

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. Muhammedali. M.B.,
 Mezhukkattil Mills,
 Erumathala P.O.,
 Chunangamvely, Aluva,
 Pin – 683 112

Respondent

The Assistant Executive Engineer,
 Kerala State Electricity Board Ltd,
 Electrical Sub Division,
 Aluva Town
 (Electrical Section, Aluva Town)

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No.CGRF-CR/OP No.50/2023-24

Date: 15-11-2023

ORDER

Background of the case:

The petitioner is having an industrial electric connection bearing consumer number 1155670003220 under the jurisdiction of Electrical Section, Aluva Town. The authorized connected load of the premises is 90kW and contract demand (CD) is 100 kVA. The petitioner is a 'demand based Low Tension (LT)' consumer. The petitioner stated that they received a Regular Current Charge (Rg.CC) bill on 08/08/2023 which included an amount of Rs.3552/- as excess demand charge, while the Recorded Maximum Demand (RMD) of the petitioner was mentioned as 90kVA. When the petitioner approached the licensee, it was explained that their RMD had reached to 108.4kVA and 109.6 kVA during the months 06/2023 and 07/2023 respectively which was stated as the reason for excess demand charge. Thus the petitioner approached this Forum to get this excess demand charges waived off.

Version of the Petitioner:-

The petitioner states that on 08/08/2023, the monthly bill they received was having an amount of Rs.2,90,605/-. In that bill, an amount of Rs.3,552/- was charged towards excess demand charge and Rs.2,87,053/- was shown as arrear. Thus the petitioner gave a letter dated 18/08/2023 to the respondent stating that their RMD has never exceeded 90kVA and that they are not liable to pay excess demand charge. On 19/09/2023, the respondent gave them a reply which stated that the maximum demand of the petitioner was 108.4kVA and 109.6kVA for the months of June 2023 and July 2023 respectively and hence they are collecting the additional claim as per Regulation 9 of Kerala State Electricity Supply Code 2014. The petitioner complains that they also started receiving threatening messages from KSEBL to pay the arrears in order to avoid disconnection. Thus the petitioner has approached this Forum seeking justice.

Subsequently, statement of facts was called for and the same was submitted by the respondent on 27/10/2023.

Version of the Respondent:-

The respondent reported that the complaint was related to the monthly bill issued during June and July 2023. The respondent states that an amount of Rs.302810/- was shown as arrears in the bill of June 2023 which included the balance of an inspection bill amounting to Rs.276407/- and now this amount has transferred to the Head 'Disputed bills' after the submission of an appeal by the petitioner before the KSEBL's Appellate Authority which will no longer be reflected as arrears in subsequent bills. The respondent further states that the low voltage surcharge and normal & excess demand charges for that month was Rs.26403/-. In the bill of July 2023, the arrear amount was Rs.30843/-, which included the unpaid part of the monthly bill of Rs.26403/- for the month of June 2023 and the normal & excess demand charges for that month were Rs.4440/-.

The respondent argues that the billing period of June 2023 has recorded the maximum demand as 108.4 kVA. But the normal billing system Software could issue only demand charges upto 90 kVA. The respondent states that the petitioner was liable for the normal demand charges for the remaining 10 kVA also at the rate of Rs.185/- per kVA and penal demand charges for the recorded maximum demand above the agreed contract demand i.e. 8.4 kVA (108.4-100) at 1.5 times of Rs.185/- per kVA. The respondent further stated that the petitioner is also liable to pay a “Low Voltage Supply Surcharge” at the rate of Rs.205/- per kVA for the entire 108.4 kVA as their RMD exceeded 100kVA, which is the maximum limit permitted for LT (Low Tension) consumers.

The calculation details are shown below:-

Normal Demand Charge for 10kVA	Rs.1850 (10 x 185)
Penal Demand Charge for 8.4KVA	Rs.2331 (8.4 x 185 x 1.5)
Low Voltage Supply Surcharge	Rs.22,222 (108.4 x 205)
Total	Rs.26403/-

This amount of Rs.26403/- was included as arrears in the bill dated 03/07/2023. The respondent further states that in the bill of July 2023, the recorded maximum demand was 109.6 kVA. But the normal billing system issued demand charges only for 90.4 kVA. Still, the petitioner is liable for the remaining normal demand charges of 9.6 kVA up to the agreed contract demand of 100 kVA at Rs.185/- per kVA and penal demand charges for the recorded maximum demand above the agreed contract demand of 9.6 kVA (109.6-100) at 1.5 times of Rs.185/- per kVA.

The calculation details are shown below:-

Normal demand charge for 9.6 kVA	Rs.1776 (9.6 x 185)
Penal demand charges for 9.6 kVA	Rs.2664 (9.6 x 185 x 1.5)
Total	Rs.4440/-

This amount along with an arrears (as on 03/07/2023) of Rs.30843/- was issued to the petitioner in the invoice dated 08/08/2023. The respondent even states that the Low Voltage Supply Surcharge (LVSS) was not included in this bill as per the objection raised by the consumer in the previous bill.

The respondent claims that the meter installed on the premises was as per the standards mentioned in the Regulation and was also suitable for measuring, indicating and recording consumption and other metering parameters. The respondent states that the invoice was prepared based on the indicated maximum demand in the meter and not by assumption. The recorded meter data was downloaded on 09-10-2023 and on verification of the data, it was proved that the recorded maximum demand of the petitioner has exceeded 100 kVA for the months of June and July 2023.

The respondent states that as per Regulation of the Supply Code 2014, *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*” which means that the consumers availing supply at voltage lower than the limit specified under Regulation 8 has to pay low voltage surcharge to the licensee’.

The respondent states that although the licensee had installed a correct meter in this premise, the petitioner had not claimed that the meter was faulty or requested for it to be tested as per Regulation 116(4) of the Kerala State Electricity Supply Code. Therefore the respondent requests this Forum to dismiss this petition and to direct the petitioner to remit the due amount.

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 07-11-2023. 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.

During the hearing, the petitioner raised concerns about discrepancies in the Recorded Maximum Demand (RMD) stated in the Regular Current Charge (RgCC) Bill dated 08/08/2023. Despite the RMD being mentioned as 90 kVA, the licensee demanded an excess demand charge. Upon inquiry at the licensee's office, the petitioner learned that the RMD for June 2023 and July 2023 was 108.4 kVA and 109.6 kVA respectively. Thus the licensee imposed excess demand charges and a Low Voltage Supply Surcharge (LVSS). The petitioner argued that due to their unawareness of the RMD increase from the Rg.CC bill dated 08/08/2023, they were unable to take corrective measures to avoid occurrence of exceeding their maximum demand beyond the Contract Demand (CD) for the following month. Hence, they contend that they are not liable to pay the excess demand charges.

In response, the respondent explained the following details:-

1. The petitioner's Recorded Maximum Demand (RMD) exceeded their sanctioned Contract Demand (CD) for June 2023 and July 2023, reaching 108.4 kVA and 109.6 kVA respectively. Consequently, they applied demand charges in accordance with the applicable Tariff Orders for those months. However, the respondent acknowledged a limitation in their billing software, which does not accommodate RMD values beyond 90 kVA. This limitation compelled them to generate two bills for a month:- one being a system-generated bill reflecting the RMD upto 90 kVA and a second bill manually prepared (ex-system bills) for the remaining recorded demand for that month. Consequently, the RMD mentioned in the system-generated Regular Current Charge (RgCC) bills for July 2023 and August 2023, during which the RMD exceeded the sanctioned CD of 100 kVA (108.4 kVA in June 2023 and 109.6 kVA in July 2023), was inaccurately stated as 90 kVA.
2. Regulation 8 of the Kerala Electricity Supply Code, 2014, stipulates the permissible limit of Contract Demand as 100 kVA for a demand-based

Low Tension (LT) consumer. Hence, Low Voltage Supply Surcharge (LVSS) was charged in the monthly bill for July 2023 in accordance with the provisions outlined in Regulation 9 of the Kerala Electricity Supply Code, 2014, since the petitioner's Recorded Maximum Demand (RMD) exceeded 100 kVA in June 2023.

After hearing both the petitioner and the respondent, this Forum analyses the following:-

1. The RMD is erroneously mentioned as 90 kVA, rather than the correct values of 108.4 kVA and 109.6 kVA for June 2023 and July 2023 respectively in the respective monthly electricity bills issued to the petitioner. This discrepancy is attributed to the constraints in the licensee's billing software. Consequently, the consumer went unaware of their actual RMD. Additionally, the details of the demand charges, including the LVSS levied through ex-system bill, are also not provided to the petitioner. Therefore, it is evident that the bill issued to the petitioner lacks the details specified in Regulation 123 (1) of the Kerala Electricity Supply Code, 2014, as outlined below:-

Regulation 123. Information to be provided in the bill.-

(1) The following information shall be included in the bill:-

- (a) address and telephone number of the billing office or distribution centre;*
- (b) bill number and period of bill;*
- (c) name and address of the consumer and consumer number with location code;*
- (d) pole number, or distribution pillar reference from which connection is served and name of sub-division or centre;*
- (e) date of issue of bill;*
- (f) tariff category of consumer (i.e. domestic, commercial, industrial etc.); 59*
- (g) tariff, rate of electricity duty and cess applicable;*
- (h) status of meter (OK /defective /not available);*
- (i) billing status (regular/ assessed/ provisional bill/ special bill with reason);*
- (j) supply details:-*
 - (i) type of supply (i.e. single phase, three-phase LT, HT or EHT);*

- (ii) contracted load or connected load;*
- (k) meter number and identification details of meter (in case the meter was replaced during the billing period, the bill shall indicate the meter numbers of new as well as old meter, date of replacement, final reading of old meter and initial reading of new meter at the time of replacement of meter)*
- (l) opening meter reading with date;*
- (m) closing meter reading with date;*
- (n) multiplication factor of the meter if any;*
- (o) units consumed;*
- (p) maximum demand, power factor etc. if applicable;*
- (q) due date of payment;*
- (r) item wise billing details for the current month such as:-*
 - (i) energy charges*
 - (ii) fixed charges*
 - (iii) meter rent, if any*
 - (iv) capacitor surcharges*
 - (v) other charges, if any*
 - (vi) electricity duty*
 - (viii) fuel cost adjustment charges*
 - (ix) power factor adjustment charges, if any*
 - (x) reactive energy charges, if any*
 - (xi) time of use charges, if any*
 - (xii) penal charge for delay, if any*
 - (xiii) interest on installments due*
 - (xiv) total demand for the current month*
 - (xv) arrears (with details)*
 - (xvi) details of subsidy if any*
 - (xvii) others (with details)*
 - (xviii) total amount due*
 - (xviii) adjustment*
 - (xix) net amount to be paid*
- (s) modes of payment accepted;*

(t) in case of cheques and bank drafts, the receiving authority in whose favour the amount shall be drawn; 60

(u) security deposit held and required;

(v) advance already paid;

(w) details of last six readings:

Therefore, this Forum concludes that it is the petitioner's right to know all the relevant details outlined in the Regulation 123 (1) mentioned above. Moreover, considering the petitioner's status as a demand-based LT Industrial Consumer with a sanctioned contract demand of 100 kVA, which is the maximum limit for continuing as a demand-based LT consumer, it is crucial for the petitioner to have information about their RMD each month, to regulate it within the permissible limit, to continue as a LT consumer. However, in accordance with the provision stated in Regulation 123 of the Kerala Electricity Supply Code, 2014, electricity bills do not become invalid, solely due to the absence of one or more items of information in the bill. The Provision of Regulation 123 of the Kerala Electricity Supply Code, 2014 is stated below:-

“Provided that the bill shall not become invalid only because of any one or more item of information are absent in the bill”

2. Regarding the LVSS charged in the electricity bill for the month July, 2023, this Forum evaluates that in accordance with Regulation 9 of the Kerala Electricity Supply Code, 2014 (KESC, 2014), LVSS is applicable to consumers who receive supply at a voltage level 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>

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.”

In this specific case, the petitioner's industrial unit has a sanctioned connected load of 90 kW with a sanctioned Contract Demand of 100 kVA, making the petitioner a demand-based LT consumer as per Regulation 8. In simpler terms, the petitioner does not avail supply at a voltage level lower than the one specified in Regulation 8. Consequently, Regulation 9 of the Kerala Electricity Supply Code, 2014 is not applicable to this petitioner.

Further more, Clause 12 of the General Condition Part A of the Tariff Schedule issued by the Kerala State Electricity Regulatory Commission on July 8, 2019, explicitly states that consumers required to avail supply at High Tension (HT) and above, as outlined in Regulation 8 of the Kerala Electricity Supply Code, 2014, but are availing supply at Low Tension, are liable to pay the low voltage surcharge (LVSS). In line with Regulation 11(2), the connected load and contract demand limits permissible for demand-based new LT connections are clearly described.

Regulation 11. Limits of connected loads and contract demand for new LT connections.-

(2) *“The maximum contract demand permissible for low tension consumer who avails power under demand based metering shall be 100kVA, irrespective of his connected load”.*

But, the provision in Regulation 11 (2) outlines the eligibility criteria for demand-based consumers who are required to avail supply at HT but avail it at LT, subject to the realization of the LVSS. The provision of Regulation 11 (2) is described below:-

“Provided that the consumers who existed on the date of implementation of Kerala Electricity Supply Code, 2005, and who were permitted to operate at low tension upto a connected load of 150kVA in accordance with clause (b) of sub Regulation(5) of Regulation 4 of the Kerala Electricity Supply Code, Regulations 2008 and subsequently opted for contract demand based billing shall be allowed to operate at the same voltage level and contract demand as on the date of implementation of the Code, subject to realization of low voltage surcharge until an upward revision of contract demand is granted on application submitted by the consumer or becomes otherwise necessary.

Provided further that the contract demand for an Industrial consumer in Industrial parks / industrial estate notified by notified by Government of Kerala and/or by Government of India except in multi storied buildings shall be limited to 150kVA in low tension subject to payment of low voltage surcharge in which their LT metering point shall be at the transformer point.”

In this specific case, the petitioner is not a consumer who requires to avail supply at HT, but is availing supply at LT subject to the realisation of LVSS as per the provisions of Regulation 11 (2). In fact, the petitioner is a consumer who is availing the voltage level allowed for their sanctioned contract demand of 100kVA

as per Regulation 8 and Regulation 11 (2). As a result, the LVSS charged by the licensee, as per Regulation 9 of the KESC, 2014, is deemed to be inappropriate.

DECISION:

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

- 1. The Low Voltage Supply Surcharge demanded by the licensee is hereby waived off. The respondent shall revise the bills accordingly.**
- 2. The respondent shall issue future bills to the petitioner, incorporating all relevant details as per Regulation 123(1) 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 15th day of November, 2023

Sd/-

Sri.Biju Varghese
3rd Member
CGRF, Ernakulam

Sd/-

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

Endt. On CGRF-CR/OP No.50/2023-24 Dated

Delivered to

Sri.Muhammedali. M.B,
Mezhukkattil Mills,
Erumathala P.O.,
Chunangamvely, Aluva,
Pin – 683 112

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

Copy submitted to: 1) The Secretary, KSEBL, Vydhyuthi Bhavanam, 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,
Perumbavoor
(2) The Executive Engineer, Electrical Division, KSEBL,
Aluva
(3) The Assistant Executive Engineer, Electrical Sub Division,
KSEBL, Aluva Town
(4) The Assistant Engineer, Electrical Section, Aluva Town