

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

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Present: 1. Smt.Laila.N.G, Deputy Chief Engineer, Chairperson  
2. Sri. Rajeev.N, Executive Engineer, Member II  
3. Sri. M. Sabu, Advocate, Member III

Friday 28<sup>th</sup> April,2023

**OP No.02/2023**

Between

Petitioner: Sri.Jayaraj.J  
J.R. Bhavanam  
Puthukkadu P.O.  
Chavara.

And

Respondents : (1) The Assistant Executive Engineer  
Electrical Sub Division, Karunagappally South.  
  
(2) The Assistant Engineer,  
Electrical Section, Chavara.

**ORDER**

**1. Grievance of the petitioner**

The petitioner is a consumer under the area of Electrical Section, Chavara bearing Consumer No.1145713032714. Petitioner's parents acquired the ownership of the property, along with an old house in the year 2002. The service connection with consumer number 1145716009888, availed to the house was registered in the name of the previous owner of the property Smt. Vijayalekshmi. Thereafter the parents of the petitioner constructed a new house in the property and the then existing service connection was transferred to the newly constructed house. But after the death of petitioner's mother his father fell ill and the payment of regular electricity charges was defaulted. Subsequently the service connection was disconnected and later dismantled by the licensee.

Since the petitioner and his brother were students at that time and it was difficult to study without power supply the petitioner approached the section office with application to re-effect the service connection. It was informed by the officials of the Section office that a new service connection could be effected only after remitting the entire amount of arrears pertaining

to the dismantled service connection. Thus after remitting the arrears a new service connection was registered in the name of the petitioner's father with Consumer No.1145713032714. Electricity charges demanded by the licensee against the said service connection is being paid regularly by the petitioner.

Being so a Revenue Recovery intimation notice was served to the previous owner of the premises Smt. Vijayalekshmi informing her to remit the amount of arrears Rs.24,048/- pertaining to the dismantled service connection. It was also informed the petitioner that since the petitioner is the present occupant of the premises he is liable to make the payment of the amount indicated in the Revenue Recovery notice and otherwise recovery action would be initiated against his property .

After remitting the entire amount of arrears that the new service connection was sanctioned by the licensee. Electricity charge demanded by the licensee against the existing service connection every billing month is being paid by the petitioner and hence it is not justifiable to demand again the already remitted amount. Hence the petitioner prays the forum to issue orders to cancel the arrears, for the recovery of which, the Revenue Recovery proceedings were intimated.

## **2. Version of the respondent**

A service connection bearing Consumer No.1145716009888 existed under the area of Electrical Section, Chavara for domestic purpose which was registered in the name of Smt. Vijayalekshmi.S, Porunnuvila, Kizhakkethara, Menampally, Chavara. The said service connection had unpaid amount of arrears for the period from 06/2014 onwards. Subsequently the service connection was dismantled on 18/09/2015. Before proceeding to initiate Revenue Recovery actions to recover the amount due to the licensee, a Pre-Revenue Recovery notice was served on the registered consumer by registered post on 28/01/2016.

As per the application of the petitioner a service connection has been effected in the same premises with Consumer No.1145713032714 on 03/06/2017. Meanwhile the licensee has forwarded the requisition for revenue recovery to the Revenue Department and the amount due to the licensee has been informed. Accordingly the Revenue Department has

initiated Revenue Recovery procedures, against Smt. Vijayalekshmi who is the registered owner of the service connection.

As per the Reg.40 of the Kerala Electricity Supply Code, 2014, Revenue Recovery proceedings initiated against Smt.Vijayalekshmi is legal and is in order. The amount of arrears due to the licensee is liable to be remitted and the petitioner is not entitled to receive any relief in this regard. Hence the respondent prays the forum to consider the facts and dispose the case issuing orders to the petitioner for remitting the amount of arrears.

### **3 Analysis and Findings**

A hearing was conducted on 23/03/2023. Both the petitioner and the respondent were present and the Forum heard the matter in detail.

In this case under consideration of the Forum, the petitioner is aggrieved by the Revenue Recovery proceedings initiated by the licensee against the previous owner of the petitioner's domestic premises for recovering the arrears of electricity charges.

The property in which petitioner's residential building is situated, was under the ownership of a person named Smt. Vijayalekshmi from whom petitioner's parents purchased the property. There was a service connection availed to the then existing old house under the registered ownership of the said person at that time. After the death of the petitioner's mother, his father became bed ridden due to sickness and thereafter payment of regular electricity bills was defaulted. Subsequently the service connection was dismantled.

When lack of power supply to the house affected the education of the petitioner and his brother, the petitioner approached the section office for effecting a new service connection to the premises. The petitioner claims that he has remitted the entire amount of arrears pertaining to the previous service connection of the premises as directed by the officials of the section office before effecting the new service connection.

The respondent argues that the revenue recovery intimation notice was sent to the previous owner of the premises, in the year 2016 itself. Thereafter the new service connection has been effected on 03/06/2017.

The forum found that the licensee has effected a new service connection to the domestic premises where existed a service connection

which had been dismantled due to defaulted payment of regular electricity charges. Regarding the procedure to be adopted by the licensee when a new service connection is required at a premises where there is recoverable arrears of electricity charges, Regulation 40 of Kerala Electricity Supply Code, 2014 stipulates the following,

*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.*

In this case the petitioner claims that he had remitted the entire amount of arrears before providing the new service connection to the premises by the licensee. At the same time he is not able to produce any evidence in this regard. The respondent stated that a Revenue Recovery intimation notice was sent to the previous owner of the service connection in 2016 and the action is legally sustainable. The petitioner admits that the previous owner of the premises was not responsible for the arrears of charges. The petitioner and his family were the occupants of the premises when the payment of current charges were defaulted. Therefore he remitted the amount before effecting the new service connection. It is pertinent to indicate that subsequent actions on the revenue recovery intimation notice have been initiated after a lapse of nearly six years

Now the petitioner and his brother are the sole occupants of the premises. Petitioner's father, the applicant in the case of the new service connection has passed away now. The forum viewed that if the officials of the licensee had acted as per the provisions of Regulation 40 of the Kerala Electricity Supply Code, 2014, the intricate situation could have been avoided.

Considering the circumstances of the case, Forum is of the view that it is not proper to burden the petitioner or the previous registered owner of the premises with revenue recovery actions after the lapse of years, for the recovery of an amount which the petitioner claims to have remitted at the time of providing the new service connection.

**DECISION**

Considering the facts and circumstance of the case, the Forum disposed the case with the following orders.

1. The impugned amount of arrears, for the recovery of which Revenue Recovery intimation has been served to the previous owner of the petitioner's premises by the licensee is hereby quashed. The respondent is directed to withdraw the Revenue Recovery requisition already forwarded to the Revenue Department immediately on receipt of this order of the forum.

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/-*

M. SABU  
ADVOCATE  
MEMBER III

*Sd/-*

RAJEEV.N  
EXECUTIVE ENGINEER  
MEMBER II

*Sd/-*

LAILA.N.G  
DEPUTY CHIEF ENGINEER  
CHAIRPERSON

Forwarded

*Sd/-*

CHAIRPERSON  
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.02/2023/32

Dated :28/ 04 /2023

Delivered to:

1. Sri.Jayaraj.J, J.R Bhavanam, Puthukkadu P.O, Chavara  
Kollam Dist.
2. The Assistant Executive Engineer, Electrical Sub Division, Karunagappally.  
K.S.E. Board Ltd.,
3. The Assistant Engineer, Electrical Section, Chavara.

Copy to:

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam, TVPM.
- 2.The Deputy Chief Engineer, Electrical Circle, Kollam.
- 3.The Executive Engineer, Electrical Division, Karunagappally.