

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

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 30th June,2023

OP No.09/2023

Between

Petitioner: The Legal Manager,
Indus Motor Co. Pvt. Ltd, Bye Pass,
Venpalavattam, Thiruvananthapuram

And

Respondents : (1) The Assistant Executive Engineer
Electrical Sub Division, Beach, Thiruvananthapuram.

(2) The Assistant Engineer
Electrical Section, Beach, Thiruvananthapuram.

ORDER

1. Grievance of the petitioner

The petitioner is filed on behalf of the Thiruvananthapuram unit of an automobile service provider company named ' Indus Motors Private Ltd. The petitioner's Service Connection bearing consumer number 1145131015916 is under the area of Electrical Section Beach, Thiruvananthapuram.

Anti Power theft squad of the licensee conducted a surprise inspection in the premises on 28.06.2018 and alleged that unauthorized additional connected load to the tune of 101 KW was installed in addition to the registered connected load of 12 KW. Therefore a provisional assessment bill amounting to Rs.6,56,061 was issued to the petitioner. Without considering the objection raised by the petitioner, the provisional bill was finalized on 28.07.2018. In order to avoid disconnection of supply, the amount of the final bill was remitted by the petitioner, after removing the additional connected load. Thus there was no additional connected load in the premises for the

period from June 2018 to July 2019 or thereafter. The company applied for sanctioning permission to use additional connected load in the premises which was sanctioned by the licensee in 2019.

Being so the petitioner was served with an assessment bill of Rs.6,33,099/- for the period of assessment from 06/2018 to 07/2019. The said demand notice is arbitrary, illegal and unsustainable. Hence for avoiding disconnection the petitioner remitted the entire amount of the assessment bill on 01.07.2022

The monthly regular bills are being issued by the licensee based on the reading recorded in the energy meter in the premises and the reading shows the electricity consumption of all the electrical equipments and machinery connected and used in the premises. Hence the short assessment is illegal.

The alleged additional connected load was disconnected and additional machinery were removed shortly after the inspection conducted by the licensee on 28.06.2018. Hence there was no excess connected load after June /2018, subsequent to the inspection. The complainant has applied for enhancement of connected load and the same was sanctioned after complying necessary formalities. Since the additional connected load was removed immediately after inspection, the demand now raised for the alleged excess connected load of 102 KW is irrational and illegal. Hence the petitioner prays the Forum to withdraw the short assessment bill of Rs.6,33,099- and to refund the amount of Rs.6,33,099/- illegally collected from the petitioner. The petitioner also requires to restrict the licensee from issuing further penal bills hereafter.

2. The Version of the respondent

The respondent stated that the petitioner has tried to mislead the Forum by claiming that they had removed the additional connected load immediately after the APTS inspection, The Consumer filed application for revising the connected load of the premises as 85655 Watts only on 03.10.2019. The energy consumption pattern of the premises shows that the consumer had been using the unauthorized connected load even after the APTS inspection without regularizing. The delay occurred in issuing short assessment bill assessed by the Regional Audit Office was due to the Covid-19 pandemic Situation. Hence the petitioner is bound to remit the amount of the short assessment bill upto the date of regularizing connected load. The

short assessment bill was assessed for the period from 06/2018 to 07/2019 amounting to Rs.6,33,099- and the amount was remitted by the petitioner. The respondent claims that the bill issued to the petitioner is in accordance with the prevailing regulations.

3 Analysis and Findings

Hearing of the case was conducted on 09.05.2023 and 24.05.2023. Both the petitioner and the respondent were present and the Forum heard the matter in detail.

The Forum analysed the petition and other connected documents and came to the following conclusions and decisions.

The case is with regard to a short assessment bill amounting to Rs.6,33,099/-issued by the licensee. The petitioner's Service Connection premises under the area of Electrical Section, Beach was inspected by the Anti Power Theft Squad deputed by the licensee. Pursuant to the inspection it was detected that unauthorized additional connected load to the tune of 101 KW existed in the premises in the place of the sanctioned connected load of 12 KW. Accordingly a provisional bill was issued which was finalized on 28.07.2018. In order to avoid disconnection of supply to the premises, the petitioner remitted the amount of the final bill issued by the respondent.

The petitioner claim that after the inspection conducted at their premises, they removed the excess connected load and thereafter preferred application to regularise additional load connected in July/2019 and the same was sanctioned by the licensee. The petitioner argues that there had not been any additional load connected since the inspection conducted in the premises . Hence the assessment amount demanded is not sustainable.

The respondent stated that the petitioner had not removed the additional connected load after the inspection conducted by APTS . The petitioner applied for sanctioning additional Connected load and revising the total connected load as 85655 Watts only on 03.10.2019. Till then the petitioner had been using the additional connected load even after the inspection conducted and remitting the final assessment bill. The consumption pattern of the premises also shows the fact that there was no variation in consumption recorded after the inspection and therefore petitioner's establishment had been utilizing the additional load.

The Forum found that the petitioner had completely remitted the final assessment bill issued by the licensee after conducting inspection in the

premises on 24.10.2018 invoking Section 126 of the Electricity Act,2003. The petitioner claims that they have removed the additional connected load immediately after inspection. Subsequently on 23.05.2022 a short assessment bill of Rs.633099/-is seen generated by the licensee demanding fixed charge and proportionate energy charges computed at twice the normal rates.

Regulation 100 of Kerala Electricity Supply Code,2014 mentions the requirement of filing application by the consumer for the reduction of connected load of any consumer premises and the subsequent procedure to be adopted by the licensee for the proposed reduction. Sub regulation 8 of the above regulation stipulates that

(8) If the consumer pays the required charges and expenditure for modification of distribution system, service line, meter and other apparatus, the licensee shall execute the work and sanction the reduction in the load within the time limit specified in regulation 85.

But any proof of such application preferred to the licensee or any fees remitted in this regard for the reduction of excess connected load detected in the premises has not been produced either by the petitioner or by the respondent.

Regulation 153 of Kerala Electricity Supply Code, 2014 envisages the detailed procedure for the regularization of the unauthorized additional load in any consumer premises. Sub Regulation 7 of the aforementioned Regulation clearly states that,

(7) If it is found that any additional load has been connected without due authorisation from the licensee or in violation of any of the provisions of the Central Electricity Authority (Measures relating to safety and electric supply) Regulations, 2010, as amended from time to time, the licensee shall direct the consumer to disconnect forthwith such additional load and the consumer shall comply with such direction, failing which the supply of electricity to the consumer shall be disconnected by the licensee.

In this instant case the petitioner's establishment applied for enhancing the sanctioned connected load to 85655 Watts on 03.10.2019. Hence it is noted by the Forum that after detecting the unauthorized connected load and the issuance of the reassessment bill, steps were not initiated by the

licensee either to direct the petitioner to regularize the unauthorized additional load or disconnect the supply of electricity as envisaged in the above quoted Sub Regulation, within a time frame as stipulated by the licensee. At the same time the petitioner enjoyed the benefits of the unauthorized quantum of connected load until the same was regularised on 03.10.2019.

It is also true that continuing assessment after issuing final order of assessment as per Section 126 of Electricity Act,2003 ,is not sustainable. However it is evident that the petitioner's establishment had not filed any application for reducing the excess connected load detected during the course of inspection or any written intimation is not seen furnished to the licensee in this connection. Hence the argument of the petitioner that they have removed the additional connected load after inspection is devoid of merits. Hence the petitioner is liable to remit the fixed charges applicable to the total connected load at normal rates.

Based on the facts as stated above the Forum is of the considered view that the respondent is not entitled to issue any reassessment bill in order to realize fixed charge and proportionate current charge for the excess connected load at two times the normal rates,without conducting an inspection in the premises for a second time and producing the documentary proof such as the site mahazar. Hence the respondent is liable to revise the short assessment bill amounting to 6,33,099/- by computing the fixed charges only at normal rates, applicable for the difference in authorized connected load and the total connected load detected pursuant to the inspection,for the period from the date of inspection 28.06.2018 to the date of regularizing the connected load as 85655 Watts.

Decision

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

1. The disputed bill amounting to Rs.6,33,099/- is hereby canceled. The respondent is directed to issue a revised bill computing the fixed charges for the excess connected load over the sanctioned load of 11750Watts for the period from the date of inspection, 28.06.2018 to the date of regularization of connected load, 03.10.2019. The excess amount remitted by the petitioner shall be refunded by way of adjustment in future bills.

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.09/2023/117

Dated : 07/07/2023

Delivered to:

- 1.The Legal Manager,Indus Motor Co.Pvt.Ltd, ByePass, Venpalavattam, Thiruvananthapuram.
2. The Assistant Executive Engineer, Electrical Sub Division, K.S.E. Board Ltd, Beach,Thiruvananthapuram.
3. The Assistant Engineer, Electrical Section, Beach,Thiruvananthapuram.

Copy to:

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