

Consumer Grievance Redressal Forum  
Kerala State Electricity Board - Southern Region,  
Vydyuthi Bhavanam, Kottarakkara

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No: CGRF/KTR/OP.No.712/2012/1227

Date: 21.4.2012.

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From

To Chairperson  
The Assistant Executive Engineer,  
Electrical Sub Division,  
K.S.E Board,  
Chathannoor.

Sub: - Releasing of order of disposal of OP.No.712/2012.

Ref: - B.O (FB) No.585/2006 (LA.II/1173/2006) dated 25.2.2006.  
Sir,

Enclosed the order of disposal of petition filed by Smt. Suprabha in  
O.P.No.712/12 for further action.

Yours faithfully,

CHAIRPERSON  
DEPUTY CHIEF ENGINEER  
CGRF (SOUTH)

Copy to:-

1. Smt. Suprabha, D/o Dharan, 'Gulnar', Parippally P.O., Kollam.
2. The Deputy Chief Engineer, Electrical Circle, Kollam.
3. The Executive Engineer, Electrical Division, Chathannoor.

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Office: CGRF(S), Vydyuthi Bhavanam, Kottarakkara, Pin – 691 506  
Web site: [cgrf.kseb.in](http://cgrf.kseb.in) E- mail: [cgrfktr@ksebnet.com](mailto:cgrfktr@ksebnet.com), Phone: 0474 – 2451300

**CONSUMER GRIEVANCE REDRESSAL FORUM (SOUTH),  
KOTTARAKKARA**

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Present: 1. Sri.R.Suku, Chairperson, Deputy Chief Engineer  
2. Smt. Beena Pious, Executive Engineer  
3. Sri.N.Sasidharan Unnithan, Member

Monday the 26<sup>th</sup> day of March 2012  
**OP No.712/2012**

Between

Petitioner: Smt. Suprabha,  
D/o Dharan,  
Gulnar,  
Parippally P.O.,  
Kollam.

And

Respondent: The Assistant Executive Engineer,  
Electrical Sub Division,  
Chathannoor.

**Grievance of the Petitioner**

The petitioner is a consumer of Electrical Section, Parippally with Consumer No.3788. The complaint is with regard to an additional bill of Rs.96000/- issued under LT VIIA tariff, from the Parippally Section office. The original tariff assigned was LT 6 D.

On 24/11/2011 two officials from the Parippally section office visited the premises and on the next day they issued a bill to the petitioner. But the petitioner did not accept the bill. There after a hearing was held at Electrical Section, Parippally and the petitioner came to know that the tariff has been changed into 7A, that is the tariff for lodging purpose, and accordingly an arrear bill have already made for Rs.96000/-

The building with Consumer No.3788 was a hospital and from 2007-2008 it changed into an old age home with LT 6D tariff. The petitioner wound it up at the end of the year and the building is rented out to L&T company for providing accommodation to the staff of the company. 14 numbers of staff and 4 servants are staying there.

Though, it was informed that a hearing will be conducted in Electrical Circle, Kollam, nothing took place. But again an inspection was conducted by the Assistant Engineer and other staff of Parippally office and confirmed that their earlier assessment was correct. Hence the petitioner prays to cancel the additional bill based on the new tariff.

#### **Version of the Opposite Party**

The opposite party filed a version as follows.

This petitioner is the present owner of consumer No.3788 under Electrical Section, Parippally in LT 6D tariff with registered load of 300 watts. The registered owner of the premises as per office records is Smt. Mumtaz Dharan, Gulnar, Parippally.

The site was inspected by the section squad on 24/11/2011 and misuse of tariff and UAL has been detected from the premises named 'DN Sweet Home'. In the inspection it is found that the building is rented out to L&T Company for providing accommodation to the staff/workers of L&T who are engaged in the construction work of ESI Medical College, Parippally. There are 14 rooms in the premises to provide bachelor accommodation. Earlier the premises was used as an old age home.

The Section squad prepared a site Mahazar and subsequently a provisional assessment bill amounting to Rs.96,378/-, under LT VIIA tariff as per section 126 of Electricity Act, has been issued to the consumer on 29/11/2011, since the energy has been used for lodging purpose. But the consumer did not accept the bill and hence the bill was sent through

registered post. But on 15/12/2011 the registered notice with bill returned to the office with the postal remark unclaimed.

Smt. Suprabha lodged a complaint to the Assistant Engineer on 2/12/2011 and based on that a personal hearing was conducted on 12/12/2011 at 2.30 PM in the chamber of the Assistant Engineer.

The proceedings of the hearing conducted by the Assistant Engineer was sent to the petitioner on 18/1/2012. Again the order was returned to the office with the remark 'Refused'. Thus the provisional bill of Rs.96,378/- has been confirmed since the bill was issued as per 126 of the Electricity Act. Meanwhile Smt. Suprabha lodged a complaint to the Deputy Chief Engineer, Electrical Circle, Kollam. Based on the complaint the Deputy Chief Engineer inspected the premises on 4/2/2012 and arrived the conclusion that the premises has been using for lodging purpose and the allowable tariff is LT VIIA as per Gazette notification (extra ordinary) dated 2010 June 28, and the matter was conveyed to Smt. Suprabha as per letter No.GB/PPLY/3788/2011-12/227 on 24/2/2012 by the Deputy Chief Engineer.

The consumer has connected an additional load of 2676 watts with the total load of 5676 watts and is using for a purpose other than for which the connection is being given(Functioning as Lodge/Guest house). The above alteration and change in purpose has been made by the consumer in the premises without the knowledge and permission of KSE Board. Computerized bills are issued to the consumer from 2/2008 onwards with details of CD amount, connected load, tariff, Name of consumer etc. But the petitioner did not submit any application against the tariff, connected load etc till the date of inspection. 14 Nos. of male employees' and 4 servants are staying in the premises on a rental agreement between L&T officials and Smt. Suprabha, Gulanar, Parippally.

The consumer has submitted an application for changing the tariff from LT VIb to LT VID for running old age home and the same has been effected vide order No.DB3/08-09/3/dtd.4/4/2008 of the Executive Engineer, Electrical Division, Chathannoor with retrospective effect from 28/2/2008. The consumer failed to produce any documentary evidence of application regarding tariff change from LT VID to LT IA. The consumer refused to accept the provisional bill with notice.

The consumer did not submit any application for regularizing excess connected load till date. The notice served to the consumer by the Assistant Engineer, Electrical Section, Parippally for regularizing the excess load also has been returned since the consumer refused to accept it.

### **Discussion and Findings**

The petitioner is challenging the penal provisional assessment bill dtd.29/11/2011, amounting to Rs.96378/- issued under Section 126 of the Electricity Act, alleging unauthorized additional load, and unauthorized use of electricity, in that, the electricity has been used for the purpose other than for which is authorized. Upon the complaint dtd.2.12.2011, of the petitioner, she was personally heard by the Assistant Engineer, on 12/12/2011. The proceedings concluded after the hearing, sent to the petitioner returned with remark, 'refused' by the postal authorities. Hence the provisional assessment was confirmed. Thereafter the petitioner also made a further complaint to the Deputy Chief Engineer, who visited the premises on 4/2/2012 and confirmed the unauthorized use of electricity. He also sent a letter dtd 24//2/2012, to the petitioner, confirming the assessment.

As the complaint is pertaining to an assessment made under Section 126 of the Act, which has undergone the procedural formalities by the

Assessing Officer and Appellate Authority. We do not find any reason to interfere into the proceedings made by the Assistant Engineer as assessing officer and the Deputy Chief Engineer as Appellate Authority. Moreover, this Forum lacks jurisdiction to entertain a subject matter that comes under Section 126 of the Act. If the petitioner has a case that there was no proper assessment as contemplated under the statutory provisions, or she is not given reasonable opportunities to establish her case, she is still at liberty to approach the appropriate authorities such as Assistant Engineer and Deputy Chief Engineer again under the Act.

**ORDER**

In the result, the complaint is dismissed, with liberty to the petitioner to approach appropriate authorities, if she so desires.

If the petitioner is not satisfied with the above order of this Forum, he/she 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.

*State Electricity Ombudsman, Pallikkavil Buildings, Mamangalam-Anchumana Temple Road, Opp:Kochi Corporation Regional Office, Edappally, Kochi – 682 024, Ph: 0484 -2346488.*

Sd/-  
BEENA PIOUS  
EXECUTIVE ENGINEER,  
MEMBER

Sd/-  
N.SASIDHARAN UNNITHAN  
MEMBER

Sd/-  
R.SUKU  
CHAIRPERSON  
DEPUTY CHIEF ENGINEER

Forwarded

CHAIRPERSON  
(DEPUTY CHIEF ENGINEER)  
CGRF (SOUTH), KOTTARAKKARA.