

**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 27th March, 2024

OP No.02/2024

Between

Petitioner: Sri. Jeeva.S
Thiruvathira Maidanam,
Varkala, Thiruvananthapuram.

And

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

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

ORDER

1. Grievance of the petitioner

The petitioner is a commercial consumer bearing consumer No.1145773023737 under Electrical Section Parippally. He is aggrieved by a short assessment bill amounting to Rs.47,201/- So he prays the Forum to quash the bill.

2. Version of the respondent

An inspection conducted by the Assistant Executive Engineer, Anti Power Theft Squad, Kollam and officials of Electrical Section Parippally in the premises of consumer No.1145773023737, LT 7A commercial consumer running a Bakery and cafe unit having sanctioned load of 13 KW under Electrical Section Parippally, detected an additional load of 11 KW. Accordingly site mahazar was prepared and the complainant has affixed his signature and the copy of same has been handed over to the

complainant under proper acknowledgment. Above unauthorised load 11 Kw comes under purview of 126 Section of Indian Electricity Act 2003 and is punishable Ist respondent issued a provisional assessment bill amounting it Rs.1,89,322/- on 21.08.2023. Final assessment bill was issued on 19.10.2023 after conducting personnel hearing on 23.10.2023. The complainant had submitted a request to the Executive Engineer, Electrical Division, Chathannoor to allow instalment facility and the petitioner has remitted the amount by installment. The delay occurred in the regularisation of connected load detected at the time of inspection led to an additional assessment for the unauthorized additional load 11 KW for 4 months that is from 08/2023 to 11/2023 for Rs.47,201/- and incorporated in oruma net on 11/2023. The connected load regularized only in 04.12.2023 and total connected load is 23658watts. The present bill had been served due to delay occurred in regularisation of the connected load. So respondent prays the Forum to dismiss the petition.

3 Analysis and Findings

The hearing was conducted on 14.03.2024 both the petitioner and respondent were present and 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 short assessment bill issued by the licensee after remitting the penal assessment amount demanded, under section 126 of the Electricity Act 2003.

In this instant case the petitioner completed the payment of the final assessment bill issued as per Section 126 of the Electricity Act 2003, in 4 installments. Thereafter the petitioner neither regularized the unauthorised additional load nor removed the same in the premises.

Regulation 153 of Kerala Electricity Supply Code 2014 envisages the detailed procedure for the estimation and regularization of the unauthorized additional load in any consumer premises Sub Regulation 7 of the aforementioned Regulation clearly states that, If it is found that any additional load has been connected without due authorisation from the licensee or in violation of any of the provisions of the Central Electricity Authority (Measures relating to safety and electric Supply) Regulations,

2010, as amended from time to time, the licensee shall direct the consumer to disconnect forthwith such additional load and the consumer shall comply with such direction, failing which the supply of electricity to the consumer shall be disconnected by the licensee.

Hence after detecting the unauthorized connected load and the issuance of the penal assessment bill, steps were not initiated by the licensee to direct the petitioner to regularize the unauthorised additional connected load or disconnect the supply of electricity as envisaged in the above quoted Sub Regulation, within a time frame as stipulated by the licensee. It is evident that continuing penalisation after issuing final order of assessment as per section 126 of Electricity Act 2003 is not sustainable. However the licensee is entitled to receive fixed charges at normal rates for the entire connected load of the premises including the unauthorised portion.

Based on the facts as stated above the Forum is of the opinion that the respondent is liable to cancel the short assessment bill issued to the petitioner on 01-01-2024 demanding fixed charges and proportionate current charge at penal rates.

DECISION

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

1. The respondent is hereby directed to quash the short assessment bill issued to the petitioner on 01-01-2024 for realizing fixed charge and current charges for proportionate consumption at penal rate. Also the respondent is directed to recalculate the demand to realize the fixed charges at normal rate for the entire connected load (including the unauthorised load.)
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. 02/2024/ 90

Dated : 03 /04/2024

Delivered to:

1. Sri. Jeeva.S Thiruvathira Maidanam, Varkala, Thiruvananthapuram.
2. The Assistant Executive Engineer, Electrical Sub Division, Chathannoor.
3. The Assistant Engineer, Electrical Section, Chathanoor.

Copy to:-

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram.
- 2.The Deputy Chief Engineer, Electrical Circle, Kollam.
3. The Executive Engineer, Electrical Division, Chathannoor.