

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. V.M. Vijayan,
 Vackaparambu Madam,
 Vallachira P.O., Thrissur Dist.,
 Pin – 680 562

Respondent

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

No.CGRF-CR/OP No.89/2023-24

Date: 19-03-2024.

ORDER

Background of the case:-

The petitioner is a Low Tension (LT) – VA tariff (Agriculture purpose) electricity consumer under the jurisdiction of Electrical Section, Cherppu, with consumer number 1156397013722. Initially, the electricity bills for this connection were covered by Krishi Bhavan, since the consumer was a beneficiary under a government scheme, where electricity is provided free to farmers, with the bills being settled by the Agriculture Department (Krishi Bhavan). However, by March 2022, this connection was no longer eligible for the free electricity scheme, making the petitioner responsible for paying the regular bills from April 2022 onwards. Despite this change, the amount of electricity bills up to April 2022, along with its surcharge, which was supposed to be paid by the Krishi Bhavan, remains outstanding as arrears.

The payments made by the petitioner against demands for regular bills from April 2022 were being credited against the surcharge accumulated on the arrear amount receivable from the Krishi Bhavan. However, the amount of regular bills from April 2022, against which the petitioner promptly made payments, remains unpaid in the licensee's account. As a result of this discrepancy, the licensee disconnected the supply once, leading the petitioner to pay a portion of the amount due from the Krishi Bhavan to facilitate reconnection. Despite this, the petitioner still faces the threat of disconnection from the licensee due to this unresolved issue. Consequently, the petitioner has approached this Forum seeking a solution to this matter.

Version of the Petitioner:-

The petitioner is a consumer under Electrical Section Cherppu, having a connection in agricultural tariff, LT-5A. Consumer number is 1156397013722. This connection was included in the free electricity scheme of Agricultural department by which regular electricity bills were being remitted by the Krishi Bhavan. But in the month of June 2022, the petitioner was informed that the free electricity scheme does not extend further to this connection. But this information was received not through an official letter, but by the way of a phone call from KSEB. From the month of July 2022 onwards, the petitioner started to remit the electricity bills to this connection. But the petitioner used to pay only the amount of regular electricity bills, not the arrear or surcharge amount shown in the bills. On 15.12.2023, the supply to this connection was disconnected without any prior information. On the enquiry, the KSEB office replied the petitioner that the payments made by the petitioner from July 2022 to November 2023 were accounted against the surcharge already pending. The supply was reconnected only after paying Rs.2598/- on 27.12.2023.

The petitioner asserts that the arrear amount and surcharge on it receivable from Agricultural Department should not have been shown in petitioner's electricity bills because it is KSEB that to be settled with the concerned authority. The petitioner has utilized free electricity for agriculture when it was given and

paid for it when the facility was withdrawn. The petitioner should not be punished for the dues that to be received from elsewhere. The petitioner also demands the refund of payment he made and credited against the surcharge onKrishi Bhavan arrear.The petitioner filed this complaint before this Forum requesting to Order suitable compensation for the loss meted out and for the mental agony suffered consequent to the disconnection of supply. The petitioner also wanted to get Rs.2598/- back with interest.

Version of the Respondent:-

The respondent informed that the electricity bills of the petitioner's agricultural connection were being remitted by Vallachira Krishi Bhavan as it was included in the free electricity scheme of Agriculture department existing at that time.

The Krishi Bhavan office informed the KSEB Office that from April 2022, the petitioner's service connection was found ineligible for free electricity.The information was passed on to the consumer and he was requested to remit the bimonthly current charges from April 2022 onwards. The arrears pending as on March 2022 was supposed to be remitted by the Krishi Bhavan. The petitioner started remitting the regular current charges from August 2022 onwards.

The current charges demanded from the petitioner for the period from 4/2022 to 01/2024 is Rs.2262/- against which he has remitted Rs.1851 till 11/2023. The surcharge accrued during this period on the pending arrears is Rs.3151/-. No segregation was made between the arrear and surcharge on it receivable from Krishi Bhavan and the regular bills from 4/2022 onwards. So the payments of regular bills by the petitioner are being accounted in the surcharge on the arrears. Sothe regular current charges though remitted by the petitioner are shown as arrears in the system. It makes the petitioner as defaulter of electricity bills and brings the service connection in the Disconnection List. Since the surcharge is mounting, the petitioner was requested to clear a portion of surcharge generated from 4/2022 and he remitted an amount of Rs.2598/ on 27.12.23.

The surcharge being generated on the arrears up to 4/2022 till the remittance of it by the Krishi Bhavan will stand pending in the consumer's account. Surcharge is being levied on late remittance of current charges and there is no direction to waive the surcharge in the case of agriculture consumers.

The argument of the petitioner that he has nothing to do with the arrears and surcharge is wrong as it is the consumer who himself had joined the scheme of the Agriculture Department for remitting his current charges.

Analysis and findings:

Hearing was conducted at the Conference Hall of Vydhyuthi Bhavanam, Electrical Circle, Thrissur. The Forum afforded an opportunity to hear the Petitioner and the Respondent on 12/03/2024. 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 is a Low Tension (LT) – VA tariff (Agriculture purpose) electricity consumer under Electrical Section, Cherppu, with consumer number 1156397013722. Initially, the electricity bills for this connection were covered by Krishi Bhavan since the consumer was a beneficiary under a government scheme where electricity is provided free to farmers, with the bills being settled by the Agriculture Department (Krishi Bhavan). However, by March 2022, this connection was excluded from the beneficiary list of the Agriculture Department making the petitioner responsible for paying the Regular Current Charge (RgCC) bills from April 2022. But the payments made by the petitioner against demands for regular bills from April 2022 were being credited against the surcharge accumulated on the arrear amount up to 04/2022, which is receivable from the Krishi Bhavan. However, the amount of regular bills from April 2022, against which the petitioner promptly made payments, remains unpaid in the licensee's account. As a result of this discrepancy, the licensee disconnected the supply once,

leading the petitioner to pay a portion of the amount due from the Krishi Bhavan to facilitate reconnection.

During the hearing, the petitioner pointed out that the RgCC amount owed by Krishi Bhavan, along with its surcharge up to April 2022, remains outstanding in the licensee's account. Despite promptly paying the RgCC demands from April 2022 onwards, the petitioner's payments were mistakenly credited against the surcharge instead of the regular bills. This resulted in unpaid bills from April 2022. Despite diligently following directives from Electrical Section officers and consistently paying RgCC since April 2022, the petitioner's electricity supply was unexpectedly disconnected in December 2023, causing severe damage to their cultivation and significant losses. The petitioner thus partially covered the outstanding amount from Krishi Bhavan to facilitate reconnection, as directed by the Electrical Section office. However, despite these efforts, the petitioner still faces the threat of disconnection. Furthermore, the petitioner clarified that they are only liable for electricity bills from April 2022 onwards, as per directives received. However, their payments were erroneously applied to the surcharge on arrears up to March 2022. In response, the respondent acknowledged that the arrears up to March 2022 are to be paid by Krishi Bhavan but stated that no directive was received to separate this amount from the RgCC bills payable by the petitioner.

The Forum noted that the delay in payment by Krishi Bhavan and the way payments made by the petitioner were accounted have contributed to the present issue, without considering that the pending amount is meant to be paid by Krishi Bhavan. The petitioner should not be held responsible for Krishi Bhavan's payments. It is evident that the petitioner regularly pays current charges as directed and the actual defaulter is Krishi Bhavan. Disconnecting the electricity supply of a non-defaulter, based on erroneous information is unjust. Therefore, the Forum firmly believes that imposing the burden of current charges and surcharge up to March 2022 on the petitioner is unreasonable. Disconnecting the petitioner's service due to pending payments from Krishi Bhavan is inappropriate. The petitioner has the right to pay regular electricity bills without them being credited

against Krishi Bhavan's surcharge and should not be listed as a defaulter as long as they timely pay their bills to ensure irrigation for their cultivation with pumped water.

DECISION:

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

- 1. It is the responsibility of the respondent to ensure proper accounting of the petitioner's payments towards the regular current charge bills, considering that Krishi Bhavan is the actual defaulter for the payment of current charges up to March 2022 and its associated surcharges.**
- 2. Electricity supply should not be disconnected solely due to the defaults in payment of arrears and surcharges owed by Krishi Bhavan.**
- 3. Payments made by the petitioner, already credited against the surcharge payable by Krishi Bhavan, should be adjusted in subsequent bills of the petitioner, once payment is received from Krishi Bhavan.**
- 4. No additional costs are 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 19th day of March. 2024

Sd/-

Biju Varghese
3rd Member
CGRF, Ernakulam

Sd/-

Jayanthi S.
2nd Member
CGRF-CR, Ekm

Sd/-

Sheeba P.
(CHAIRPERSON)
CGRF-CR, Ernakulam

Endt. On CGRF-CR/OP No.89/2023-24 Dated

Delivered to

Sri.V.M.Vijayan,
Vackaparambu Madam,
Vallachira P.O., Thrissur Dist.,
Pin – 680 562

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,Irinjalakkuda
(2) The Executive Engineer, Electrical Division, KSEBL, Irinjalakkuda
(3) The Assistant Executive Engineer, Electrical Sub Division KSEBL,
Karuvannur
(4) The Assistant Engineer, Electrical Section,Cherpu