

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) Smt. Jayanthi. S
 (3) Sri. Biju Varghese

Chairperson
2nd Member
3rd Member

Petitioner

Sri. Hariharan S.,
 41/888D, SreeSankara Tower,
 NH 66 by pass, Padivattom,
 Edappally P.O., Ernakulam,
 Pin-682 024

Respondent

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

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No.CGRF-CR/OP No.80/2023-24

Date: 06-03-2024.

ORDER

Background of the case:

The petitioner holds an electric connection with consumer number 1157326005593 under the jurisdiction of Electrical Section, Vennala, operating under the Low Tension-VII A tariff since 10/05/2010. However, on 08/01/2024, the petitioner received a bill dated 27/01/2011, amounting to an exorbitant sum of Rs. 54,459, with no accompanying details. Confused by this unexpected bill, the petitioner sought clarification from the licensee but received no satisfactory explanation and was merely instructed to settle the bill. Consequently, the petitioner has approached this Forum seeking the waiver of this bill.

Version of the Petitioner:-

The petitioner states that on 08/01/2024 they received a bill dated 27/01/2011 having an exorbitant amount of Rs.54459/- which pertains to the energy charge that has not been consumed by him. The petitioner states that after getting electricity connection, the premises was vacant for the first few months and thus the electricity consumption was negligible during that period. The premises got occupied for rent only on 01/05/2012. The petitioner complains that it is not clear from the said notice, on what account it is demanded, the period for which the electricity is consumed or any difference in any rates. The petitioner states that he used to pay the energy charges from time to time without any fault. There was no occasion to make any arrears at any point of time. The petitioner states that the bill dated 27/01/2011 was received only on 08/01/2024, which is after 12 years. The petitioner thus argues that the claim is barred by limitation of time period. The petitioner complains that even though he made a reply to the respondent, they were not willing to accept the contention of the petitioner; instead demanded the petitioner to pay the amount. Thus the petitioner was forced to approach this Forum and requests to set aside the demand for the said excess bill dated 27/01/2011 for an amount of Rs.54459/- forthwith.

Subsequently, statement of facts was called for and the same was submitted by the respondent on 12-02-2024.

Version of the Respondent:-

The respondent states that the electric connection of the petitioner was previously under the jurisdiction of Electrical Section, Palarivattom before Section bifurcation (Consumer No.28318/0). On examining the ORUMA software (Software of the licensee), the consumption of this electric connection up to 23/09/2010 was 12 units. The meter reading for the month of November (on 29/11/2010) was not available on 11/2010 due to the “door lock” status and hence the bill was calculated based on the previous average. The same was issued and the petitioner paid the same. The next bill was prepared on 01/2021 by taking reading, which was 5981 KWH and the previously billed units got adjusted with 2985 units

and was prepared for Rs 54459/-. But the petitioner did not pay any amount towards this bill. The same was kept under the head "Dispute" in the account of the petitioner for a long period. That bill has been now revoked and issued to the petitioner. The respondent thus conducted a hearing at his chamber with plaintiff for inquiring about this bill on 14/12/2023 and the petitioner failed to explain for not yet remitting this bill. The respondent further stated that they have no authority to waive the current charge imposed on a consumer without a clear reason. Thus the respondent prays this Forum to dismiss the petition with cost.

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 24/02/2024. Both the representatives of 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.

The petitioner holds an electric connection with consumer number 1157326005593 under the jurisdiction of the Electrical Section, Vennala, operating under Low Tension (LT) -VII A tariff since 10/05/2010. However, on 08/01/2024, the petitioner received a bill dated 27/01/2011, with an exorbitant amount of Rs. 54,459/-, lacking any accompanying details.

During the hearing, the petitioner emphasized their consistent payment record for electricity bills and clarified that their premises share a building with several other electric connections registered under different individuals' names. They asserted that there was no instance of a "door lock" scenario, as all meters for these connections are located together, and no such issue affected other consumers in the building during the specified period.

The respondent explained that the bill had been under dispute in their system, but following a decision to revoke all disputed amounts, the petitioner was asked to settle the outstanding balance. Additionally, the respondent noted that before the

bifurcation of the jurisdiction of the Electrical Section, Vennala, the petitioner was a consumer under the Electrical Section, Palarivattom, making it difficult to access detailed old history. Despite attributing the significant amount to a "door locked" status during November 2010, the respondent could not provide specific reasons for this status.

The petitioner contested the sudden demand for payment in 2024 for an arrear dating back to 2011, arguing that such action is contrary to the principles of limitation.

After thorough consideration of these arguments, this Forum concludes that the respondent failed to adequately inform the petitioner about the arrear since 2011. Issuing a demand after 13 years abruptly is deemed unjustifiable. According to Regulation 123 (1) (r) (xv) of the Kerala Electricity Supply Code, 2014, consumer arrears must be reflected in the consumer's bill. The regulation is outlined below:

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

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

(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;*
- (u) security deposit held and required;*
- (v) advance already paid;*
- (w) details of last six readings;*

Also, as per Regulation 136 (3) of the Kerala Electricity Supply Code, 2014, no amount is recoverable unless it is shown continuously as arrears in the bills provided to the consumer. Regulation 136 (3) is stated below:-

Regulation 136. Recovery of arrears and its limitation:-

(3) No such sum due from any consumer, on account of default in payment shall be recoverable after a period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable arrear of charges for electricity supplied.

In this case, the respondent was unable to provide a valid explanation for the demand of the exorbitant bill and failed to demonstrate the continuous inclusion of the charges as recoverable arrears for the electricity supplied. Consequently, this Forum determines that the demand for this bill is unlawful and therefore nullifies and cancels the bill.

DECISION:

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

- 1) The disputed bill is quashed herewith.**
- 2) 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 6th day of March 2024

Sd/-

Sri.Biju Varghese
3rd Member
CGRF, Ernakulam

Sd/-

Smt. Jayanthi.S
2nd Member
CGRF-CR, Ekm

Sd/-

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

Endt. On CGRF-CR/OP No.80/2023-24 Dated
Delivered to

Sri.Hariharan. S,
41/888D, SreeSankara Tower,
NH 66 by pass, Padivattom,
Edappally P.O., Ernakulam,
Pin-682 024

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,Ernakulam
(2) The Executive Engineer, Electrical Division, KSEBL, Ernakulam
(3) The Assistant Executive Engineer, Electrical Sub Division KSEBL,
Palarivattom
(4) The Assistant Engineer, Electrical Section,Vennala