

**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 2nd June,2023

OP No.11/2023

Between

Petitioner: Sri. Kurian Ben
B&S Ice Products,
Kureepuzha,Kollam.

And

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

(2) The Assistant Engineer,
Electrical Section,Perinad.

ORDER

1. Grievance of the petitioner

The petitioner is a 3 phase LT IV consumer bearing consumer No.1145634028846 under Electrical Section, Perinad. He is running an ice plant in the name of B&S Ice Products. The industrial service connection has a contract demand of 97 KVA and connected load of 85438 watts. He has received a low voltage surcharge bill.

The petitioner complaints that the billing is done for 18 months instead of ten months in which the recorded maximum demand exceeded 100 KVA. Also he has received a provisional assessment bill of Rs.626138/- for unauthorized additional load of 13232 watts.

He complains that it is illegal to punish two times for the same offence . Hence he prays the Forum to revise the low voltage surcharge bill.

2. Version of the respondent

The petitioner is an LT 3 phase demand based billing consumer with a contract demand of 97 KVA and a sanctioned connected load of 85438 watts. Being an LT consumer the complainant is authorized to avail 97 KVA as per his contract demand. According to Regulation '8' of Kerala Electricity

Supply Code,2014 the consumer is not authorized to avail supply at low tension voltage level since June 2021, because his demand exceeded 100 kVA during the month of June 2021. Exceptions as contained in the above Regulation are not at all applicable to the complainant since he does not either have any approval from the Kerala State Electricity Regulatory Commission or there is no deficiency of the supply system to provide the supply at the voltage level as specified in the Regulation '8' of Kerala Electricity Supply Code, 2014. More over the complainant is not authorized to continue as LT consumer as per the provisions contained in Regulation '11' of Kerala Electricity Supply Code, 2014 since the consumer does not fall under the category of consumers having a sanctioned load exceeding 100 kVA as on the date of implementation of Kerala Electricity Supply Code,2005. Hence according to the provisions of the Regulation '9' of the Kerala Electricity Supply Code,2014 the consumer is chargeable with low voltage surcharge for the month June 2021 since the consumer is not authorized to continue availing supply at low tension as per the provisions contained in Regulation '11' of Kerala Electricity Supply Code, 2014 the consumer is chargeable low voltage surcharge according to the provisions of Regulation 9 of Kerala Electricity Supply Code 2014 for the period of succeeding months irrespective of whether the consumer exceeds the 100 kVA limit or not,for a particular month after the event of exceeding the limit. Hence the contention of the complainant that the short assessment bill on account of low voltage surcharge bill issued by Assistant Engineer is not reasonable and hence is incorrect,is not true and hence his demand to withdraw the bill is not sustainable .

The consumer has been assessed under Section 126 of the Electricity Act,2003 for connecting unauthorized connected load of 13232 watts beyond the sanctioned load of 85438 watts and issued a bill for Rs.626138/- in this respect. The assessment is on account of the load connected over and above the sanctioned connected load and not on the basis of the demand of the consumer. According to this section of the Electricity Act,2003 the assessing Officer is entitled to charge the amount even in cases when the registered demand of the consumer does not exceed the contract demand. Moreover this section of the Act does not either exempt the consumers who are charged under the provisions of Regulation 8,9 and 11 of Kerala Electricity Supply Code,2014 where Low Voltage Surcharge is referred. Further none of

the Regulations of Kerala Electricity Supply Code,2014 exempt any consumer charged under the provisions of Section 126 of the Electricity Act 2003. Argument of the petitioner that Low Voltage Supply Surcharge is not sustainable in the case of a consumer who was assessed under the provisions of Section 126 of Electricity Act,2003 is baseless and hence will not sustain.

The recorded maximum demanded RMD is shown in the low voltage surcharge bill in figures 1.69,1.68,1.67 etc as it is downloaded from the meter data particulars of the consumer. But the same has been very clearly and specifically shown vide the table in the reply to the consumer dated 28-01-2023 for his complaint on 27-01-2023 that the product of figures viz;1.69, 1.68, 1.68 etc and meter CT Ratio. Hence contention of the consumer on this basis that the bill is incorrect and false,is baseless and hence his argument will not sustain. Hence the respondent request the Forum to dismiss the complaint

3 Analysis and Findings

The hearing was conducted on 09/05/2023. Both the petitioner and respondent were present and heard the matter in detail.

On going through the petition and other documents in the file the Forum viewed that the case is with regard to the bill of Low Voltage Supply Surcharge demanded by the licensee. The licensee issued a demand notice for remitting Rs.300320/- towards low voltage supply surcharge.

The petitioner contented that the billing was done for 18 months instead of ten months in which the recorded maximum demand exceeded 100 kVA. The respondent stated that the recorded maximum demand of the premises exceeded several times. The petitioner himself had admitted that this firm had exceeded contract demand 'ten' times. The petitioner had not executed supplementary agreement with a higher value of contract demand or requested to switch over to high voltage level of supply ie; HT. Hence the petitioner is liable to pay the Low Voltage Supply Surcharge as specified in the tariff order of the Kerala State Electricity Regulatory Commission. Consequently the bill was issued demanding Low Voltage Supply Surcharge to the petitioner.

The Forum viewed that in the case of consumer exceeding their contract demand in a particular financial year the existing contract demand can be revised as per the regulation '101' of Kerala Electricity Supply Code, 2014 which states that.

(1) In the case of HT and EHT connections, if the maximum demand recorded exceeds the contract demand in three billing periods during the previous financial year, the licensee shall issue a notice of thirty days to the consumer directing him to submit within the notice period, an application for enhancement of contract demand.

(2) If there is no response from the consumer by the end of the notice period, the

licensee shall enhance the contract demand of the consumer to the average of the top three readings of maximum demand shown by the maximum demand indicator (MDI) meter of the consumer during the previous financial year, if the additional load can be sanctioned without augmentation or upgradation or uprating of the distribution system.

(3) In the case of LT consumers under demand based tariff, similar review and consequential process shall be carried out.

(4) Consequent to enhancing the contract demand, applicable charges shall be collected from the consumer and the consumer shall be directed to execute supplementary agreement if required.

(5) If the distribution system is not adequate to meet the excess demand of the consumer, he shall be directed by the licensee to restrict his demand to the permissible limit, till necessary augmentation or upgradation or uprating works are done as per the provisions of this Code:

Provided that the service may be disconnected after sufficient notice as per the Code if the consumer does not comply with such direction.

The applicability of low voltage supply surcharge is stipulated in Regulation '9' of Kerala Electricity Supply Code, 2014 and as per this Regulation, consumers availing supply at voltage lower than the one specified in Regulation '8' for the respective limits of connected load or contract demand shall pay the low voltage supply surcharge to the licensee at the rates as approved by the commission from time to time in the tariff order.

Regulation 11 (amendment dated further specifies that

(1) The maximum connected load permissible for low tension three phase category shall be limited to 100kVA:

Provided that a low tension consumer who, as on the date of implementation of the Kerala Electricity Supply Code, 2005, had a contracted connected load exceeding the limit of 100kVA, may be permitted, subject to realisation of low voltage supply surcharge, to operate with the same contracted connected

load at the same voltage level of supply until an upward revision of connected load is sought for by the consumer.

In this case the date of effecting the service connection is 10.12.2013 and hence the above regulation is not applicable. Therefore the said connection can not be permitted to continue at LT level of supply after exceeding the recorded maximum demand beyond the limit of 100 kVA. It would be proper for the licensee to complete the procedures for changing the voltage level of supply to HT in accordance with the relevant Regulations of Supply Code, 2014. The aforementioned procedure for enhancing the contract demand or voltage level of supply is not seen carried out by the licensee in time. The petitioner has not taken any action from his part for the upward revision of contract demand or voltage level even after exceeding the recorded maximum demand above the limit of 100 kVA.

However the distribution loss sustained to the licensee will be high when recorded maximum demand exceeded 100 kVA at low tension voltage level of supply. Therefore to maintain an efficient distribution system the distribution loss shall be minimized. Hike in distribution loss will lead to increase in retail tariff of all consumers of the licensee. In order to compensate the loss sustained by the licensee the low voltage supply surcharge shall be demanded limiting to the billing months in which the recorded maximum demand exceeded 100 kVA.

With regard to the bill of Rs.626138/- assessed for unauthorized additional load of 13232 watts issued under section 126 of Electricity Act 2003, it is beyond the jurisdiction of the Forum and hence the Forum abstain from considering the dispute with regard to the bill.

DECISION

Considering the facts and circumstance of the case, the Forum ordered as follows.

1. The respondent is hereby directed to revise the low voltage surcharge demands only for the billing months in which the recorded maximum demand exceeded 100 kVA.
2. Suitable installment facility shall be sanctioned for the payment of the revised demand, if the petitioner desires so.
3. The respondent is also directed to complete the procedure for changing the voltage level of supply to the petitioner's service connection premises to

high tension in accordance with the relevant regulations of Kerala Electricity Supply Code,2014 if needed in the present situation.

4. 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.11/2023/ 81

Dated :06/06/2023

Delivered to:

1. Sri. Kurian Ben,B&S Ice Products ,Kureepuzha, Perinad, Kollam.
2. The Assistant Executive Engineer, Electrical Sub Division, K.S.E. Board Ltd, Perinad.
3. The Assistant Engineer, Electrical Section, Perinad

Copy to:

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