the Regulation 11 of the Supply Code, 2014, as detailed under paragraph-18 above.*
- (3) *The developer shall collect electricity charge from the individual beneficiaries at the ‘retail tariff’ determined by the Commission from to time, based on the purpose of usage, as detailed under paragraph-21 above.*
- (4) *The Single Point Tariff approved for the developer M/s Vadakke Madham Brahmaswam is given below.*

<i>Demand charge (Rs/kVA/month)</i>	<i>450</i>
<i>Energy charge (Rs/unit)</i>	<i>7.9</i>

The single point tariff approved is applicable for a period of one year from the date of this order.

- (5) *Within one month after completion of one year from the date of this order, the licensee shall, file a separate petition with complete details of the individual beneficiaries for re-determine the single point tariff, for the periods beyond one year from date of this order, as explained under paragraph 24 above.*
- (6) *Electricity duty shall also be collected by the developer from each beneficiary along with the electricity charges at the rates specified in the*

Kerala Electricity Duty Act 1963 and the same shall be remitted to M/s TCED latest by 10th of the succeeding month.”

10. The instant petition was filed by TCED in compliance of the directions in the Order dated 24.04.2020 in petition OP No. 01/2020, for determining single point supply tariff to the developer M/s Vadakke Madham Brahmaswam after one year from 24.04.2021 onwards.
11. However, in the meantime, the developer M/s Vadakke Madham Brahmaswam vide the submission dated 20.02.2023 submitted before the Commission that, instead of availing single point supply from the licensee M/s TCED, the beneficiaries within the premises of M/s Vadakke Madham Brahmaswam may avail electricity supply directly from the licensee TCED.

The Commission has examined the submission of the developer M/s Vadakke Madham Brahmaswam. As per the provisions of the Electricity Act, 2003 and Kerala Electricity Supply Code, 2014, it is the duty of the distribution licensee to provide electricity supply to the owner or occupier of any premises on request. In the instant case, the developer M/s Vadakke Madham Brahmaswam submitted that, instead of the original proposal of availing single point supply and to distribute electricity among the beneficiaries within their premises, the developer wants that all occupiers within their premises to directly avail electricity supply from the distribution licensee TCED. The beneficiaries occupying spaces within the Vadakke Madham Brahmaswam has the right to avail electricity supply directly from the licensee, M/s TCED as per the Rules and Regulations in force.

The Commission has also noted that, there are five beneficiaries within the premise of the developer M/s Vadakke Madham Devaswam. These beneficiaries have separate metering facilities for availing electricity directly from the distribution licensee.

12. Considering the entire aspects in detail, the Commission hereby decides to close the petition OP No.03/2023 filed by M/s TCED to determine single point supply tariff for M/s Vadakke Madham Brahmaswam. The licensee M/s TCED may directly provide electricity supply to all the occupants within the premises of the developer M/s Vadakke Madham Brahmaswam, as per the provisions of the Electricity Act, 2003 and Kerala Electricity Supply Code, 2014 and other Rules and Regulations in force.

The petition disposed off. Ordered accordingly.

Sd/-
Adv. A J Wilson
Member

Sd/-
B. Pradeep
Member

Approved for issue

Sd/-
C R Satheesh Chandran
Secretary