

**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

Monday 18<sup>th</sup> March,2024

**OP No.87/2023**

Between

Petitioner: The Secretary ,  
Cherunniyoor, Grama Panchayath  
Cherunniyoor.P.O,

And

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

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

**ORDER**

**1. Grievance of the petitioner**

The petitioner Cheriyanoor Panchayath, a local self body having an electric Connection bearing consumer number 1145343002111, under the Electrical Section Palachira. The petitioner is aggrieved by a surcharge arrear bill amounting to Rs.3,60,462/- served by the licensee. Further the licensee has given direction that the arrear should be settled by being included in One Time settlement scheme (OTS) of KSEBL before 05/12/2023, if the dues are not settled, the service connection will be disconnected without any further notice.

The petitioner stated that the aforementioned arrear was raised on the basis of RAO Audit inspection. The audit report found some anomalies in calculating the burning hours and a short assessment bill of Rs.1,89,140/- was served to the petitioner. The said dues of Rs.3,60,462/- is the interest incurred during the period from 05/09/2006 to 30/03/2015. of the short assessment bill.

Upon receiving the short assessment bill, the petitioner conveyed the licensee its willingness to pay the principal amount of Rs.1,89,140/- and also sought to exempt from paying surcharge. consequently, the licensee through the letter dated 09/03/2015, give an intimation for remitting the principal amount of Rs.1,89,140/- within 15 days and the penalty interest amount should be settled after the notification of the decision of licensee .In compliance with the direction of the licensee, the principal amount of Rs.1,89,140/- was remitted on 30.03.2015.

The petitioner argued that short assessment bill was served due to the wrong calculation of the licensee, and it is clearly a lapse on the part of licensee so the petitioner is not liable to pay the surcharge arrear bill of Rs.3,60,462/- . Therefore he prays the forum to pass orders for exempting the interest portion of the short assessment bill.

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

The petitioner, the Cheruniyoor Grama Panchayath, a local self government department (LSGD), under the Electrical Section, Palachira, having an unmetered street light connection under the VIIIA tariff category with consumer number 1145343002111. The petitioner has electricity arrears amounting to Rs.3,60,462/-. The said dues are the surcharge for the current charges amounting to Rs.1,89,140/- which was remitted on 31/05/2015

The above said demand was raised on the basis of the ' RAO Audit, Inspection Report where in short assessment due to increased burning hour of this street light and certain omissions in street light billing were found. The Audit found that the burning hours was not 6 hours but 12 hours. Hence there was a short assessment for the period 10/2002 to 5/2006 is 1,36,654/- and another for 9/2006 to 7/2008 is Rs.52,486/- together Rs.1,89,140/-. Due to the delayed remittance of the outstanding amount, an interest amount of Rs.3,60,462/- was also incurred in the above said period and therefore the total outstanding arrears had accumulated to Rs.5,49,602/- comprised of initial principal amount of Rs.1,89,140/- and the accrued interest of Rs.3,60,462/- Further the licensee allowed the petitioner to remit the principal portion of the said arrear, as the latter has to sought a clarification from the Government of Kerala for remitting the surcharge portion Thus the total principal amount of Rs.1,89,140/- was remitted on 30/03/2015. However the amount of Rs.1,89,140/- paid by the petitioner

has to be actually adjusted in the interest part and thereby the remaining interest portion  $(3,60,462-1,89,140)=Rs. 1,71,322/-$  and the principal amount of Rs.1,89,140/- total in Rs.3,60,462/- remain unpaid. Consequently an Adalth(OTS-2020) was held on 19/02/2020,the amount of interest was reduced to 1,20,154/-and finally after having discussion with the Executive Engineer,Attingal the interest was further reduced to R.s 92,745/-.The unpaid amount of Rs.3,60,462/- is the arrears till 30/03/2015 and the petitioner is bound to pay the interest till date, at the prevailing rate of surcharge.

### **Analysis and Findings**

The hearing was conducted on 30/01/2024. Both the petitioner and respondent were present for hearing. Having examined the petition in detail, and the statement of Facts of the respondent, considering all the facts, circumstances in detail, and perusing all the documents of both sides, the Forum comes to the following observations, conclusions and decisions thereof.

The Forum observed that there was a mistake in calculation occurred in burning hours of street light during the period from 10/2002 to 5/2006 and 9/2006 to 7/2008 and hence a demand has been raised in the tune of an amount of Rs.1,89,140/- The same has been remitted on 30/03/2015, but the surcharge was not remitted by the petitioner and demand to exempt the surcharge amount. However the exemption of surcharge amount has not been considered by the licensee, and argues that the petitioner is liable to pay the surcharge . Regulation 134 of Kerala Electricity Supply Code 2014 states about the recovery of undercharges amount. As per the Regulation **134 (1) If the licensee establishes either by review or otherwise that it has undercharged the consumer, the licensee may recover the amount so under charged from the consumer by issuing a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill.**

Therefore in the event of any clerical errors or mistakes in the amount levied, demanded or charged by the licensee, then in the case of under charging the licensee shall have right to demand an additional amount.Hence the Forum dismissed the Petition.

#### **4. Decision**

- (1) The petitioner is liable to remit the surcharge arrear amount of Rs.3,60,462/-.
- (2) The Licensee shall device a mechanism to ensure that these mistakes are not repeated in future.
- (3). 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.87/2023/80

Dated :30 /03/2024

Delivered to:

1. The Secretary , Cherunniyoor, Grama Panchayath Cherunniyoor.P.O,PIN-695142
2. The Assistant Executive Engineer, Electrical Sub Division, Kallambalam.
3. The Assistant Executive Engineer, Electrical Sub Division, Palachira.

Copy to:

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