

CONSUMER GRIEVANCE REDRESSAL FORUM

CENTRAL REGION

(Formed under Section 42(5) of the Electricity Act 2003)

220 kV Substation Compound, HMT Colony P.O. Kalamassery, Pin – 683 503

Phone No. 0484-2556500 Website: cgrf.kseb.in, Email: cgrf.ekm@gmail.com,

CUG No. 9496008719

Present

**(1) Smt. Sheeba. P
(2) Sri. Biju Varghese**

**Chairperson
3rd Member**

Petitioner

Sri. C.P. Prathapan,
S/o. late C.K. Padmanabhan,
Chullutharayil House, Mamala,
Thiruvamkulam, Ernakulam
Pin – 682 305

Respondent

- 1) The Assistant Executive Engineer,
Kerala State Electricity Board Ltd,
Electrical Sub Division,
Puthencruz, Ernakulam
- 2) The Assistant Engineer,
Kerala State Electricity Board Ltd,
Electrical Section,
Thiruvaniyoor., Ernakulam

No.CGRF-CR/OP No.28/2023-24

Date: 30-09-2023

ORDER

Background of the case:

The petitioner operates a crusher unit and holds an electricity connection bearing consumer number 1157345007394, under LT IV A tariff, falling within the jurisdiction of Electrical Section, Thiruvaniyoor, Ernakulam. On 05/04/2023, the petitioner received a short assessment bill amounting to Rs.76,840/-. This bill included charges for the Low Voltage Supply Surcharge for the months of January 2022, February 2022, March 2022, and May 2022. The short assessment was imposed due to the fact that the Recorded Maximum Demand (RMD) for the

petitioner's firm exceeded 100 KVA during those specific months. Consequently, the petitioner has approached this Forum requesting the waiver of this amount.

Version of the Petitioner:-

The petitioner states that on 05/04/2023, they received a short assessment order from the Senior Superintendent, KSEBL, Electrical Section, Thiruvaniyoor, citing that the petitioner firm's Recorded Maximum Demand (RMD) has exceeded 100 KVA during the months 01/2022, 02/2022, 03/2022 and 05/2022; hence demanding an amount of Rs.76,840/- as fixed charges. The petitioner also received a letter from the Assistant Executive Engineer, Electrical Sub Division, Thiruvaniyoor, in which it was directed to change the electricity connection from LT IV A (Low tension) to HT (High Tension). But, the petitioner states that, they had already submitted a request to convert the electricity connection from LT to HT on 01/06/2014 and had also fulfilled many of the procedures for the conversion. However, due to the sudden reduction in the availability of raw materials for stone crushing, the electricity usage of the petitioner was drastically reduced to not more than 2 hours per day. Thus the petitioner backed off from the plan to convert the electricity connection to HT and thereby withdrew their request. The petitioner also states that, on considering the availability of raw materials and the electricity usage of the petitioner at present, they are now not in need to convert the connection to HT (High Tension).

The petitioner states that on receipt of the letter dated 13/04/2023 issued by the Assistant Engineer, Thiruvaniyoor regarding the conversion to the HT service connection, the petitioner had filed a representation dated 24/04/2023 before the Assistant Engineer, Thiruvaniyoor requesting to exempt from the payment of the short assessment bill amount and also to reconsider the direction of changing the electricity connection from LT IV A (Low tension) to HT (High Tension). The petitioner states that while the representation dated 24/04/2023 was pending before the Assistant Executive Engineer, Thiruvaniyoor, the petitioner was served with another electricity bill dated 02/05/2023 demanding to pay an amount of Rs.1,09,017/-. Hence, the petitioner filed a Writ Petition before the Hon'ble High

Court of Kerala vide WP(C) 16993/2023, requesting to consider and dispose of the representation of the petitioner dated 24/04/2023 submitted before the respondent, within a fixed time limit. Thus the petitioner was directed by the Hon'ble High Court of Kerala in the Order dated 29/05/2023 by the Hon'ble Kerala High Court to approach this Forum by granting a stay upon initiating any further coercive steps against the petitioner by the respondents for a period of four weeks. Thus the petitioner has approached this Forum requesting to direct the respondent to dispose of their representation dated 24/04/2023 within a fixed time limit, to grant permission to retain the LT IV A (Low tension) electricity connection of the petitioner and thereby permitting the petitioner not to remit the amount mentioned in the short assessment order dated 05/04/2023 until the disposal of the representation dated 24/04/2023.

Subsequently, statement of facts was called for and the same was submitted by the respondent on 04/08/2023.

Version of the Respondent:-

The respondent reports that as per Regulation 8 of Kerala State Electricity Supply Code 2014 issued by the Kerala State Electricity Regulatory Commission (KSERC), the maximum Contract Demand allowed for this petitioner is 100 kVA. The Code vide Regulation 9 allows the licensee to demand Low Voltage Supply Surcharge if the Contract Demand of the consumers exceed the specified limit. Here in this case, the Recorded Maximum Demand for the petitioner exceeds the limit and hence KSEBL demanded Low Voltage Supply Surcharges (LVSS). The Recorded Maximum Demand (RMD) of the consumer is as follows:-

Month/ Year	Contract Demand (kVA)	RMD (kVA)
01/2022	95	110
02/2022	95	105
03/2022	95	108
05/2022	95	105

Since the RMD exceeded the limit, the licensee demanded LVSS.

The respondent states that as per Regulation 101 of Kerala State Electricity Regulatory Commission Supply Code 2014, the Contract Demand of the Low Tension (LT) consumer, who opted for Demand Based Tariff had to be revised yearly and if the Contract Demand exceeds in three billing period, a notice has to be issued to the consumer for raising the Contract Demand accordingly. Thus, a notice dated 13.04.2023 was issued to the petitioner by the Assistant Engineer, Electrical Section, Thiruvaniyoor.

The respondent states that the application for High Tension (HT) connection was an evidence that the petitioner was well aware of the Regulations of Electric Supply pertaining to this consumer. The respondent also denied the statements made by the petitioner based on the letter by Assistant Executive Engineer, Electrical Sub Division, Puthencruz dated 13-04-2023 and the representation dated 24-04-2023. Instead, the respondent states that the letter dated 13.04.2023 was sent to the petitioner by the Assistant Engineer, Electrical Section, Thiruvaniyoor and the representation by the petitioner dated 24.04.2023 was addressed to Assistant Engineer, Electrical Section, Thiruvaniyoor.

The bill dated 02.05.2023, amounting to Rs.1,09,017/- was the sum of Bill amount for the month of April 23 + Arrear amount of Rs.76480.00/- + Surcharge Rs.195.00/- – Interest refund on Security deposit amounting to Rs.4556.00/-.

Bill Amount	19012.50
Arrears	76480.00
Surcharge	195.00
Security Deposit Interest Refund	4556.00

The respondent states that they came to know about this dispute when the Law Section of KSEBL wanted a Statement of facts on the writ (c) filed by the petitioner. The respondent on the very same day called on the number available on the complaint and informed the person who attended the call, who was introduced

as the brother of the petitioner, named Sri.Ajayagosh about the non-factual statements made in the writ submitted in the Hon'ble High Court of Kerala as well as the reason for the extra bill dated 05.04.2023 served to Sri.Ajayagosh, since the petitioner was bedridden due to an accident. The respondent states that Sri. Ajayagosh had even visited the Office of the Assistant Executive Engineer, Electrical Sub Division, Puthencruz once and again the doubts from Sri. Ajayagosh's side was well cleared by the Office.

The respondent states that four more telephone conversations were made between Sri.Ajayagosh and the Assistant Executive Engineer, Electrical Sub Division, Puthencruz for clarification on the additional bill. The respondent even states that further Office of the Assistant Executive Engineer, Electrical Sub Division, Puthencruz vide Letter No:DB 45/2023-2024/AEE/ESD PTCZ/177 dated 12.07.2023 had even requested the petitioner to present at the office for the clarification of doubts, which was delivered to the petitioner on 15.07.2023 as per the statement of the Department of Posts, Ministry of Communications and Government of India. The respondent also states that the Assistant Engineer, Electrical Section, Thiruvaniyoor had even responded to the representation dated 24.07.2023 vide letter No.DB/ES TVYR- letters/2023-24/99 dated 25.07.2023.

The respondent further stated that the Internal Audit Team of KSEBL had endorsed the correctness of the bill and had requested to charge the petitioner with the Low Voltage Supply Surcharge of Rs.76,840/-. Thus the respondent requests this Forum to direct the petitioner to pay the dues at an early date.

Analysis and findings:

Hearing was conducted at the chamber of the Chairperson, Consumer Grievance Redressal Forum, Ernakulam. The Forum afforded an opportunity to hear the Petitioner and the Respondent on 20-09-2023. Both the petitioner and the respondent were present for hearing. Having examined the petition in detail and the statement of facts of the respondent, considering all the facts and circumstances in

detail and perusing all the documents of both sides, the Forum comes to the following observations, conclusions and decisions thereof.

In this case, the petitioner is an LT IV A consumer with a sanctioned Contract Demand of 95 kVA. The Regional Audit Officer (RAO) of the licensee conducted an audit which resulted in the issuance of a short assessment bill on 05/04/2023 totalling Rs.76,840/-. This bill included charges for the Low Voltage Supply Surcharge (LVSS) for the months of January, February, March, and May 2022. The LVSS was applied because the Recorded Maximum Demand (RMD) for those months exceeded 100 kVA.

However this Forum's evaluation in accordance with Regulation 9 of the Kerala Electricity Supply Code, 2014 (KESC, 2014), reveals that LVSS is applicable to consumers who receive supply at a voltage lower than the one specified in Regulation 8 for their respective limits of connected load or contract demand. Regulations 8 and 9 are described below:-

Regulation 8. Supply voltages for different connected loads or contract demands-

“The supply voltage levels for different connected loads or contract demands for new connections or for gross connected load or contract demand consequent to revision of connected load or contract demand, shall be as follows:-

<i>Supply Voltage</i>	<i>Maximum connected load (for those without demand based metering)</i>	<i>Maximum contract demand (for those with demand based metering)</i>
<i>240 V (single phase)</i>	<i>5kW</i>	
<i>415V (Three phase)</i>	<i>100 kVA</i>	<i>100 kVA</i>
<i>11kV</i>		<i>30000kVA</i>
<i>22kV</i>		<i>6000kVA</i>
<i>33kV</i>		<i>12000kVA</i>
<i>66kV</i>		<i>20000kVA</i>
<i>110kV</i>		<i>40000kVA</i>

Provided that the limit of connected load or contract demand specified for different supply voltage levels may be exceeded up to a maximum of twenty percent if supply at the appropriate higher voltage level is not feasible due to non-availability of distribution line at such higher voltage level in that area of supply:

Provided further that the limits of connected load or contract demand specified for different supply voltage levels as specified above may be exceeded in exceptional cases with the approval of the Commission, subject to the conditions stipulated in such approval.”

Regulation 9. Low voltage supply surcharge.-

“Consumers availing supply at voltage lower than the one specified in regulation 8 for the respective limits of connected load or contract demand shall pay the low voltage supply surcharge to the licensee at the rates as approved by the Commission from time to time in the tariff order.”

Moreover, Clause 12 of the General Condition Part A of the Tariff Schedule issued by the Kerala State Electricity Regulatory Commission on July 8, 2019, also specifies that consumers who are required to receive supply at High Tension (HT) or above, as per Regulation 8 of the KESC, 2014, but are availing supply at Low Tension (LT), shall be subject to paying the low voltage surcharge at certain specified rates.

In this particular case, the petitioner is indeed a Low Tension Consumer with a sanctioned Contract Demand of 95 kVA, which is within the range specified by Regulation 8 of the KESC, 2014. Therefore, the consumer is availing the voltage level allowed for their sanctioned Contract Demand of 95 kVA. As a result, the LVSS charged by the licensee, as per Regulation 9 of the KESC, 2014, is deemed to be inappropriate.

The respondent has conveyed that, as the Recorded Maximum Demand (RMD) for the petitioner's firm exceeded 100 KVA in the three billing periods for the month of January, February and March of 2022, they issued a notice on

13.04.2023 to the petitioner, directing them to switch to High Tension (HT) supply as per Regulation 101(1) of the Kerala Electricity Supply Code, 2014 (KESC, 2014), which is as follows:-

Regulation 101. Annual review of contract demand.-

“(1) In the case of HT and EHT connections, if the maximum demand recorded exceeds the contract demand in three billing periods during the previous financial year, the licensee shall issue a notice of thirty days to the consumer directing him to submit within the notice period, an application for enhancement of contract demand.”

The petitioner has explained that they did, in fact, apply for an HT connection on 01/06/2014. However, due to unforeseen circumstances that led to a sudden decline in their business and consequently reduced electricity consumption, they withdrew their application for the HT connection. The petitioner further assured that they do not regularly require a Contract Demand exceeding 100 KVA and that they will make efforts to ensure that their Contract Demand does not exceed the sanctioned limit of 95 kVA in the future.

This Forum believes that, given the petitioner's commitment to managing their Contract Demand within the sanctioned limit, it is reasonable to consider their request to maintain their connection under Low Tension (LT).

DECISION:

Considering the above facts and circumstances, the Forum issues the following orders:-

- 1. The petitioner is not liable to pay the short assessment bill dated 05/04/2023 amounting to Rs.76,840/-.**
- 2. The respondent shall allow the petitioner to retain their connection under Low Tension (LT). Additionally, the respondent is mandated to conduct regular monitoring of the petitioner's Recorded Maximum Demand throughout this financial year. Any necessary**

actions shall be taken in accordance with the provisions outlined in Regulation 101 of the Kerala Electricity Supply Code, 2014.

3. No cost ordered.

The petitioner is at liberty to file appeal before the State Electricity Ombudsman, D.H. Road, Off shore Road Junction, Near Gandhi Square, Ernakulam, Pin – 682 016 (Ph.: 0484 -2346488 , Mobile No. 8714356488) within 30 days of receipt of this order, if not satisfied with this decision.

Dated this 30th day of September,2023

Sd/-
Sri.Biju Varghese
3rd Member
CGRF-CR, Ernakulam

Sd/-
Smt.Sheeba. P
(CHAIRPERSON)
CGRF-CR, Ernakulam

Endt. On CGRF-CR/OP No.28/2023-24 Dated
Delivered to
Sri.C.P.Prathapan,
S/o. late C.K. Padmanabhan,
Chullutharayil House, Mamala,
Thiruvamkulam, Ernakulam, Pin – 682 305

Sd/-
CHAIRPERSON
(DEPUTY CHIEF ENGINEER)
CGRF-CR, KALAMASSERRY

Copy submitted to: 1)The Secretary, KSEBL, VydyuthiBhavanam, Pattom,
Thiruvananthapuram.
2) The Secretary, Kerala State Regulatory Commission,
KPFC Bhavanam, C.V Raman Pillai Road, Vellayambalam,
Thiruvananthapuram.

Copy to: - (1) The Deputy Chief Engineer, Electrical Circle, KSEBL,Ernakulam
(2) The Executive Engineer, Electrical Division, KSEBL, Thripunithura
(3) The Assistant Executive Engineer, Electrical Sub Division,
KSEBL,Puthencruz
(4) The Assistant Engineer, ElectricalSection, Thiruvaniyoor