

**CONSUMER GRIEVANCE REDRESSAL FORUM
KERALA STATE ELECTRICITY BOARD LTD- SOUTHERN REGION
VYDYUTHI BHAVANAM, KOTTARAKKARA**

Present: 1. Smt.Laila.N.G,Deputy Chief Engineer, Chairperson
2. Sri. Sanjeev Koshy,Executive Engineer, Member II
3. Sri.C.K.Harikumar,Advocate,Member III

Friday 01th March,2024

OP No.77/2023

Between

Petitioner: Sreekumar.R
Suseelam T.C.20/2486
Sagara-91 Pathirapally,
Kudappanakunnu.P.O., Thiruvananthapuram.

And

Respondents: (1) The Assistant Executive Engineer,
Electrical Sub Division, Vellayambalam.

(2) The Assistant Engineer, Electrical Section, Kudappanakunnu.

ORDER

1. Grievance of the petitioner

The petitioner is a consumer bearing consumer 1146765010974 under the jurisdiction of Electrical Section Kudapanakunnu. He is aggrieved by an arrear notice served by the Licensee in the name of Sasidharan who has made default in paying electricity charges in regards to two service connection bearing consumer number 1146761007879 and 114676003156. The arrear amount pretains to consumer number 1146761007879 is Rs 9,572/- and that of 1146767003156 is Rs3,368/-respectively. The licensee has served the arrear notice to the petition due to the fact that the property of the above said connection is now purchased by the petitioner,Sreekumar.R and hence he is liable to remit the arrear.

The petitioner stated that the aforementioned property was purchased from Mr. Abraham Kuruvila, Mummy's Colony, Kuravankonam about six years back. The latter purchased the land from Saseendran much before that and built the house on the said property. A new electric connection was also taken in the name of Abraham Kuruvila, which was later transferred to the name of petitioner, when he purchased the house from Abraham Kuruvila.

The petitioner argued that when he purchased the land from Abraham Kuruvila, it was clearly and categorically confirmed by words and records that there are no dues to be paid to any of the agencies including KSEB. Therefore he has no responsibility for making payments, defaulted years back by some one unknown to him, with whom he has no connection on the subject plot. So he prays the Forum for relief.

2. Version of the respondent

Under the jurisdiction of Electrical Section Kudapanakunnu, two Service connection bearing consumer number 1146761007879 and 114676003156 in the name of Sasidharan Nair and Sasindran.D is having an arrear in the tune of Rs 9,575/- and Rs 3,368/- respectively .The property on which the above said Service Connection purchased by petitioner on 23.03.2017 from Sri.Abraham Kuruvila and at the time of purchase,electricity connection bearing consumer number 1146765010974 was available at building number KPV/625(1)(old). Mr.Abraham Kuruvila purchased the property from Mr.Sasidharan and his wife Usha Kumari, when the said property was in possession of a small building and a small flour mill.

The Licensee stated that the complaint is based on the fact that the owner of the present property and building, Mr.Sreekumar was given a notice, as a part of the one time settlement scheme of licensee, If the petitioner is ready to pay the lump sum amount, he will get the interest concession for settling the arrears.

3. Analysis and Findings

Hearing was conducted on20/12/2023.Both the petitioner and respondent were present and heard the matter in detail. On examining the petition and the arguments filed by the petition, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, the Forum comes to the following conclusions leading for the decision.

The point to be decided is as to whether the petitioner is liable to pay the electricity charges defaulted by the previous owner Mr. Saseendran, Regulation 40 of the Electricity supply Code 2014, clearly stipulates the procedure for recovering arrears from the previous consumer.

Recovery of arrears relating to the previous consumer.- (1) The arrears of electricity charges and other liabilities if any, in the accounts of the previous consumer of any premises shall be recovered from such previous consumer of the premises, with whom the licensee has executed the service connection agreement, and not from the purchaser or lessee or occupier of the premises.

(2) The licensee shall, on disconnection of supply and dismantling of the service connection on account of arrears of electricity charges, determine the agreement with such consumer and shall forthwith initiate legal proceedings for recovery of arrears of

electricity charges and other liabilities from such consumer and shall obtain necessary interim or final orders from the appropriate legal forum:

Provided that the amount of arrears of electricity charges and other liabilities finally recoverable from the consumer and the modus of recovery shall be in accordance with such interim or final orders of the appropriate legal forum.

(3) If a purchaser or lessee or occupier of such premises requires a new connection, as the earlier connection given to the previous consumer in that premises has already been disconnected and dismantled on the ground of outstanding dues of the previous consumer, new connection shall not be denied to such purchaser or lessee or occupier of the premises provided he furnishes a deposit which shall be equal to the arrears of electricity charges and other liabilities if any, excluding interest thereon, till the licensee obtains from the appropriate legal forum an order on the recovery of arrears and other liabilities or till the licensee settles the arrears and liabilities with the previous consumer or till completion of three years whichever is less.

Provided that on obtaining order from the appropriate legal forum on the recovery of such arrears of electricity charges and other liabilities, or on settlement of the arrears and liabilities by the licensee with previous consumer or on completion of three years as aforesaid, the licensee shall release the entire amount of deposit furnished by such owner or lessee or occupier of the premises, along with interest at bank rate as on the date of furnishing such deposit.

Hence it is clear that Licensee has made serious lapse in complying the above said regulation specifically Regulation 40 (3) of the Electricity Supply Code 2014. As per the regulation 91 4(b) of Kerala Electricity Supply Code 2014, the request for transfer of connection shall not be accepted unless all recoverable dues in respect of the concerned connection are fully paid. The lethargy and inaction on the licensee is evidently seen. Instead of taking action as per Regulation 40 (3), for recovering the arrears, licensee simply give a notice and insist the present owner to remit the entire arrears. Hence the Forum viewed it as an unjustifiable action on the part of Licensee.

4. Decision

1. The impugned amount of arrear served by the Licensee is hereby quashed
2. No order as to cost.

If the petitioner is not satisfied with the above order of this Forum, he is at liberty to prefer appeal before the Electricity Ombudsman within 30 days from the date of receipt of this order.

The address of the Electricity Ombudsman is furnished below.

'The State Electricity Ombudsman, D.H & Foreshore Road Junction, Near Gandhi Square, Ernakulam, Kerala - 682 016. Phone: 0484 2346488'.

Sd/-
C .K.HARIKUMAR
ADVOCATE
MEMBER III

Sd/-
SANJEEV KOSHY
EXECUTIVE ENGINEER
MEMBER II

Sd/-
LAILA.N.G
DEPUTY CHIEF ENGINEER
CHAIRPERSON

Forwarded
Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.77/2023/ 66

Dated : 06/03/2024

- Delivered to:
1. Sreekumar.R, Suseelam T.C.20/2486 Sagara-91
Pathirapally, Kudappanakunnu.P.O., Thiruvananthapuram.
 2. The Assistant Executive Engineer, Electrical Sub Division,
Vellayambalam.
 3. The Assistant Engineer, Electrical Section, Kudappanakunnu.

Copy to:

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram.
2. The Deputy Chief Engineer, Electrical Circle, Thiruvananthapuram.
3. The Executive Engineer, Electrical Division, Thiruvananthapuram