

**CONSUMER GRIEVANCE REDRESSAL FORUM  
KERALA STATE ELECTRICITY BOARD LTD- SOUTHERN REGION  
VYDYUTHI BHAVANAM, KOTTARAKKARA**

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Present: 1. Smt.Laila.N.G,Deputy Chief Engineer, Chairperson  
2. Sri. Sanjeev Koshy,Executive Engineer, Member II  
3. Sri.C.K.Harikumar,Advocate,Member III

Tuesday 26<sup>th</sup> December,2023

**OP No.52/2023**

Between

Petitioner: Smt. Saleena Ismail  
Thadathil Parambil House,  
Nedumkunnam, Kottayam

And

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

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

**ORDER**

**1. Grievance of the petitioner**

The petitioner is a domestic consumer under Electrical Section, Karukachal bearing Consumer No.1146410030383. He is aggrieved by exorbitant bill amounting to Rs.2767/- served by the licensee. Aggrieved by this, the petitioner approach the licensee and filed a complaint regarding the excess billing. In response to the complaint of petitioner, the licensee has fixed a parallel meter on 07/07/2023. The officials of the licensee visited the premises and record the reading. However all this times, they were not maintaining a register or acknowledge any sorts of receipts just writing the readings on the wall of the house . On 21/07/2023, the petitioner enquired licensee about the status of complaint, but the officials of the licensee further instructed the petitioner to remit testing fee of Rs. 667/- for testing the meter at accredited lab. The petitioner paid the meter testing charge of Rs 667/-with the assumption that the meter will sent to KSEB, T.M.R Division, Pallom. However without any prior intimation or notice, the connection of the said premises was disconnected on 22/07/2023. Hence the petitioner approach the Forum to reconnect the supply and also direct the licensee to revise the existing bills. The petitioner also prays the Forum to pass such other orders and further orders as may be deemed necessary on the facts and the circumstances of the case.

## **2. Version of the respondent**

The petitioner is a registered consumer under Electrical Section Karurkachal of LT-IA tariff. On 21/06/2023, the petitioner was given demand cum disconnection notice for an amount of Rs.2,767/- for the consumption of 442 units. Aggrieved by this bill, the petitioner approach the licensee and submit a written complaint to the licensee. Subsequently,a new single phase meter fixed parallel with the existing meter for measuring the accuracy of the disputed meter on 07/07/2023, and meter readings recorded in both meters showed some variations. As there is a variation in both the meter readings, it is necessary to calibrate the accuracy of the meter at the meter testing laboratory, TMR unit Pallom, But the consumer did not remit the testing fees or energy charges. So the supply disconnected due to the payment pending for energy charge arrear on 22/07/2023.

Following the disconnection of supply, the petitioner remitted the testing fees on 22/07/2023. As the consumer has paid the meter testing fees, the disputed meter was detached from the system and installed another meter to the premises for avoiding the supply interruption with in the meter testing period. Due to the payment pending of energy charges the electric supply has disconnected and the suspected meter submitted to the licensee's testing lab at Pallom.

In the test report the condition of the meter is good, and the errors are within the permissible limit. Hence the consumer is liable to remit the entire energy charge bill issued by the licensee.

## **3. Analysis and Findings**

Hearing was conducted on 12.10.2023 both the petitioner and respondent were present and heard the matter in detail. Having examined the petition in detail, and the statement of facts of the respondent, Considering all the facts and circumstance in detail, and perusing all the documents of both sides, the Forum comes to the following observations conclusion and decisions thereof

The averment of the petitioner is that the licensee has disconnected the supply without prior notice is not sustainable. The Forum finds that the appellant was served with a demand cum disconnection notice, and the disconnection due is explicitly mentioned in the above said notice.

As per the regulation 138 of Kerala Electricity Supply Code 2014 ,the grounds for disconnection is explicitly mentioned.- (1) The licensee shall not disconnect the supply of electricity to any consumer except on any one or more of the following grounds:-

- (a) if the consumer defaults in payment of the dues payable to the licensee:- as per the bill or demand notice or any order issued by a competent authority, within the period stipulated therein:

- (b) if the security provided by the consumer has become insufficient or the consumer fails to provide additional security as required by the licensee;
  - (c) if the consumer is found to have indulged in theft of electricity;
  - (d) if the failure to disconnect is likely to cause health hazard or safety risk or damage to property or to the consumer or to any other person;
  - (e) if the conduct or continuance of any business or industry or activity being carried out in any premises becomes unlawful due to lack of necessary permission from the competent authority or due to withdrawal of such permission by any competent authority;
  - (f) if the licensee is mandated to do so by an order of a legal authority, competent to issue such a mandate;
  - (g) if the licensee is entitled to do so under an agreement with the consumer;
  - (h) if the installation of the consumer does not comply with the applicable rules or any other reasonable requirements stipulated by the licensee;
  - (i) if the consumer has contravened the provisions of the Code or of the Act, which entitles the licensee to disconnect the supply;
  - (j) if the wiring, apparatus, equipment or installation at the premises of the consumer is found to be defective or unsafe or there is leakage of electricity;
  - (k) if the consumer is found to have altered the position of the meter and related apparatus or if the consumer uses any apparatus or appliance other than the one authorized by the licensee;
  - (l) if the consumer uses the energy in such a manner as to endanger the service lines, equipment, electric supply mains and other works of the licensee;
  - (m) if it is found that energy is being used in any manner which unduly or improperly interferes with the efficient supply of electricity to any other consumer;
  - (n) if at any time the consumer is found to be using energy for a purpose other than for which it was intended or provided;
  - (o) if the consumer extends or allows supply of electricity to any other premises from his connection without the permission of the licensee.
  - (p) if the supply of electricity to the consumer is liable to be disconnected as per any of the provisions in the Code.
- (2) In the case of detection of theft of electricity, the supply of electricity shall be disconnected immediately as provided in subsection (1A) of Section 135 of the Act. Hence the Licensee can disconnect the same, if the consumer makes default of payment.

Regulation 139 also stipulates Procedure for disconnection.- (1) The licensee shall, in the case of disconnection proposed on the grounds mentioned in clauses (a) and (b) of sub regulation (1) of regulation 138 above, issue a disconnection notice in writing, as per [Section 56](#) of the Act, with a notice period of not less than fifteen clear days, intimating the consumer about the grounds for disconnection and directing him to pay the dues with penal charges within the notice period.

(2) If the consumer fails to remit the dues within such notice period, the licensee may disconnect the service of the consumer on the expiry of the said notice period, by cutting off the supply in the manner as the licensee may deem fit:

Provided that the licensee shall not disconnect the supply to a consumer under this sub regulation, if the consumer deposits under protest, an amount equal to the sum claimed from him or equal to the electricity charges due from him for each month, calculated on the basis of the average charge for electricity paid by him during the preceding six months whichever is less, pending disposal of any dispute between him and the licensee:

Provided further that the supply shall not be disconnected after 1:00 PM on any day or on holidays so that the consumer is not deprived of a chance to remit the dues on the same day and get re-connection.

- (3) The licensee shall disconnect the supply to the consumer immediately if the disconnection is on the grounds in clauses (c) and (d) of sub-regulation (1) of regulation 138 and the consumer may be given intimation to that effect soon after the disconnection.
- (4) In the case of disconnection as per clauses (e) to (p) of sub- regulation (1) of regulation 138, the supply shall be disconnected only after giving a notice for a period not less than seven clear days and intimating the consumer about the grounds for disconnection.
- (5) The supply shall be disconnected only if the grounds of the disconnection as mentioned in clauses (e) to (p) of sub- regulation (1) of regulation 138 are not removed or rectified within the notice period.
- (6) The licensee shall, after disconnection on the grounds mentioned in sub - regulation (1) of regulation 138, give intimation to the consumer as per format given in Annexure- 18 to the Code, to remove the cause of disconnection within forty five days, failing which the supply may be dismantled.

A conjoint reading of Regulation 138 and 139 as discussed above, makes it clear that the notice of disconnection only needs to be notified in the bill itself, incorporating imperative condition of 15 days clear notice. The said aspects are clearly mentioned in the demand cum disconnection notice itself and therefore, the contentions raised by the petitioner that there should be a separate notice issued before disconnection is not legally sustainable. If a separate notice is to be mandated, so far as the non-payment of electricity dues is concerned, it would be a laborious process, for the licensee spending huge money from the public exchequer.

Further more, the test report of TMR, Division Pallom, certified the condition of meter as good, and errors are within the permissible limits. Hence the petitioner is liable to remit the energy charge issued by licensee. Hence the forum dismiss the appeal of the petitioner regarding the revision of bill dated on 21-06-2023.

#### **4. Decision**

Considering the facts and circumstance of the case, the Forum disposed the case with the following orders.

- (1) The petitioner is liable to remit the impugned bill served 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 KOSHY  
EXECUTIVE ENGINEER  
MEMBER II

Sd/-  
LAILA.N.G  
DEPUTY CHIEF ENGINEER  
CHAIRPERSON

Forwarded

Sd/-

CHAIRPERSON  
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.52/2023/336

Dated :30/12/2023

Delivered to: 1. Smt. Saleena Ismail Thadathil Parambil House,  
Nedumkunnam, Kottayam.  
2. The Assistant Executive Engineer, Electrical Sub Division,  
Karukachal.  
3. The Assistant Engineer, Electrical Section, Karukachal

Copy to:

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