

**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

Monday 7<sup>th</sup> August,2023

**OP No.04/2023**

Between

Petitioner: Sri. Pramodkumar.V  
Thadathil Veedu,  
Kadammanitta (P.O),  
Pathanamthitta.

And

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

**ORDER**

**1. Grievance of the petitioner**

The petitioner availed a Service Connection bearing Consumer number 1146003011456, for the use of a welding workshop situated in the property owned by him under the area of Electrical Section, Pathanamthitta. The workshop had been functioning there for the last 20 years. Being so Anti Power Theft Squad of the licensee conducted an inspection in the premises of the workshop and the assessing officer issued a final assessment bill amounting to Rs.16635/-, Against the said order of assessment the petitioner preferred petition before the Kerala state Electricity Appellate Authority and the Appellate Authority has issued orders to revise the amount of assessment to Rs.322/-

Without considering the application filed by the petitioner, the officials of the licensee reclassified the billing tariff of the premises and tried to recover huge amounts from the petitioner on account of the tariff revision. During the period when the case had been pending before the Appellate Authority electricity supply to the premises was disconnected by the officials. Order of

the Appellate Authority clearly specified the action to be taken in the matter of tariff reclassification of the premises. Application of the petitioner to comply the order of the Appellate Authority was not considered. Thereafter the licensee initiated revenue recovery proceedings against the petitioner.

it was mentioned in the proceedings of the Assessing Officer that the service connection was not being used for industrial purpose and hence the tariff had to be changed to LT-VIC. It was also directed to realize charges applicable to the tariff category of LT-VIC against the service connection. In case the petitioner required a change of tariff category from LT-VIC he should submit application for the same.

A complaint was filed by the petitioner before the Executive Engineer indicating that various equipment required for the functioning of the industrial unit were placed in separate boxes and on the veranda of the premises. Since finished items and articles are transported to work sites of customers, as and when completed it is not probable to spot the presence of industrial products in the premises. Indicating the above reasons the petitioner submitted application to the Executive Engineer to retain the industrial tariff.

The order pronounced by the Appellate Authority suggested that if the petitioner has any dispute regarding the tariff classification he is at liberty to approach the Forum with complaint.

The respondent issued a disconnection notice on 05/07/2022 demanding the payment of arrears amounting to Rs.25851/-. A reply to the said disconnection notice was filed by the petitioner in which the vindictive attitude of the officials of the licensee was indicated.

In the revenue recovery intimation notice issued by the licensee dated 29/11/2022, it was intimated to remit an amount of Rs.29403/- for avoiding subsequent revenue recovery proceedings through the District Collector.

It is not factual to state that equipments and machinery used in the industrial unit were not kept in the premises. In fact finished items are transported to the customers. Only equipments, machinery and unfinished articles are kept in the premises. Hence the petitioner prays the Forum to retain industrial tariff, LT IVA to the service connection, avoid demanding excess charges and to take action against the officials who have acted against the rules and regulations in force

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

The petitioner had availed a three phase service connection, bearing consumer number 1146003011456 under the tariff category LT IV A, for the purpose of running a welding workshop having sanctioned connected load of 3986 watts. Anti Power Theft Squad conducted a surprise inspection in the premises on 09.01.2020 and prepared a site mahazar in which it was stated that no materials, tools and equipments for the use of industrial activities were found in the premises. It was also detected that connection was extended for welding a tress roof on the top of a nearby building under the same ownership, thereby misuse of tariff was observed. The petitioner was Issued final assessment bill to the tune of Rs.4169/-.Against the said final order of assessment the petitioner approached this Forum and thereafter the Kerala State Electricity Appellate Authority. The Appellate Authority after conducting hearing, ascertained that there was unauthorized use of Electricity in the premises. The Authority revised the period of assessment to one week and thereon the respondent revised the amount of assessment. A revised invoice of Rs.322/- was issued to the petitioner. The Appellate Authority in its order directed to inspect the premises by the respondent and ascertain the activity carried out in the premises. The billing tariff of the premises had to be determined accordingly after the inspection.

The respondent after inspecting the premises and examining the consumption history as well as the consumption pattern of the premises, came to the conclusion that industrial activities were not being carried out in the premises. The electricity consumption of the premises for the period from 02/2020 to 08/2020 was only 49 units. As per the site mahazar prepared during the inspection, no industrial works were being conducted in the premises. Hence the tariff of the premises was changed to LT-VI C from 04/04/2020 which is the tariff category applicable to service connections under LT category, not being included in any other categories as per the prevailing tariff regulations of Kerala State Electricity Regulatory Commission. It was clearly mentioned in the final order of assessment that the petitioner can apply for change in registered connected load or tariff at any time at Electrical Section, Pathanamthitta.

Meanwhile regular Electricity bills for the period from 05/2020 to 07/2022 were not paid by the petitioner. Therefore as per Section 56 (1) of Electricity Act, 2003 and Regulations 131 (4), 138 (1), and 139 of Kerala

Electricity Supply Code, 2014 a disconnection notice dated 01.07.2022 has been issued to the petitioner intimating to remit the amount of arrears before 15.07.2022. The total defaulted amount included Rs.25851/- which was the total amount of pending current charges from 05/2020 to 07/2022 and the revised amount of assessment Rs.322/- Since the amount of arrears was not remitted by the petitioner, the supply to the premises was disconnected and later dismantled on 14.11.2022. Revenue Recovery proceedings were also initiated to recover the amount from the petitioner.

The consumer has violated the conditions of agreement executed by him with the licensee and hence the licensee is legally correct in initiating revenue recovery proceedings against the petitioner. Annexure 12 (9) of Kerala Electricity Supply Code,2014 clearly justifies the action of the licensee in this regard. Therefore the disconnection of supply and the subsequent dismantling of service connection of the premises of the petitioner and the revenue recovery proceedings initiated against the petitioner are justifiable and legally sustainable.

The Appellate Authority has pronounced order in the appeal filed by the petitioner on 17/06/2022 whereas the disconnection notice was served to the petitioner on 01/07/2022. The supply was disconnected on 16/07/2022. Hence the argument of the petitioner that supply was disconnected during the period in which the appeal had been pending before the Appellate Authority, is not factual.

The petitioner is liable to remit the revised amount of assessment Rs.322/- along with the amount of unpaid electricity charge of Rs.28081/ and the applicable interest.

From the facts as stated above it is clear that the change of tariff category of the service connection to LT-VIC,the dismantling done and the revenue recovery process initiated to recover the amount of arrears is legally sustainable and strictly on the basis of the Regulations and the prevailing tariff order.

### **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.

The Forum analysed the petition and all other connected documents produced before the Forum by both the petitioner and the respondent and came to the following conclusions and decisions.

The petitioner Sri.V. Pramod Kumar had availed a Service Connection for industrial purpose on 13/02/1999 under the area of Electrical Section, Pathanamthitta . Anti Power Theft Squad of the licensee conducted a surprise inspection in the premises of the said industrial Connection on 09.01.2020 and prepared a site mahazar in which it was alleged that no industrial activity was going on in the premises and unauthorised usage of electricity was observed in the form of extending the supply for construction purpose. Consequently a provisional assessment was served to the petitioner and after hearing the petitioner a revised final order was issued by the Assessing Officer. Against the said final order of assessment the petitioner filed an appeal before the Kerala State Electricity Appellate Authority. The Appellate Authority after hearing, issued order to revise the amount of final assessment by limiting the period of assessment to one week. In the meantime the licensee had reclassified the tariff category of the service connection from the industrial tariff LT-IVA to LT-VIC, considering the observation of the APTS inspection team that no industrial activities were carried out in the premises. Regarding the dispute of the said tariff reclassification the Appellate Authority in the order, directed the respondent to conduct inspection in the premises and assign the appropriate tariff category to the service connection. The petitioner was also directed to approach the Forum in the case of any disputes in relation with this tariff re categorization.

Accordingly the respondent conducted an inspection in the premises and analysed the consumption pattern of the premises. Thereafter the taiff category of the premises was changed to LT-VIC with effect from 04.04.2020.

Thereafter the petitioner defaulted the payment of regular electricity charges for the period from May/2020 onwards. Subsequently a disconnection notice was issued by the licensee demanding the payment of arrears amounting to Rs.25851/- along with the revised amount of assessment Rs.322/-. Thereon supply to the premises was disconnected and the service connection was dismantled on 14.11.2022. Revenue recovery proceedings were initiated to recover the amount of arrears from the petitioner.

The Forum found that the petitioner is mainly aggrieved by the action of the licensee by which tariff of the premises was reclassified as LT-VI C and requires re effecting of service connection which is now in the dismantled

status. The Forum primarily examined the question whether the tariff reclassification done by the licensee is in order.

The site mahazar prepared during the course of inspection by APTS and the report of inspection conducted by the respondent, stipulate that no industrial activity was carried out in the premises. It was primarily based on this observation that the tariff change was effected. Consumption history was also considered for finalizing the decision. Tariff category of the premises was changed to a category applicable for purpose not being included in any other tariff classification as per the tariff order.

Regarding the suo motu tariff reclassification any consumer premises by the licensee Regulation 97 of Kerala Electricity Supply Code,2014 states the following

*97. Suo motu reclassification of consumer category by the licensee.- (1) If it is found that a consumer has been wrongly classified in a particular category or the purpose of supply as mentioned in the agreement has changed or the consumption of power has exceeded the limit of that category as per the tariff order of the Commission or the category has changed consequent to a revision of tariff order, the licensee may suo motu reclassify the consumer under appropriate category.*

*(2) The consumer shall be informed of the proposed reclassification through a notice with a notice period of thirty days to file objections, if any.*

*(3) The licensee after due consideration of the reply of the consumer, if any, may reclassify the consumer appropriately.*

*(4) Arrear or excess charges shall be determined based on the actual period of wrong classification and the account of the consumer shall be suitably adjusted.*

*(5) If the actual period of wrong classification cannot be ascertained reasonably, the period shall be limited to a period of twelve months or a period from the date of last inspection of the installation of the consumer by the licensee whichever is shorter:*

*Provided that in the case of reclassification consequent to change of the purpose of supply by the consumer without due authorisation, the licensee may examine each case and initiate proceedings under Section 126 of the Act if found necessary.*

In this instant case the suo motu reclassification of category was not done due to any previous wrong classification effected by the licensee. The

purpose of supply was not changed except for a short duration. Before or after the APTS inspection the licensee could not find any such tariff purpose mismatch except for the said duration. Main allegation of the licensee was that industrial activity was not carried out in the premises. It was also indicated that consumption history showed very low consumption pattern which was also taken into consideration. The Forum is of the view that the reason mentioned by the respondent that the service connection was not being used for the actual purpose for which the connection had been availed is not quite convincing. Inoperative status of an industrial unit do not indicate the change in purpose of the connection. Such status of the premises does not necessarily require a reclassification of the tariff category. Low electricity consumption noted in the premises was attributable to the inoperative status of the industrial unit which can not be considered as an adequate reason to change the tariff category. Hence the tariff reclassification effected by the licensee by which LT-VIC tariff was assigned in the place of LT-IV A tariff is not justifiable. The licensee is liable to revise the regular electricity bills assessed under LT-VIC tariff with rates applicable to LT-IV A tariff.

The Forum found that the petitioner had defaulted the payment of Regular current charges for the period from 05/2020 to 07/2022. Even though the petitioner argues that the payment of charges was defaulted after the impugned tariff revision, the petitioner could have remitted charges under protest in line with Regulation 139(2) of Kerala Electricity Supply Code, 2014 in order to maintain the service connection without dismantling. The Forum does not find it proper to intervene in the decision of the licensee to disconnect and later dismantle the connection in accordance with Section 56 of Electricity Act, 2003 and Regulation 138 of Kerala Electricity Supply Code, 2014. Application to re-effect the dismantled service connection is hence rejected. Moreover the Forum is not able to find any serious lapses or deviation from the existing rules and regulations, from the part of the officials of the licensee and therefore the allegation of the petitioner in this regard is not considered by the Forum.

**DECISION**

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

1. The reclassification of tariff category of the service connection to LT-VI C, effected by the respondent is hereby cancelled. The respondent is directed to

revise the regular bills assessed and issued under LT-VIC tariff with tariff rates applicable to LT-IV A . The petitioner is liable to remit the amount of the revised bills and the revised amount of assessment as per the order of the Appellate Authority.

2. The petitioner can apply for industrial service connection afresh after clearing the arrears pertaining to the dismantled service connection. The petitioner shall arrange all statutory requirements for availing an industrial service connection adhering to the prevailing regulations. The respondent shall process the application for new industrial service connection in accordance with the rules and regulations in force.

3. 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.04/2023/149

Dated :09/08/2023

Delivered to:

1. Sri. Pramodkumar.V, Thadathil Veedu, Kadammanitta (P.O), Pathanamthitta.
2. The Assistant Executive Engineer, Pathanamthitta.
3. The Assistant Engineer, Electrical Section, Pathanamthitta.

Copy to:

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