

**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

Tuesday, 21st November,2023

OP No.45/2023

Between

Petitioner: Sri. Adarsh.D.S,
Manager, P.T.M, Group of Institution
Maruthoorkonam, Kottukal.P.O,
Thiruvananthapuram.

And

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

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

ORDER

1. Grievance of the petitioner

The petitioner was a consumer under Electrical Section Kottukal with LT V (A) tariff, for agriculture purpose with a registered connected load of 5 HP. On 4/12/2011 licensee inspected the petitioner's premises and reported unauthorised usage of electricity. An assessment bill amounting to Rs.44,149/- was issued accordingly. On 30/12/2011 licensee disconnected the service connection due to the non-payment of the penal amount. The petitioner challenged the same by filing WP © No.1085/2011 at the Hon'ble High Court of Kerala. The Hon'ble High Court order for a reconnection on payment of Rs.10,000/- and accordingly the petitioner deposited the amount and supply was restored on 14/1/12. As directed by Hon'ble High Court the Assistant Executive Engineer conducted a hearing on 14/2/23 and suggested the penal amount as Rs.72,574/- instead of Rs.44,149/- and directed to pay the same and surcharge also. The tariff for educational institution is calculated under 7A tariff, which comes for commercial purpose. The assessment of the penal charges are done wrongly. The penal bill includes

surcharges from 2011, but on that time the case was pending before the Hon'ble High Court for consideration. So the petitioner need to get exemption on that period while assessing the penal charges. From 14/10/2012 the petitioner is being charged under 7A tariff. The petitioner owns Govt. Aided educational institution and Sef-Financing colleges, and the tariff must be LT VIA and LT VI General B respectively.

2. Version of the respondent

The petitioner is a LT consumer under Electrical Section, Kottukkal having consumer Number 1146578001887 with tariff LT 7 A and connected load is 5.595 KW Formerly the consumer was in LT V tariff for agricultural purpose. On 4/12/2010 an inspection was conducted by the licensee on the premises of the petitioner, namely P.T.M. Group of Institutions and it was found that the motor connected with the service connection has been used for the use of another institution in the same campus having individual connection in 7A tariff. Accordingly a provisional assessment bill has been issued by the assessing officer as per section 126 of Electricity Act 2003, for an amount of Rs.44,149/-. On 30/12/2012 supply to this service connection was disconnected due to the non payment of assessed amount or non submission of objection. The petitioner has approached the Hon'ble High Court and the Hon'ble High Court has passed an interim order directing the licensee to restore electric supply in the event of petitioner depositing an amount of Rs.10,000/- to the licensee. The petitioner deposited the money on 13/1/2011 and the supply was restored on 14/1/2011. The petitioner approached the Hon'ble High Court again on 9/11/2022 and as directed by the Hon'ble High Court, the assessing officer conducted a hearing with the petitioner on 14/2/2023. During the hearing, the petitioner requested to revise the provisional assessment in the tariff applicable for aided schools. On the basis of the site inspection the assessing officer confirmed that the agriculture purpose service connection bearing consumer Number 1146578001887 was used for non agricultural purpose and the motor connected with this service connection was used for catering water supply to nearby institutions including unaided Educational institutions like B-Ed College and Teachers Training institute, both were in LT 7A tariff.

3. Analysis and Findings

Hearing of the case was conducted on 5/10/23 and both petitioner and respondent were present. On going through the documents in the file, the Forum viewed that unauthorised usage of electricity was taken place at the premises of the petitioner with consumer no.1146578001887. As per the direction vide order WP© No.1085 of 2011 Dated 9th November 2022 of Hon'ble High Court, the final assessment order was issued by the assessing officer for an amount of Rs.72,574/- + surcharge in 7A tariff, after making corrections in the provisional assessment. The Hon'ble High Court has not directed the licensee to exempt the surcharge during appeal pending period. The Forum is of the view that surcharge can be calculated from the due date of the final assessment bill.

Regarding the suo-moto tariff reclassification of consumer category by the licensee Regulation 97 of Kerala Electricity Supply Code 2014 states that :

“If it is found that a consumer has been wrongly classified in a particular category or the purpose of the 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-moto reclassify the consumer under appropriate category.”

4. Decision

1.Considering the facts mentioned above the Forum views that the final assessment bill issued to the petitioner is legal and sustainable and the petitioner is liable to pay the bill amounting to Rs.72,574/- + surcharge issued to him by the licensee.

(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/-

C .K.HARIKUMAR
ADVOCATE
MEMBER III

Sd/-

SANJEEV KOSHI
EXECUTIVE ENGINEER
MEMBER II

Sd/-

LAILA.N.G
DEPUTY CHIEF ENGINEER
CHAIRPERSON

Forwarded

Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.45/2023/ 266

Dated :21 /11/2023

Delivered to: 1.Sri. Adarsh.D.S, Manager, P.T.M, Group of Institution
Maruthoorkonam, Kottukal.P.O, Thiruvananthapuram.
2. The Assistant Executive Engineer, Electrical Sub Division,
Balaramapuram.
3. The Assistant Engineer, Electrical Section, Kottukkal.

Copy to:

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

Office: CGRF(S), Vydyuthi Bhavanam, Kottarakkara, Pin - 691506
Web site: cgrf.kseb.in E- mail: Cgrf.ktra@kseb.in, Phone: 0474 - 2451300