

**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

Thursday 27<sup>th</sup> December,2023

**OP No.57/2023**

Between

Petitioner: Junior Telecom Officer,  
BSNL Telephone Exchange,  
Vayalathala, Ranni .

And

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

(2) The Assistant Engineer, Electrical Section, Ranny (South).

**ORDER**

**1. Grievance of the petitioner**

The petitioner is a BSNL Telephone exchange, Vayalathala is an LT consumer in Electrical Section, Ranni South bearing consumer number 1146061006929. The petitioner is aggrieved by Short assessment bills dated 05.11.2-11 & 10.04.2012 amounting to R.s.121572/- The arrear bill was served on the ground of unauthorised Connected load. Aggrieved by this, the petitioner objected against the assessment and had given on appeal to waive the penalty by paying Rs.35,069/- The wrong assessment of exchange connected load at that time had led to the arrears and the same has been done without proper physical inspection of the premises of BSNL Telephone Exchange, Vayalathala. Though it was orally informed by the licensee that the appeal have been granted and the penalty would have been avoided subsequently, a second penalty of Rs.86,504 was also imposed without any relevant document/ Site Mahazar. Hence the petitioner prays the Forum to waive this long pending arrear bill (1,21,572/-)without proper site inspection/ detailed Mahazar report.

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

The complainant is a consumer belong to the category of central Government Departments bearing consumer number 1146061006929 with the respective tariff LT-6F, with registered connected load of 8000 watts under the jurisdiction of Electrical Section Ranni South. The consumer is billed under bi-monthly spot billing system

On 25.08.2011, the Regional Audit Officer, Pathanamthitta had inspected the premises and detected the additional load of 5 KW. Accordingly, a provisional assessment of Rs.1,39,025/- was served by licensee as per the Section 126 of Electricity Act, 2003 and issued to the petitioner. Following that, the petitioner filed objection before Assistant Engineer and Assessing Officer as per the section 126 of Electrical Act 2003. They argued that SMPS type power plant modules are working on Hot stand by load sharing mode and there is no change over switch permitting the operation of only SMPS module at a time in the premises and they informed that additional module of SMPS power plant was installed and put into operation on 15.2.2011, and put into operation on 15.02.2011, and submitted the making over memo of SDE installation and accordingly based on the objections filed the provisional assessment bill was revised to Rs.70,137 for the assessment period from 15.02.2011 of 25.08.2011, and final assessment order dtd 12.01.12 were issued to the consumer. The petitioner remitted 50% of the final assessment amounting to Rs.35,069/- on 14.02.2012, and filed appeal before the Deputy Chief Engineer Electrical Circle Pathanamthitta. The Deputy Chief Engineer observed that there exists more than one SMPS units at the time of inspection and ordered that decision as to whether the SMPS units is liable to be taken into accounts is liable to be taken into account while computing total connected load will be delided by the expert committee or high power committee also until a decision comes, the realization of amount claimed shall be kept in abeyance and it shall be considered as when the decision of High power committee and disposed off the appeal petition.

In addition to this On 10.04.2012, the RAO Pathanamthitta had inspected the premises of the said consumer, and again detected the additional load of 5 KW and for the balance bills for the months 10/2011,

12/2011, 02/2012 and 04/2012 an inspection bill of Rs.86,404/- was issued to the licensee. On 27/03/2023, it has been intimated to the consumer that total outstanding amount corresponding to two inspection bill comes to Rs.3,61977/- (principal amount Rs.1,21,572, Surcharge Rs.240405/). But the consumer has not responded till date.

The Licensee argued that the long pending arrear bill were issued based on the site inspections carried out by RAO, Pathanamthitta and site mahazar's were served during the inspection. No anomaly has been pointed out by RAO, Pathanamthitta. Therefore the contention raised by the petitioner is false and not sustainable.

### **3. Analysis and Findings**

The hearing was conducted on 14/11/2023 Both the petitioner and respondent were present in the Forum and heard the matter in detail.

On going through the petition and other documents in the file, the Forum viewed that the case is whether the short assessment bill served by the licensee is sustainable. The petitioner argued that short assessment bill was prepared without any site mahazar.

Even though the licensee denied this argument, but it fails to submit the details of site mahazar before the Forum. The Forum viewed it as a serious lapse on the part of licensee.

As per the Regulation 151 (1) of Kerala Electricity supply code 2014, a detailed mahazar shall invariable be prepared at site by the assessing Officer under Section 126 of the Act or the authorized Officer under Section 135 of the Act, in the event of detection of unauthorized use of electricity of theft or any other irregularity.

The Forum finds that connected load is more than the sanctioned load is due to SMPS units taken in account of computation of connected load. The decision as to whether the SMPS unit is liable to be taken into account while computing total connected load will be decided by the expert committee or high power Committee. However, even after 11 years, expert Committee has not been able to take a decision regarding this matter. The Forum viewed it as a serious lapse on the part of licensee.

The Forum also noticed that the above said disputed arrear is not indicated in the invoice given to the petitioner. As per the Regulation 123 (1) (XV), it is mandatory by the licensee to provide arrear details in the demand

cum disconnection notice. Hence it is clearly a violation of the above said regulation by the Licensee.

#### **4. Decision**

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

(1) The impugned arrear bill amounting to R.s 121572/- is hereby quashed.

(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 KOSHY	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.57/2023/345

Dated : 30 /12/2023

Delivered to: 1. Junior Telecom Officer, BSNL Telephone Exchange,  
Vayalathala, Ranni .

2. The Assistant Executive Engineer, Electrical Sub Division,  
Ranny (South)
3. The Assistant Engineer, Electrical Section, Ranny (South)

Copy to:

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