

**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 28th February,2024

OP No.75/2023

Between

Petitioner: Sri. Mohammed Khais Jehangir Musaliar,
Pristine Plastic & Polymers, Thrikovilvattom,
Kollam District.

And

Respondents: (1) The Special Officer (Revenue), Vydyuthi Bhavanam,
Pattom, Thiruvananthapuram.

(2) Deputy Chief Engineer, Electrical Circle, Kollam.

ORDER

1. Grievance of the petitioner

The petitioner, M/s Pristine Plastics polymers is a HT consumer having consumer number HTB 9/7625 with contract demand of 130 KVA and having connected load 182.176 KW under the jurisdiction of Deputy Chief Engineer, Electrical Circle, Kollam. The petitioner had defaulted payment of the monthly current charge and the service was disconnected on 31/07/2022, and later dismantled on 19/04/2023. The dismantling period was considered as 6 months from the date of disconnection and accordingly, the balance of arrear payable by the petitioner after adjusting the security deposit is Rs.8,35,075/-

However the petitioner was aggrieved by the above said arrear and argued that the demand was not as per the Electricity Supply Code 2014. As the said premises has been under layoff since August 2021, it is unjustifiable the action of the licensee to effect the disconnection service on 31/07/2022. The petitioner stated that the disconnection should have been carried out by the end of August 2021, instead of delaying upto 31/07/2022. The aforesaid inaction on the part of the licensee paved a huge arrear obligation to the petitioner.

Hence the petitioner prays the Forum to consider the facts above and revise the demand raised in the notice dated 31.07.2023 issued by the Deputy Chief Engineer,Electrical Circle, Kollam along with the order issued by Special Officer (Revenue) 31/05/2023.

2. Version of the respondent

The petitioner is a HT I (A) consumer bearing LCN 9/7625. under the jurisdiction of Electrical Circle, Kollam having contract demand 130 KVA and connected load 182.176 KW. The Service Connection of the consumer was under disconnection from 31/07/2022 for default in payment of regular current charges.

The petitioner argues that the disconnection to the consumer was effected by invoking Regulation 138 (1) of Kerala Electricity Supply Code 2014. After disconnection dismantling notice was issued to the petitioner by Deputy Chief Engineer, Electrical Circle, Kollam in Annexure 18 invoking Regulation 143 (3).

The Licensee also countered the argument of the petitioner that he is not responsible for remitting any charges after disconnection. As per the clause 18 (a) of the agreement executed with the complaint, it was agreed that in case where the consumer is unable to consumer energy, the consumer shall bound to pay to the licensee the fixed minimum charge as approved by the Kerala State Electricity Regulatory Commission, irrespective of the question as to whether any energy has been consumed or not, what ever be the reason for non-consumption.

Regarding the Covid rebate, the licensee stated that as per the Order Vide B.O (FTD) No.363/2020 (KSEB/TRAC-D/Covid pandemic Tariff concession/ 2020-21) dated 30.05.2020 decide to waive 25% of the fixed charge applicable to industrial and private hospitals for the month from 03/2020 to 05/2020. and to defer the payment of balance fixed charge upto 15.12.2020, without levying interest during the deferred period, accordingly, the petitioner was allowed rebate of Rs.25,245/- on 09.06.2020.

3. Analysis and Findings

The hearing of the case was conducted on 17/01/2024. Both the petitioner and respondent were present and heard the matter in detail. On examining the petition the argument 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, this Forum comes to the following findings and conclusions leading to the decision thereof.

The petitioner, Managing partner of Pristine Plastics & Polymers, Kollam having an HT connection from the licensee. The said premises was under layoff from September 2021 due to financial crisis after Covid pandemic. Though the industrial unit was fully close down, there was power consumption in a very low level. The licensee has not disconnected the power, though there was default in remitting the current charges. The power was disconnected only 31/07/2022. The delay had occurred in disconnecting the Service Connection as a matter of Govt. policy. Due to Covid pandemic, disconnection of defaulters kept pending. Hence the Forum sees the action taken by the licensee in the midst of Covid-19 pandemic is justifiable. If the petitioner wanted to disconnect the service he should have applied as per the Regulation 140 of Kerala Electricity Supply

Code, 2014. As per the above said Regulation, the licensee may disconnect supply to the consumer for such period as requested by the consumer under intimation to him. Hence the licensee is not blamed for not disconnecting the said service connection in the time of Covid-19.

Regarding the Covid rebate, the contention raised by the petitioner is baseless and devoid of any merit. On verification, of the documents, submitted by the licensee, it is seen that an amount of Rs.25,245/- was allowed to the petitioner as Covid- rebate on 09.06.2020. The Forum does not find any ground for exempting the arrear amount.

4. Decision

(1) The petitioner is liable to remit the arrear bill of Rs.8,35,075/- issued on 31/07/2023.

(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 KOSHI	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.75/2023/63

Dated :04/03/2024

Delivered to: 1. Sri. Mohammed Khais Jehangir Musaliar Pristine Plastic & polymers Thrikovilvattom, Kollam District.

2. The Special Officer (Revenue) Vydyuthi Bhavanam, Pattom, Thiruvananthapuram.

Copy to:

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

2. The Deputy Chief Engineer, Electrical Circle, Kollam.

3. The Executive Engineer, Electrical Division, Kollam.