

**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 March 27th,2024

OP No.90/2023

Between

Petitioner: Fort In Infra Developers Pvt. Ltd.,
Ravi's Arcade, 3rd floor. Kollam.691013

And

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

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

ORDER

1. Grievance of the petitioner

The Petitioner is a registered HT consumer carrying a business activity in the name and style of ' Kollam Mall '(RP Mall), under Electrical Section Cantonment, Kollam with consumer number LCN 5/6302 under HT IV (A) commercial tariff with effect from July 2019. The petitioner continued to be billed under HT IV commercial tariff upto and including the month of June 2014. The tariff was changed to HT IV (A) commercial with effect from July 2019 consequent on the revision of the tariff vide Tariff order dated 8/7/2019. The licensee continued to invoice the petitioner under HT IV (A) commercial through the ensuring four years (48 Months)- upto June 2023. The petitioner has been diligently paying all the amounts demanded by the licensee. On 16/3/2023 Kollam APTS unit conducted an inspection of the Electrical installation of the petitioner at Kollam Mall. A Mahazar was prepared and handed over to the representative of the petitioner. On 8/4/2023 the petitioner received a notice from the licensee, titled as ' Notice under section 97 of Kerala Electricity Supply Code 2014', intimating the petitioner to change the existing tariff HT IV (A) commercial to HT IV(B) with effect from 8/07/2009, and all bill issued during this period were also to

be revised. Aggrieved by the proposal and as instructed by the licensee in the notice, petitioner filed a letter before The Deputy Chief Engineer, Electrical Circle, Kollam expounding the objections to the decision of the licensee. The petitioner was given an opportunity of being heard in person at the chamber of the Deputy Chief Engineer, Electrical Circle, Kollam on 23/6/2023. On 22/8/2023 The Special Officer Revenue issued a Demand Notice, under Regulation 134 (1) of the Supply Code 2014, for an amount of Rs.12,43,161/-.As respondents had made no mention in the notice, of the documents and arguments submitted by the petitioner in defence of their arguments ,the petitioner proceeded to pay the amount demanded under protest and remitted the entire amount Rs.12,43,161/- This act of licensee of issuing a supplementary invoice and proceeding to collect the arrears as per the revised tariff with retrospective effect from 8/7/2019 is opposed to law, facts and circumstances. It is prayed that the supplementary demand raised by the licensee may be set aside and the amount of Rs.12,43,161/- demand by the licensee as arrears from 7/2019 to 6/2023 and paid by the petitioner be refunded to the petitioner.

2. Version of the respondent

Fort-in-infra Developers Pvt Ltd., Ravis Arcade (Kollam Mall), Kollam is a live consumer bearing consumer (LCN 5/6302) was a HT-IV (A) commercial Tariff service connection holding 935 KW connected load. APTS Kollam conducted an inspection on 16/3/2023 in the premises of the petitioner and detected that the service connection is being used for the purpose of RP shopping Mall and directed to change the tariff from HT IV (A) to HT IV (B) commercial. As per the tariff order by KSERC dated 8/7/2019 the tariff prescribed to the shopping mall is HT IV (B) commercial. On the inspection it was found that HT connection was used for working of lift, escaloters, common light points and water pump. Hence the tariff has been changed to HT IV (B) Commercial with effect from 8/7/2019.

The petitioner's premises availed service connection under HTIV commercial in the year 2014. As per tariff order of KSERC dated 8/7/2019, a different tariff was proposed as HT IV- B for the functioning of shopping malls. As such all service connections used for the purpose of shopping malls were liable to be billed under HT IV-B tariff category from 8/7/2019 onwards. As per Regulation 97 of Kerala State Electricity Supply Code 2014,the licensee is empowered to reclassify consumer under appropriate category. A bonafied error happened on the part of the licensee to change the tariff after the tariff revision

order during 2019. The errors was realised after the APTS inspection on 16/3/2023. After curing the above defect licensee issued short assessment bill for the under charged period from 7/2019 to 6/2023 and the petitioner remitted the amount.

3. Analysis and Findings

The hearing of the case was conducted on 29/02/2024. Both petitioner and respondent were present. The Forum heard the matter in detail. The Forum views that the case is in relation to a short assessment bill issued to the petitioner as a result of tariff reclassification. The respondent admits that error occurred on the side of licensee, while reclassifying the petitioner as HT IV (A) instead of reclassifying as HT IV (B) which is applicable for shopping malls.

As per Regulation 134 (1) of Kerala Electricity Supply Code 2014.

“ If the licensee establishes either by review or otherwise, that it has under charged the consumer, the licensee may recover the amount so under charged from the consumer by issuing a bill “

In this instant case bill from 7/2019 to 6/2023 has been revised and short assessment bills have been issued as per Regulation 134 (1) of Kerala Electricity Supply Code 2014.

4. Decision

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

1. The short assessment bill of Rs.12,43,161/- dated 22/8/23, issued to the petitioner by the licensee is legal and 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.90/2023/97

Dated : 05/04/2024

Delivered to: 1. Fort In Infra Developers Pvt. Ltd., Ravi's
Arcade, 3rd floor .Kollam.
2. The Special Officer (Revenue), Vidyuthi Bhavanam,
Pattom, Thiruvananthapuram.

Copy to:

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam, TVPM.
2. The Deputy Chief Engineer, Electrical Circle, Kollam

Office: CGRF(S), Vidyuthi Bhavanam, Kottarakkara, Pin - 691506
Web site: cgrf.kseb.in E- mail: Cgrf.ktra@kseb.in, Phone: 0474 - 2451300