

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

Saturday 28th October, 2023

OP No.28/2023

Between

Petitioner: Sri.Muhammed (CHAIRMAN),
AL BURHAN Charitable Society
Reg.No.T.1134/03 Mananakku,
Perumkulam.P.O Attingal, Thiruvananthapuram

And

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

(2) The Assistant Engineer, Electrical Section, Vakkom

ORDER

1. Grievance of the petitioner

The petitioner is having an electric connection with consumer number 1145303012528 in VI (A) tariff, under the jurisdiction of Electrical Section Vakkom. The above said consumer is primarily a charitable society stands in the name of Abdul Azeez Maulavi, Chairman, AL- Burhan charitable Society, KP VI/437 C, Perumkulam. Now the petitioner is aggrieved by a demand letter No.DB/vakkom/RAO dated 16-01-2023 for an amount of Rs.6,39,502/- served by the licensee. The petitioner alleged that the demand letter served by the licensee is on the assumption that the consumer number 1145303012528 is a Private Self-Financing Institution. However the petitioner contended that there is no Self Financing Educational Institutions are under the control and management of AL-Burhan charitable society. The latter has no affiliation for running self financing Educational Institution. Hence the petitioner prays the Forum to pass the orders to exempt from paying the assessed bill amounting to Rs.6,39,502/-

2. Version of the respondent

The petitioner is a consumer under the area of jurisdiction of Electrical Section Kadakkavoor on 01.09.2007, for the purpose of educational institution and while refixing of section area, the consumer got transferred to Electrical Section Vakkom. The respondent alleged that a Self Financing Educational institution was functioning in the building with consumer Number 1145303012528, which was later shifted to a nearby building with consumer number 1145308015456, with effect from 20/10/2022 onwards. So many students are residing and having their studies in the above said institution. In addition, a demand letter no..DB/vakkom/Rao/2022-23/161 dated 16.01.2023 along with calculation statement was issued to the petitioner, for an amount of Rs.6,39,502/- The licensee contended that demand letter was served on the basis of judgement dated 20/02/2020 of Hon'ble supreme Court of India in Civil/Appeal/8350/2009,which states that all self Financing Educational Institution are liable to pay electricity charges as per the tariff fixed by the Hon'ble Kerala State Electricity Regulatory Commission with effect from 01/12/2007, and if any consumer, has remitted electricity charges in any other tariff, the difference has to be realized with applicable interest.

3. Analysis and Findings

The hearing of the case was conducted on 20/06/2023. The petitioner and respondent were present and heard the matter in detail. On examining the arguments filed by the petitioner, the statement of facts, and Circumstances of the case, the Forum comes to the following findings and conclusion leading to the decision thereof.

The Forum found that the revised bills issued by the respondent to the petitioner on 16.01.2023, as per the Judgement of the Hon'ble Supreme Court is the difference between electricity bill prepared under VI F tariff and the previous tariff. Accordingly,the demand raised for the consumer number 1145303012528 amounting to Rs.6,39,502/-.

In order to deal with the question, that the bill has been issued to the same connection actually availed for running a self-financing institution ,the Forum inspected the premises,on 27/09/2023, Pursuant to the inspection, it is revealed that the building bearing the consumer number 1145303012528 to which the short assessment bill was served is not found to be functioning as an

educational institution. Any proof regarding these facts could not be spotted in the building. The Forum observed that the institution has no structural facilities for running a Self Financing Institution. Also the licensee cannot establish any supporting documents or evidence to prove the occupancy that they argued . It is found that the argument is only based on the notice found in the social media. Hence the Forum comes to the conclusion that the short assessment bill issued by the licensee against consumer is not sustainable .

To conclude with, licensee shall also ensure all safety stands are maintaining in the premises as per CEA Regulation.As per the Central Electricity Authority Regulation 2010, section 13 clearly states that.

(1) The supplier shall ensure that all electric supply lines, wires, Fittings and apparatus belonging to him or under his control, which are on a consumer's premises, are in a safe-condition and in all respects fit for supplying electricity and the supplier shall take precautions to avoid danger arising on such premises from such supply`lines, wires, fittings and apparatus.

(2) Service lines placed by the supplier on the premises of a consumer which are underground or which are accessible shall be so insulated and protected by the supplier as to be secured under all ordinary conditions against electrical, mechanical, chemical or other injury to the insulation.

(3) The consumer shall, as far as circumstances permit, take precautions for the safe custody of the equipment on his premises belonging to the supplier.

(4) The consumer shall also ensure that the installation under his control is, maintained in a safe condition.

Decision

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

1. The Forum decided to quash the short assessment bill of Rs.6,39,502/- issued to the petitioner.
- 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'*.

<i>Sd/-</i> M. SABU ADVOCATE MEMBER III	<i>Sd/-</i> PRADEEP EXECUTIVE ENGINEER MEMBER II	<i>Sd/-</i> LAILA.N.G DEPUTY CHIEF ENGINEER CHAIRPERSON
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Forwarded
Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.28/2023/234

Dated :03/11/2023

Delivered to:

1. Sri. Muhammed (Chairman, Al Burhan Charitable Society
Reg.No.T.1134/03 Mananakku, Perumkulam (P.O)
2. The Assistant Executive Engineer, Electrical Sub Division, Kadakkavoor.
3. The Assistant Engineer, Electrical Section, Vakkom.

Copy to:

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

Office: CGRF(S), Vidyuthi Bhavanam, Kottarakkara, Pin - 691 506

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