

**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 Koshy,Executive Engineer, Member II
3. Sri.C.K.Harikumar,Advocate,Member III

Friday 29th December ,2023

OP No.62/2023

Between

Petitioner: Sri. Rajeswari Menon, R.D.
Illuminations, Mattathil Shopping Complex,
Paingana, Mundakkayam.

And

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

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

ORDER

1. Grievance of the petitioner

The petitioner is a LT consumer having consumer no.1156380033740 under Electrical Section Mundakkayam. On 28/12/2022 APTS, Kottayam unit conducted an inspection on petitioner's premises and it was found that the connected load at the premises is excess than the load as per the contract with the licensee. A bill amounting to Rs.2,57,096/- prepared as per section 126 of Electricity Act 2003, was served to the petitioner. The petitioner paid the assessed amount. On 19/07/23, the petitioner received a letter demanding a sum of Rs.6,66,876/- towards Low Voltage surcharge for the period from July 2018 to January 2023 ,on the premise that Recorded Maximum Demand for the said period from the petitioner's subject electric connection has exceeded 100 KVA. The petitioner already been levied and assessed charges for using beyond the contracted load, as per the inspection conducted by the APTS unit. The bill is issued so without revealing any of the particulars or materials as how the Recorded Maximum Demand specified therein is arrived at. The petitioner prays the Forum to quash the Low Voltage surcharge bill issued by the licensee.

2. Version of the respondent

The petitioner owns a LT 7C tariff service connection with consumer No.1156380033740 and the purpose of the consumer is to run a multiplex Cinema Theater. The connected load of the consumer during the date of connection was 135125 watts with a contract demand of 95 KVA. As per tariff order and Gazette" The consumers who are required to avail supply at HT and above as per the Regulation 8 of the Kerala Electricity Supply Code 2014, but availing supply at LT shall pay the low voltage surcharge". The petitioner exceeded the contract demand of 95 KVA frequently and the matter was informed to the consumer by the Assistant Engineer, Electrical Section Mundakkayam and was advised to divert the connection to HT. But the petitioner argued that the excess demand was not consumed by them. Under this circumstances APTS inspected the premises on 28/12/2022 and found UAL of 24.737 KW and also found that the meter is working in good condition. As per section 126 of Electricity Act, assessment bill of Rs.3,19,618/- was given. The bill was finalized on 24/01/2023 after hearing the arguments of petitioner. The final assessment was made for a period of one year (from 1/2022 to 12/2022). The petitioner remitted the final assessed bill amount of Rs.2,57,096/-. At that time the petitioner was personally informed that they are subject to LT surcharge with effect from the date from which they exceeded the limit. The bill of LT surcharges with effect from the date from which they exceeded the limit. The bill of LV surcharge is issued to the petitioner after informing the fact to the consumer several times. But the petitioner was not ready to pay the bill. The bill issued on 07/08/2023 for Rs.7,68,700/-, after deducting an amount of Rs.63,.936/- which is already paid in previous bills. As an optional TOD consumer, the petitioner must be well aware of LV surcharge. The agreement executed by the consumer by hiding their actual connected load led to LT billing and benefiting the consumption of LT billing . On going through the reading history it is seen that except during covid period, the connection exceeded the permissible limit. The licensee did not included any penalty as surcharge in the bill. The bill is issued as per the norms laid down in the supply Code 2014.

3. Analysis and Findings

The hearing was conducted on 30.11.2023. Both the petitioner and respondent were present. The Forum heard the matter in detail. On going through the petition and other documents in the file the Forum viewed that the

case is with regard to the low voltage supply surcharge bill issued by the licensee for exceeding the contract Demand. After hearing the grievance of the petitioner and version of the respondent the Forum views that, as per Regulation 101 of the Kerala Electricity Supply Code 2014.

(1) In the case of HT and EHT connections, if the maximum demand recorded exceeds the contract demand in three billing periods during the previous financial year, the licensee shall issue a notice of thirty days to the consumer directing him to submit within the notice period, an application for enhancement of contract demand.

(2) If there is no response from the consumer by the end of the notice period the licensee shall enhance the contract demand of the consumer to the average of the top three readings of maximum demand shown by the maximum demand indicator (MDI) meter of the consumer during the previous financial year, if the additional load can be sanctioned without argumentation as upgradation or uprating of these distribution system.

No actions as mentioned above have been taken by the licensee and also.

“Provided that a low tension consumer who, as on the date of implementation of the Kerala Electricity Supply Code, 2005, had a sanctioned load exceeding the limit of 100kVA, may be permitted, subject to realisation of low voltage supply surcharge, to operate with the same sanctioned load at the same voltage level of supply until an upward revision of connected load is sought for by the consumer except in the case of consumers billed on the basis of contract demand” .

From the above quoted regulation it is evident that consumers who availed service connection after the implementation of ' Kerala Electricity Supply Code 2005 is not entitled to have a contract demand exceeding the limit of 100 KVA, even though the consumer is ready to make the payment of low voltage supply surcharge.

In this case at hand the service connection is effected in the year 2018. Therefore as per the above quoted regulation, it is not permissible to allow, a contract demand exceeding the limit of 100 KVA. It was proper to issue notice to

the consumer to change the voltage level of supply in the event of exceeding the maximum demand above the limit of 100 KVA.

Hence without adopting procedures as mentioned in Kerala Electricity Supply Code 2014, for revision of voltage level of supply, demanding low Voltage surcharge through a bill is not justifiable.

4. Decision

Considering the facts and circumstances of the case, the Forum ordered as follows.

- 1) The low voltage surcharge bill amounting to 6,66,876/- is not sustainable.
- (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.62/2023/346

Dated :30/12/2023

Delivered to: 1. Sri. Rajeswari Menon, R.D, Illuminations, Mattathil Shopping Complex, Paingana, Mundakkayam.
2. The Assistant Executive Engineer, Electrical Sub Division, Kanjirappally.
3. The Assistant Engineer, Electrical Section, Mundakayam.

Copy to:

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