

**CONSUMER GRIEVANCE REDRESSAL FORUM,
NORTHERN REGION, KOZHIKODE**

PRESENT

SRI.VISHNU.T.P : CHAIRPERSON
SRI.VIJU RAJAN JOHN : MEMBER
SRI.K.P.RADHAKRISHNAN : MEMBER

OP.NO.15/2011-12

PETITIONER:

**Sri.Joseph.K.J.,
CP 21/602, TN Moola,
Muttathody.P.O., Vidya Nagar,
Kasaragod District-671123.**

RESPONDENTS:

- 1. The Assistant Executive Engineer, Electrical Sub-Division,
KSEB, Payyannur.**
- 2. The Assistant Engineer, Electrical Section, KSEB, Payyannur.**

Copy to:

- 1. The Deputy Chief Engineer, Electrical Circle, Sreekantapuram, KSEB, Kannur.**
- 2. The Executive Engineer, Electrical Division, Payyannur, KSEB, Kannur.**

ORDER

The Petitioner filed this complaint seeking a directive to the Respondents to withdraw the claim they made for Rs.29,300/-, and an interim stay against disconnection of supply. The Petitioner alleges that the Respondents had changed his tariff from LT IV industrial to LT VII A commercial and asked him to pay Rs.29,300/-, made towards the balance of OYEC and CD amount, from which the Petitioner was exempted since it being an industrial connection. The Forum admitted the plea of the Petitioner and issued an interim stay against disconnection of power supply to the Petitioner.

In their return statement the respondents stated that the tariff of the Petitioner was changed from LT IV to LT VII A, when the Sub Engineer found construction activities taking place at the premises. This service connection was given under LT IV tariff under special priority, since the consumer produced documents in proof of SSI registration. No OYEC amount was remitted by the consumer. The Respondents averred that the shop remained closed and that no industrial activity was going on there. Since the Petitioner misused the industrial tariff he was liable to pay the exempted OYEC and CD amounts, incurred by the Board for giving industrial connection to the Petitioner. They changed the tariff to LT VII A and removed the light meter on 16-5-2011.

During the hearing, the Petitioner stated that since he had not misused power, tariff of his connection must be re-effected under LT IV tariff. The Respondents on the other hand stated that the Sub Engineer, who inspected the site, saw the consumer using 800 watts drilling machine. Hence they came to the conclusion that the Petitioner took the electric connection only for construction purpose. So, according to the Respondents the conversion of industrial tariff to LT VII A commercial is right.

During hearing the complainant refuted all the above vindications of the Respondents. He said he has completed the construction of the building and nearby rooms much earlier. He has produced the completion certificate issued by the Grama Panchayath in proof of this before the Forum. The ownership certificate is seen issued as early as 15-2-2009. The Complainant stated that no construction activity was carried out by him on 2-5-2011 as alleged by the Respondents. The light meter was disconnected on 27-5-2011 and not on 16-5-2011 as stated by the Respondents. He also produced copies of project work reports claimed to be done in his institute in proof of the works carried out during the period before the Forum.

The point to be discussed here is whether the action of the Respondents in changing the tariff of the Petitioner is justifiable. It is seen that the Respondents changed the tariff of the Petitioner from LT IV industrial to LT VII A commercial on the basis of two things. The first thing is on the basis of the detection of an 800 watts drilling machine at the premises, and the other is on the basis of their assumption that the Petitioner is not conducting any activity as intended while taking the connection at the premises. The Respondents had stated that the Petitioner took the connection only for construction purpose. But it is noted that the completion reports of the Grama Panchayath has been issued to the building much earlier.

How can the Respondents ascertain that the Petitioner took the connection only for conducting construction activities. Mere detection of using a drilling machine in the premises cannot be considered as a permanent construction activity. It cannot be viewed as a grave reason for changing the tariff of an industrial consumer. The Sub Engineer has prepared a site Mahazar, but no witness has signed the Mahazar. From the versions filed by both the parties and going through the various documents submitted, the Forum finds no circumstantial evidence in favour of the arguments put forth by the Respondents. Moreover, the

non-functioning of an industry for a certain period cannot be taken as a genuine reason for changing the tariff. It seems that the Respondents have acted with the preconception that the Petitioner is using his entire industrial load for construction purpose. So, one cannot be blamed if the action of the Respondents is termed as a deliberate attempt to harass the Petitioner.

In view of the findings above, the Forum conclude that the arguments raised by the Respondents for changing the tariff of the Petitioner from LT IV industrial to LT VII A commercial is not sustainable. Therefore, it is ordered as follows.

1. The change of Petitioner's tariff from LT IV industrial to LT VII a commercial is cancelled. The light meter to the premises is to be reconnected and intimate the Forum forthwith.
2. The demand raised for Rs.29,300/- is quashed. Bills issued and paid under LT VII A tariff is also quashed. Excess amount paid under LT VII A tariff shall be adjusted in the future bills of the Petitioner.

Dated this the 22nd Day of July 2011.

Sd/-
VISHNU.T.P.
CHAIRPERSON

VIJU RAJAN JOHN : MEMBER – Sd/-

K.P.RADHAKRISHNAN : MEMBER – Sd/-