

**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.RExecutive Engineer, Member II
3. Sri. M. Sabu, Advocate, Member III

Saturday 28th October 2023

OP No.24/2023

Between

Petitioner: Sri. Dileep Kumar.B, Secretary,
Santhi Nagar Residents Association,
Kala Samsarika Vedhi Santhi Nagar,
Government Press Road Thiruvananthapuram.

And

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

(2) The Assistant Engineer
Electrical Section, Puthenchantha.

ORDER

1. Grievance of the petitioner

The petitioner (Secretary, Santhinagar, Residents Association) is an LT IA consumer under Electrical Section Puthenchantha, bearing consumer number 115045007876. The petitioner is aggrieved by the short assessment bill of Rs.27,843/- issued by the licensee by citing the activities regarding the use of electric Supply for supplying water in the colony which are not under the preview of domestic tariff. consequently the tariff has been changed from LT-IA to LT-7A. The petitioner contended that all electric supply being used for water supply is solely for domestic purpose. Hence the petitioner prays the Forum to pass orders to retain the domestic tariff (IA), and also to exempt the petitioner from paying the short assessment bill amounting to Rs.27,843/-

2. Version of the respondent

The petitioner is a three phase consumer bearing consumer number 115045007876 of Electrical Section Puthenchantha. The said disputed bill

amounting of Rs.27,843 was issued to the consumer as per the report of Regional Audit Office Vide letter No. RAO/TVM/GA/PTCA/2022-23/166 dated 19/10/2022.

The respondent stated that even-though it is a residential colony there are some buildings in the colony used for commercial purpose are billed in 7A tariff .Further the respondent points out some examples for the above mentioned facts with proof. Hence the respondent is on the view that the water supply scheme is not only used to serve domestic purpose, but also is being utilized for commercial activities.

The respondent also stipulates the clause No.9 (B) of tariff Order dtd:25.06.2022 by Hon'ble K.S.E.R.C It states that in the case of combination of occupation of different categories of consumers, common facilities shall be charge of at the higher of LT-VI on LT-VII tariff applicable to such categories.

In conclusion, the respondent also stated that there were 2 water pumpset motor used for pumping the said water supply scheme. The connected load of motor used for pumping is 2.5HPx2. But the total connected load of the said consumer is 6360W. From this it has been once again established that the purpose of the said consumer is not only to serve water for domestic purpose to the inmates of Santhinagar Colony, but also used for other activities .

3 Analysis and Findings

The hearing was conducted on 13.06.2023. The petitioner and the respondent were present and heard the matter in detail. On analyzing the petition and other documents, the Forum viewed that the case is with regard the decision of the licensee to effect a tariff change in the petitioner's establishment. A short assessment bill for the cost of electricity due to the change of tariff amounting to Rs.27,843/- were also prepared and served to the petitioner. However the petitioner contended that there were no activities in the premises for attracting LT VIIA. With regard to the issue of short assessment bill, the Forum found that it was due to Suo motu re classification of consumer category by the licensee from LT-IA to VII A tariff to the premise

that the short assessment bill was assessed and issued. Regulation 97 (1) of Kerala Electricity Supply Code 2014 says about the Suo-motu re-classification of consumer category by the Licensee, which states that

97 (1) If it is found that a consumer has been wrongly classified in a particular category on 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 re-classify the consumer under appropriate category.

It is pertinent to note that inspection were not carried out in the premise and site mahazar inspection report was not prepared by the licensee. The Forum viewed it as procedural lapse from the part of Licensee. In addition, it is mandatory to inform the proposed re-classification through a notice period of thirty days to file objection. The licensee after due consideration of the reply of the consumer, if any shall re-classify the consumer appropriately. However the licensee made lapse in complying the above said rules.

Despite of having some procedural lapse on the part of licensee, it is evident that the buildings which are used for commercial purpose is also consuming water from this water supply scheme. Hence the short assessment in question amounting to Rs27,843/- (Rupees Twenty seven thousand eight hundred forty three only) is accurate and legally sustainable.

Considering the above facts and circumstances the Forum disposed the case accordingly.

4. Decision

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

1. The petitioner is liable to make the payment of the short assessment bill of Rs.27,843/- issued by the licensee.
2. The respondent is directed to allow installments for making the payment of the bill, if the petitioner desires so.
3. The licensee shall assign suitable tariff after observing procedures as per prevailing rules and site conditions..
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/-	Sd/-	Sd/-
M. SABU	.PradeepKumar.R	LAILA.N.G
ADVOCATE MEMBER III	EXECUTIVE ENGINEER MEMBER II	DEPUTY CHIEF ENGINEER CHAIRPERSON

Forwarded

Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.24/2023/ 235

Dated :03/ 11/2023

Delivered to:

1. Sri.Dileep Kumar.B, Secretary, Santhi Nagar Residents Association, Kala Samsarika Vedhi Santhi Nagar, Government Press Road,Thiruvananthapuram.
2. The Assistant Executive Engineer, Electrical Sub Division, Puthenchantha. K.S.E Board Ltd.,
3. The Assistant Engineer, Electrical Section, Puthenchantha.

Copy to:

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

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