

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 3 rd Member
Petitioner	Sri. Kalanthar K.S., M/s Five Star Granites, Kulambil Padinjakkara (H), Cheruthuruthy, Thrissur, Pin: 679531,	
Respondent	1) The Assistant Executive Engineer, Kerala State Electricity Board Ltd, Electrical Sub Division, Kundannur, Ernakulam (Electrical Section, Cheruthuruthy)	

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No.CGRF-CR/OP No.45/2023-24

Date:31-10-2023

ORDER

Background of the case:

The petitioner owns a crusher unit named M/s Five Star Granites which is having an industrial electricity connection under LT IV A Tariff bearing consumer number 115629010464, with a Contract Demand of 120 kVA and a Connected Load of 118 kW, falling under the jurisdiction of Electrical Section, Cheruthuruthy. The date of connection is 06/08/2003. The petitioner asserts that in December 2021, they approached the licensee (Electrical Section, Cheruthuruthy), to request a reduction in their contract demand to 30 kVA. Following the licensee's advice, the petitioner purchased a stamp paper on 21/01/2022 and submitted it to execute an agreement for reducing the contract demand to 30 kVA. The petitioner states that as per the licensee's request, they submitted a white paper application on 28/01/2022; but even after complying with the licensee's demands and submitting the required documents in January 2022, the licensee issued monthly electricity

bills based on the contract demand of 120 kVA for the following 6 months, totalling Rs.1,80,810/-. The petitioner claims that they made several attempts to persuade the licensee to reduce their contract demand and adjust their bills accordingly. Even though the licensee agreed to the same, no action has been taken as of the present date. Consequently, the petitioner has approached this Forum seeking a revision of their bills effective from the date of their application.

Version of the Petitioner:-

The petitioner states that they were running a Small Scale Industry (SSI). For this industry, an 11 KV electric line had been drawn and installed a transformer having a capacity of 136KV. The petitioner states that recently, due to the shortage of raw materials, the industry was not in a fully operating condition. Thus the petitioner contacted Electrical Section, Cheruthuruthy and requested for a reduction of contract demand to 30 kVA. On 12/2021, the petitioner executed minimum-guarantee agreement for 30 kVA with the licensee. But still, the petitioner was charged with Rs.30635/- for the next six months (Rs.180810/- in total) by the licensee without considering the request for contract demand reduction. The petitioner states that the respondent had agreed to reduce this excess bill amount from the petitioner's subsequent current bills; but is now threatening the petitioner to pay the exorbitant amount in order to avoid disconnection. The petitioner argues that they came to know that they had to pay only Rs.4290/- per month on execution of this agreement for reduction in contract demand to 30 kVA. The petitioner states that they are suffering financially during this struggling stage of their company. Therefore the petitioner requests this Forum for the refund of the excessive amount that has been collected from them.

Subsequently, statement of facts was called for and the same was submitted by the respondent on 23/09/2023.

Version of the Respondent:-

The respondent states that on 24/03/2022, Electrical Section, Cheruthuruthy received a letter from the petitioner for the reduction of their contract demand from

120 KVA to 30 KVA. This letter along with the consumer details was forwarded by the Assistant Engineer, Cheruthuruthy to the office of the Assistant Executive Engineer. But, on verification of records and consumer details, the Recorded Maximum Demand (RMD) was seen as 69 KVA. Hence the Assistant Executive Engineer demanded a clarification regarding this from the Section Office and understood that it was just an average of the meter reading. Thus the Section Office again approached the Assistant Executive Engineer with the RMD details and the Assistant Executive Engineer executed the agreement on 09/05/2022. Also, as per the above agreement, the licensee made necessary changes in their software, reduced the contract demand to 30 KVA and thereby started calculating the electricity bills according to the reduced contract demand from 01/06/2022 onwards. The respondent states that the matter has already been informed to the petitioner.

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 18-10-2023. Both the petitioner and the representative of 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 course of hearing, the petitioner explained that in December 2021, they approached the Cheruthuruthy Electrical Section Office to request a reduction in their Contract Demand from 120 kVA to 30 kVA. This request was due to their inability to operate their crusher unit, primarily due to the shortage of boulders resulting from legal restrictions. Following advice from the officials of the Section Office, the petitioner purchased a Kerala stamp paper to execute the revised Contract Demand agreement, which they submitted on 28/01/2022. Subsequently, the officials requested another written application on a white paper, which the petitioner submitted on January 28, 2022. Despite these actions, the petitioner continued to receive monthly electricity bills based on the Contract Demand of 120

kVA for the next six months. Thus the petitioner made several attempts with the Cheruthuruthy Office to get their bills calculated in accordance with the reduced Contract Demand; but could see such a change in their bills since June 2022 only.

The respondent, on the other hand, informed that they received the petitioner's application for reducing the Contract Demand from 120 kVA to 30 kVA on March 24, 2022 and the agreement was executed only on May 9, 2022. They attributed this delay upon the uncertainty regarding the recording of the Recorded Maximum Demand, which was 69 kVA in one of the monthly readings. Once this issue was clarified, the respondent reduced the Contract Demand to 30 kVA in their billing software and thus the bills since June 2022 started reflecting the new Contract Demand of 30kVA. The respondent further stated that the petitioner did not submit the application in the prescribed format and no application fee was paid in time.

Upon reviewing the documents provided by both the petitioner and the respondent, this Forum concludes that the petitioner initiated the request for Contract Demand reduction in December 2021. This Forum views that it is the duty of the licensee to guide the consumers properly in accordance with their requirements. Hence there is no justification to the arguments of the respondent that the petitioner did not submit the application in the prescribed format and no application fee was paid in time.

The officials of Electrical Section, Cheruthuruthy instructed the petitioner to submit a Kerala Stamp Paper worth Rs.200/- to execute the revised Contract Demand agreement, which the petitioner purchased on January, 22, 2022 and submitted the same on January 28, 2022. In compliance with the officials' instructions, the petitioner again submitted a written application on January 28, 2022. The licensee, however, did not communicate further with the petitioner regarding their request to reduce the Contract Demand. The adjustment in the software regarding the reduction of contract demand to 30KVA had occurred only

in the billing period of June 2022. This delay, which led to unjustified demand charges and financial losses for the petitioner, is unacceptable.

Regulation 100 (5) of the Kerala Electricity Supply Code, 2014 prescribes the time limit to be followed by the licensee in processing the application for reducing the connected load or contract demand of a consumer. The Regulation reads as follows:-

Regulation 100.Reduction of connected load or Contract Demand.-

(5) The licensee shall consider the grounds stated in the application, verify the same during inspection and issue order on the application within a period of fifteen days from the date of completion of inspection and intimate the applicant.

As per the Regulation mentioned above, the licensee had to revise the contract demand of the petitioner within fifteen days from the date of receipt of the application. But here, it is seen that the licensee did not take any action upon the application submitted by the petitioner. According to Regulation 100 (10) of the Kerala Electricity Supply Code, 2014, if the licensee does not issue an Order within fifteen days from the date of application for Contract Demand reduction, it is deemed to have been granted, effective from the sixteenth day. The Regulation reads as follows:-

Regulation 100.Reduction of connected load or Contract Demand.-

(10) If the application is not decided, and an order is not issued by the licensee within the above-mentioned period of fifteen days from the date of completion of inspection, permission for the reduction of connected load or Contract Demand, as the case may be, shall be deemed to have been granted with effect from the sixteenth day.

In this case, the petitioner submitted their application on December 2021, which is evident from the letter with reference number DB/CTY/2022-23/232 dated March 31, 2023, from the Assistant Engineer, Electrical Section,

Cheruthuruthy. The signed agreement on the stamp paper, as directed by the licensee's office, is also submitted on the date as shown on the second application form, which is January 28, 2022. This Forum, therefore, considers the Contract Demand to be 30 kVA with effect from January 28, 2022. Also, as per the petitioner's reading and consumption details furnished by the respondent before this Forum, it is seen that the consumption of the petitioner has drastically reduced during the month of 02/2022 and became nil since 03/2022, which itself proves that the argument of the petitioner regarding their requirement of contract demand reduction was true. Hence the licensee shall revise the Contract Demand to 30 kVA w.e.f. 28/01/2022.

DECISION:

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

- 1. The respondent shall revise the Contract Demand to 30 kVA w.e.f. 28/01/2022 and shall revise the bills accordingly.**
- 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 31st day of October, 2023

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

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

Endt. On CGRF-CR/OP No.45/2023-24 Dated
Delivered to

Sri.Kalanthar K.S.,
M/s Five Star Granites,
KulambilPadinjakkara (H),
Cheruthuruthy, Thrissur,
Pin: 679531,

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,
Thrissur
(2) The Executive Engineer, Electrical Division, KSEBL,
Thrissur West
(3) The Assistant Executive Engineer, Electrical Sub Division,
KSEBL, Kundannur
(4) The Assistant Engineer, Electrical Section, Cheruthuruthy.