

**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. Pradeepkumar.R,Executive Engineer, Member II
3. Sri. M. Sabu, Advocate, Member III

Monday,25th September,2023

OP No.23/2023

Between

Petitioner: Sub-Divisional Engineer (BSS),
BSNL. Telephone Bhavan,
Pathanamthitta.

And

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

(2) The Assistant Engineer
Electrical Section,Elavumthitta

ORDER

1. Grievance of the petitioner

The petition is filed on behalf of a transceiver base station operated by BSNL under Electrical Section, Elavumthitta. The Service connection bearing consumer number 1146165009053 which is availed to operate the station,is billed under LT VI F tariff .

An inspection had been conducted by the licensee at the said service connection premises and detected unauthorized additional load on 13.06.2018. Consequently an amount of Rs.47070/- was assessed at penal rates and a bill for the amount was issued to the petitioner. The petitioner remitted the amount of assessment and thereon furnished application at the Section Office for revising the registered connected load of the premises. The required ECSC amount of RS.17170/- was also remitted on 31.12.2018 and connected load of the premises was revised to 13550 Watts by the licensee. The licensee started collecting fixed charges for the enhanced connected load with effect from 03.01.2019.

But even after regularizing the connected load, the licensee continued demanding fixed charges and proportionate energy charges at penal rates in

regular electricity bills. The anomaly was rectified only in September 2022. Due to these erroneous demands raised by the licensee, an excess amount of Rs.5,68,966/- had been recovered from the petitioner. Meanwhile BSNL incurred surcharge at the rate of 18% per annum on behalf of its service connections and an amount of Rs.32731/- has been collected from the service connection under consideration, as surcharge for belated payment upto the billing month of March/2023. Even after sending letters to the authorities of the licensee with regard to the matter of refunding the excess charges collected, any formal communication has been received from the concerned authorities of the licensee.

As per the relevant regulations of Kerala Electricity Supply Code, 2014, the excess amount if any collected from the consumer shall be refunded along with interest at bank rates as on the date of remittance of such excess amount.

The petitioner requires refund of the excess amount collected Rs.5,68,966/- along with the amount of interest-Rs.2,26,751/- at the rate of 18% per annum till the date of refund. The petitioner also put forward an alternate requirement by which the petitioner requests the forum to issue orders to refund the excess amount with interest at bank rate as on the date of remittance and the amount of surcharge for belated payments collected from the petitioner till the date of refund.

2. Version of the respondent

The petitioner is a registered consumer of the three phase service connection premises bearing consumer number 11465009053. The sanctioned connected load of the premises was 6180 Watts. An inspection was conducted by the section squad of the licensee and pursuant to the inspection unauthorized additional load to the tune of 5840 watts was detected, over and above the sanctioned load of 6180 Watts. Accordingly a provisional assessment bill of Rs.2,09,959/- was issued to the petitioner as per Section 126 of the Electricity Act, 2003. The assessment was then revised to Rs.47070/- by the assessing officer and the amount was remitted by the petitioner on 20/07/2018. Thereafter additional fixed charge and proportionate energy charge for unauthorized connected load were demanded in regular bills for the period from the billing month of 07/2018. The demand was continuously generated, as mentioned above, until it was deliberately stopped on receiving a letter from the petitioner on 27/07/2022.

Upon perceiving the grievance of the petitioner, corrective measures were taken by the licensee and brought the matter to the attention of the higher authorities seeking appropriate action. Since the procedure for the settlement of the matter is under way, the petitioner prays the Forum to dismiss the petition.

3 Analysis and Findings

A hearing was conducted on 13.06.2023. Both the petitioner and respondent were present and the Forum heard the matter in detail.

On analysing the petition and other documents in the file, the Forum came to the following conclusions and decisions.

The service connection premises operated by the petitioner was inspected by the Section level inspection squad of the licensee and pursuant to the inspection unauthorized additional load was detected in the premises. Consequently the licensee issued an inspection bill amounting to Rs.47070/- and the petitioner remitted the said amount of assessment on 20.07.2018. Subsequently the petitioner applied for regularizing the excess connected load over the registered connected load and remitted the charges required, as per the direction of the licensee. But even after regularizing the excess connected load, the licensee continued demanding additional fixed charge and proportionate energy charge at penal rates until the same was stopped after receiving letters from the petitioner's Office regarding the anomaly occurred. By that time an excess amount of Rs.5,68,966/- had been collected by the licensee and the process to refund of the amount is in progress, as per the version submitted by the respondent. The petitioner has approached the Forum with application either to refund the excess amount with interest at the rate of 18% per annum or to refund the excess amount as per the relevant regulation of Kerala Electricity Supply Code, 2014 along with the penal interest amount for belated payments collected from the petitioner, on behalf of the said service connection, at interest rates applicable from the date of remittance, till the date of refund of the excess amount.

The Forum found that the licensee has levied excess charges on the petitioner's service connection and this is a clear case of over charged bills as specified in Regulation 134 of Kerala Electricity Supply Code, 2014, which explicitly lays down the conditions to refund the excess amount collected from the consumers.

Penal interest for belated payment is normally collected from consumers for payments received after the due date of payment of various bills. Interest for belated payment is levied on payments in accordance with Regulation 131 of the Kerala Electricity Supply Code, 2014

131. Payment of bills and penal interest for belated payments.- (1) The consumer shall pay to the licensee the full amount of the bill on or before the due date indicated therein, for which the licensee shall issue a receipt.

(2) If the consumer fails to remit the bill amount on or before the due date, the licensee is entitled to recover interest on the amount of the bill at the rates specified in the Schedule of Miscellaneous Charges as per schedule 1 of the Code.

Schedule of Miscellaneous Charges as per schedule 1 of the Code further stipulates the rate of interest applicable in the case of different periods after which the payment is made after the due date.

Rate of interest for delayed payment : 12% per annum, based on actual number of days of delay from the due date, up to a period of 30 days and thereafter at the rate of 18% per annum for the entire period of default from the due date.

It is clear that 12% interest is levied when the payment is made within 30 days from the due date of payment and interest at the rate of 18% is levied for payments made after 30 days. Hence the arguments of the petitioner that 18% of the amount has been levied for all its belated payments is not tenable. Refund of excess charges is regulated by Regulation 134 of Kerala Electricity Supply Code, 2014 and any amount collected in excess of the normally payable amounts is to be refunded by the licensee with applicable interest as mentioned in the said Regulation. Interlinking the provisions of the above mentioned Regulations is not mentioned anywhere in the Code and hence application in this regard can not be considered by this Forum. Due to the same reason application to refund the penal interest once levied on belated payments during the period when the excess payment was not identified either by the petitioner or by the licensee, is not sustainable.

4. Decision

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

1. The respondent is directed to refund the overcharged amount collected from the petitioner with the amount of interest calculated at applicable interest

rates of each financial year in line with Regulation 134 of Kerala Electricity Supply Code,2014. The procedures of refund as mentioned above shall be completed within 30 days of receiving this order. Interest shall be allowed from the date of first payment of the overcharged bill upto the date of refund.

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/-
PRADEEPKUMAR.R
EXECUTIVE ENGINEER
MEMBER II

Sd/-
LAILA.N.G
DEPUTY CHIEF ENGINEER
CHAIRPERSON

Forwarded

Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.23/2023/199

Dated :26/09/2023

Delivered to:

1. Divisional Engineer (BSS), BSNL. Telephone Bhavan,
Pathanamthitta PIN.689645

2. The Assistant Executive Engineer, Electrical Sub Division, K.S.E Board Ltd.,
Pandalam.

3. The Assistant Engineer, Electrical Section, K.S.E Board Ltd., Elavumthitta

Copy to:

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