

**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. Sanjeev Koshi, Executive Engineer, Member II
3. Sri.C.K.Harikumar, Advocate, Member III

Friday 17th November ,2023

OP No.35/2023

Between

Petitioner: Sri. Viswanathan .G,
Savitha Colony,
Eravipuram Mundakkal, Kollam.

And

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

(2) The Assistant Engineer
Electrical Section, Killikollur

1. Grievance of the petitioner

The petitioner is a 3 phase LT VII C demand based billing consumer with a contract demand of 95 kVA and a sanctioned connected load of 122372 watts Consumer bearing No.1145645006423 under Electrical Section, Killikollur. He has received low voltage surcharge bills.

The petitioner prays the Forum to quash the Low voltage surcharge bills and also he complaint that it is illegal & requires to retain as LT consumer. He stated that the contract demand continuing as 95 kVA

2. Version of the respondent

The Petitioner is a LT 3 phase, demand based billing consumer with a contract demand of 95 kVA and a sanctioned connected load of 122372 Watts, under LT-7C Tariff, registered under Electrical Section Killikollur, vide consumer No.1145645006423. The maximum demand of the consumer has exceeded 100 kVA during months of May 2019, June 2019, July 2019 and August 2019 and the consumer has been charged low voltage surcharge accordingly for an amount of Rs.1,36,485/- and the same has remitted. Also the actual demand has crossed 100 kVA for the months of 9/2019, 1/2022, 4/2022, 5/2022, 8/2022, 9/2022, 3/2023, 4/2023 and 5/2023. The recorded

maximum demands for the above months by the consumer are 101 kVA, 276 kVA, 112 kVA, 109 kVA, 104 kVA, 104 kVA, 112 kVA, 104 kVA and 108 kVA respectively. The respondent stated that the registered maximum demand (RMD of the consumer for the month January 2022 is actually 276 kVA and the entry of the RMD in the regular bill also is 276 kVA. Vide Supply Code, 2014 the consumer is not authorized to avail supply at low tension voltage level since September 2019, because his demand exceeded 100 kVA during the month of September 2019. 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. Moreover 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 September 2019 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. Hence the contention of the complainant that short assessment bill on account of Low Voltage surcharge bill, issued by the Assistant Engineer, is wrong, arbitrary and based on illegal contract demand is not true and hence his demand to withdraw the bill is not sustainable, and hence may be denied.

3. Analysis and Findings

Hearing was conducted on 14.09.2023. Both the respondent and petitioner were present and heard the matter in detail. On analysing the petition and other documents in the file the Forum found that the case is with regard to the bill of the Low Voltage Supply Surcharge demanded by the licensee. The licensee issued demand notice for remitting Low Voltage Supply Surcharge. The petitioner contented that the billing was done for the specified 9 month in which the months that recorded maximum demand exceeded 100 KVA is not sustainable. The petitioner also contented that the maximum demand recorded for the month of January 2022 is 276 KVA which is not practically sustainable. The respondent stated that the recorded maximum demand of the premises exceeded several times. 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 contract connected load at the same voltage level of supply until an upward revision of connected load is sought for by the consumer.

4. Decision

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

(1) There are no grounds seen for exempting Low voltage supply surcharge for the months demanded by the licensee except for the month of January 2022, which is technically & practically not sustainable and the same has not been established by the licensee. It is directed a revised demand exempting January 2022 may be issued.

(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/-	Sd/-	Sd/-
C .K.HARIKUMAR	SANJEEV KOSHI	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.35/2023/264

Dated :20/11/2023

Delivered to:

- (1) Sri. Viswanathan .G, Savitha Colony, Eravipuram Mundakkal, Kollam.
- (2) The Assistant Executive Engineer, Electrical Sub Division, Perinad.
- (3) The Assistant Engineer, Electrical Section, Killikolloor.

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.