

**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

Wednesday 14th February ,2024

OP No.65/2023

Between

Petitioner: Dr.P.N Premachandran, Pranavam,
TC 15/285(2), ANRA -38, Althara Nagar,
Vellayambalam, Thiruvananthapuram.

And

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

(2) The Assistant Engineer, Electrical Section,Peroorkada

ORDER

1. Grievance of the petitioner

The petitioner Dr. P.N Premachandran is the owner of the house "Indraprastham" TC 24/498 (1) & (2) Sreevilas lane and a domestic consumer with Con.no.1145082009119 under Electrical Section,Peroorkada.The afore mentioned house was given for rent to one Smt.S.Lalithakumari "Altantic", B.N.184, Raman Pillai Lane, Bappuji Nagar, Pongummood Medical College .P.O, However, Smt. S.Lalitha Kumari without required license conducted a ladies hostel in the rented building with out obtaining license from Thiruvananthapuram Corporation. Since she was unauthorisely conducting a ladies hostel, the Thiruvananthapuram Corporation authorities after observing all legal formalities has closed down the hostel on 11.05.2022.

Further the authorities requested the licensee for disconnection of the supply. Following this, the authorities of the licensee visited the building and

changed the tariff from residential to commercial without the consent and knowledge of the petitioner. As such, the tariff was changed to higher tariff, a short assessment bill amounting to Rs.66,987/- was given to the tenant, Smt. Lalitha. On inspection, a site mahazar was prepared and served to the tenant. In addition to this, personal hearings were also conducted in between licensee and tenant. The tenant agreed to remit the penal bill in four installments. However the licensee did not communicate any information about this to the owner.

The petitioner contended that the additional charge of tariff misuse should be reward from the person who has utilized the electricity. Therefore steps should be taken to recover the penal charge from tenant Smt.Lalitha. Hence the petitioner prays the Forum to pass orders to withdraw the demand notice issued to him.

2. Version of the respondent

The petitioner P.N Premachandran, Pranavam (TC15/285/2), Vellayambalam is a three phase consumer in IA tariff.

On 11.04.2022, the Section Squad conducted site inspection in the above said premises and found that the premises was used as private hostel

Misuse of tariff and subsequent revenue loss to licensee was identified during the inspection and a detailed site mahazar was prepared. Subsequently a provisional penal bill for an amount of Rs.66,987/- as per 126 (5) of Electricity Act 2003 was given to the tenant.

A hearing has been allowed to the tenant by the Assistant Executive Engineer, Vellayambalam sub division and the tenant agreed to pay the penal bill in four installments and accordingly final order was issued. But while serving the final bill, the tenant vacated the premises and the registered owner occupied the building. Hence the assessment bill was not remitted by the tenant as agreed during the hearing and the registered owner refused even to receive the final bill, a disconnection notice was therefore served on 28/05/2022 to intimate the petitioner to remit the above said bill within 15 days to avoid disconnection of service connection.

On receipt of the above disconnection notice, the petitioner Sri.P.N. Premachandran filed a complaint on 30/05/2022, before Chairman and Managing Director K.S.E.Board Limited. The complaint pretains to withdraw DC notice dated 28.05.2022 issued to 114508209119 and requested to collect the energy charge upto 11.05.2022. The Chairman & Managing Director has directed the office to conduct an enquiry in this connection and disconnection

of service connection due to non-payment of penal bill with in stipulated time is also kept pending for further action initiatives. The Assistant Engineer, Peroorkada has made an office communication to LA & DEO on 02.07.2022, the Senior Law Officer has made direction to Assistant Engineer Peroorkada. It is mentioned that as per reg 41(2) supply code 2014, **If a consumer at any time during the currency of the agreement proposes to transfer the ownership or possession by sale or by lease or any other or other means of transfer in whole or part of the premises to which supply of electricity is given shall submit to the licensee one month in advance of the proposed transfer in specified format.** Had the consumer followed the said regulation and informed matter to the authorities of licensee in time the present situation has been avoided. Subsequently, based on the communication between Executive Engineer, Thiruvananthapuram , Director (Distribution & IT),it is directed to serve another disconnection notice to the petitioner allowing a period of 15 days for remitting the dues. Further it also directed to inform the petitioner that the statutory provision of filing appeal before the appellate authority as per section 127 of the act after remitting 50% of assessed amount.

On 04.06.2023, The TA to director (Distribution IT & SCM) has made direction to the Deputy Chief Engineer, Electrical Circle, Thiruvananthapuram to intimate the petitioner that the above said amount can remit in 10 monthly installments. However the petitioner refused to remit the above said amount in installments.

3. Analysis and Findings

The hearing of the case was conducted on 12/12/2023.Both the petitioner and respondent were present and heard the matter in detail. On examining the petition, the arguments filed by the Petitioner, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, the Forum comes to the following findings and conclusions leading to the decision thereof.

The Forum is on the view that initially, the licensee has approached the tenant for remitting the said arrear without intimating the registered consumer,and even host a meeting with tenant in Electrical sub division Vellayambalam.In this stage,registered consumer is not in the picture.However when the the former realised that the tenant is not ready to remit the arrear,the licensee divert its attention towards the registered

consumer. The Forum observed it as an inconsistent action on the part of licensee and the latter should have to provide provisional bill to the registered consumer also.

The Forum observed that the section squad inspect the premises of the applicant and found that the building has been used as “ ladies hostel” during the relevant time of inspection electrical energy was consumed for a purpose other than for which the usage of electricity was authorized and thereby the same qualifies as unauthorized use of electricity **under section 126 of Electricity Act 2003.** The statutory remedy available for the petitioner against a final order of assessment issued under Section 126 of Electricity Act is to approach The Electricity Appellate Authority in consistent with Section 127 of the Electricity Act 2003.

As per Regulation 2(1) (f)(vii) of Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations,2005, any dispute or complaints pertaining to such matters are not maintainable before this Forum. Hence the Forum refrain from going into the merits of the case. The petitioner is free to prefer appeal before the Appellate Authority in this regard.

The Address of the Appellate Authority is furnished below.

Kerala State Electricity Appellate Authority,

CC 51/52, Near 110 kV Substation, Vyttila.

Kochi. PIN: 682019.

4. Decision

1. Considering the above facts and circumstances of the case the Forum abstain from considering the merits of the case and the petitioner is at liberty to file an appeal before the Appellate Authority as per Section 127 of Electricity Act 2003.
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.65/2023/ 45 Dated : 20 /02/2024

Delivered to: 1. Dr. Premachandran, Pranavam, TC 15/285(2), ANRA -38,
Althara Nagar, Vellayambalam, Thiruvananthapuram.

2. The Assistant Executive Engineer, Electrical Sub Division,
Vellayabalam.

3. The Assistant Engineer, Electrical Section, Peroorkada

Copy to:

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram.

2.The Deputy Chief Engineer, ElectricalCircle,Thiruvananthapuram

3 The Executive Engineer, Electrical Division,Thiruvananthapuram