

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

No: CGRF/KTR/OP.No.716/2012/1226

Date: 19.4.2012.

From

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

Sub: - Releasing of order of disposal of OP.No.716/2012.

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 Sri. M.K. Biju in
O.P.No.716/12 for further action.

Yours faithfully,

CHAIRPERSON
DEPUTY CHIEF ENGINEER
CGRF (SOUTH)

Copy to:-

1. Sri. M.K. Biju, Proprietor, Karthika Granites, Vayyanam P.O.,
Ayoor.
2. The Deputy Chief Engineer, Electrical Circle, Kottarakkara.
3. The Executive Engineer, Electrical Division, Kottarakkara.

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

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

Friday the 30th day of March 2012

OP No.716/2012

Between

Petitioner: Sri. M.K. Biju,
Proprietor,
Karthika Granites,
Vayyanam P.O.,
Ayoor.

And

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

Grievance of the Petitioner

The petitioner with Consumer No.16144/LT IV is running an industrial unit , under Electrical Section, Ayoor, and has applied for HT conversion with 400KVA on 21.12.2010. As per the given estimate, Rs.1,89,450/- was remitted by the petitioner on 5/1/2011. The Assistant Engineer, Electrical Section, Ayoor informed the applicant vide letter dtd.16/9/2011, that the work on the part of the Board has been completed and that the supply shall be availed within 90 days, failing which, the applicant has to remit fixed/minimum charges as per the relevant tariff. The applicant could not complete the installations of machinery within the said period of 3 months and an application dtd.7/12/2012 was given for the extension of time but was rejected on 15/12/2012. The Assistant Engineer, vide letter dtd.5/3/2012, demanded to remit Rs.2,43,000/- + surcharge towards the

unconnected minimum for 12/2011 to 2/2012. Since the applicant is an existing LT IV consumer, the demand of UCM is unjustifiable, and all the regular bills for the said period has been remitting without fail. The higher officer could have exercised his discreatory power to extend the period, as requested by the applicant. Hence it is prayed to set aside the unsustainable and unjustifiable bill for Rs.2,43,000/- under UCM.

Version of the Opposite Party

The petitioner had requested for a new HT connection with 400KVA contract demand and a feasibility report was issued and it was clearly mentioned that, the applicant has to avail supply within 3 months on completion of the work. Accordingly, it was intimated to the petitioner. Vide letter dtd.16/9/2011, by the Assistant Engineer, Electrical Section, Ayoor. As the supply was not availed within 90 days, the applicant was directed to remit the fixed/minimum charges from 12/2011 to 2/2011 vide letters dtd.17/2/2012 and 5/3/2012 for Rs.2,43,000/-.

The applicant requested for new HT connection and LT connection under LTIV tariff does not give any privilege to the applicant for availing HT connection. The amount demanded as UCM is of HT connection, which is as per Clause of 10 of Supply Code 2005. The above Clause does not give any discretionary power to the officer concerned to postpone or extend the period for availing supply by the applicant. The licensee had observed all formalities to be followed in the case of HT service connection. It is also a fact that the applicant has a LTIV connection, but the applicant has entered into an agreement with the Board for availing an entirely new HT connection. Hence the demand raised is as per rules and regulations, and it is submitted to dismiss the petition with costs to the opposite party.

Discussion and Findings

Both the parties were present for the hearing conducted on 30/3/2012. The petitioner had applied for a load of 400KVA and the required fee was remitted on 5/1/2011. The licensee had completed the line installation works as on 16.9.2011. Intimation was given to the applicant to avail supply within 90 days, failing which it carries a minimum demand charges.

The demand issued by the licensee is as per Reg.10(1) & (2) of the Supply Code 2005 which reads as follows:

Delay on the part of applicant to take supply - (1) Where the licensee has completed the work required for providing supply of electricity to an applicant but the installation of the applicant is not ready to receive supply, the licensee shall service a notice on the applicant to take supply within sixty days of service of the notice in the case of LT consumers and 90 days in the case of HT & EHT consumers.

(2) If after service of notice the applicant fails to take supply of electricity, the licensee may charge fixed/minimum charges as per the tariff in force for completed months after expiry of notice till the applicant avail supply.

In view of the above, the petitioner is bound to pay the minimum demand charges and it is seen that the licensee issued the demand based on the rules and regulations.

ORDER

On an appreciation of the above facts and the statutory provisions, we do not find any merit in the complaint. Accordingly it is dismissed.

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.