

**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

Monday 6th May,2024

OP No.08/2024

Between

Petitioner: Sri.P.A.Hashim,
Pulickal House, Nadackal.P.O,
Erattupetta.

And

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

(2) The Assistant Engineer,
Electrical Section, Poonjar

ORDER

1. Grievance of the petitioner

The petitioner is a consumer under electrical Section, Poonjar bearing consumer number 1156319008248, The petition is related to a penal bill issued by the licensee to the petitioner amounting to Rs.3,55,154/- generated as a result of an APTS inspection conducted .Six years back ,3 phase service connection was effected on the premises .At present the institution runs in LT-6A tariff which was allotted by the licensee at the time of effecting the service connection. The petitioner never claimed that the institution is Government/ aided educational institution or neither the petitioner submitted any document as a proof. Mistake happened from the side of the licensee in deciding the tariff, and imposing penalty for the same is not justifiable. The petitioner prays the Forum to quash the bill amounting to Rs.355154/- imposed by the licensee.

2. Version of the respondent

The petitioner is having a LT three phase service connection under Electrical Section Poonjar with consumer number 1156319008284, registered in the name of Sri.P.A. Hashim under LT-6 A tariff. The purpose of this service connection is for running a pre-school for students in the age group of 3 to 6 years. A surprise inspection have been carried out in the above premises by APTS Kottayam unit along with Sub Engineer of Poonjar Electrical Section and detected unauthorized use of electricity by connecting unauthorised load and wrong application of tariff.The connection is registered under LT-6 A tariff whereas during the inspection it is found that an unaided pre-school is running in the premises where educating the children on fees basis. As per prevailing tariff order tariff assigned for unaided educational institutions comes under LT-6F tariff. The action from the part of the petitioner in connecting the load of 19 KW without sanction comes under misuse of electricity under section 126 of Electricity Act 2003. Since the period of use of unauthorised load is not ascertained , the period of assessment was limited to twelve months on 16/12/2023 as per section 126 of Indian Electricity Act 2003 a provisional invoice amounting to Rs.1,30,347/- have been served to the petitioner for the unauthorised additional load. As the petitioner raised objection,a hearing was conducted on 27/12/2023 by the Assistant Executive Engineer ESD Erattupetta and the invoice was revised to 45,214/- and final order was issued on 16/01/2024. The petitioner remitted the bill on 23/1/2024. On 21/12/2023 Poonjar Electrical Section Assistant Engineer issued a bill amounting to Rs.2,24,807/- on account of the wrong application of tariff assigned to the petitioner which is detected during the Inspection. As per Regulation 134 (1) and 152 (1,2,3) of Kerala Electricity Supply Code, 2014, which envisages the licensee to recover any short assessed amount from a consumer which is found out during an inspection at any later stage.

3 Analysis and Findings

Hearing of the case was conducted on 29/02/2024. Both the petitioner and the respondent were present. The Forum heard the matter in detail and learns that the case is related to a short assessment bill

issued by the licensee amounting to Rs.2,24,807/-.If the licensee established either by review or otherwise, that it has undercharged a consumer, the licensee may recover the amount so under charged from the consumer by issuing a bill. In the instant case the bill amounting to Rs.2,24,807/- is a short assessment bill due to the wrong tariff as per the rules and regulations laid down on the Kerala State Electricity Supply Code 2014.

DECISION

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

1. The short assessment bill issued by the licensee to the petitioner amounting to Rs.2,24,807/- 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. 08/2024/ 131 Dated : 09 /05/2024

Delivered to:

1. Sri.P.A.Hashim, Pulickal House, Nadackal.P.O, Erattupetta.
2. The Assistant Executive Engineer, Electrical Sub Division, Erattupetta.
3. The Assistant Engineer, Electrical Section, Poonjar

Copy to:-

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

Office: CGRF(S), Vidyuthi Bhavanam, Kottarakkara, Pin - 691 506
Web site: cgrf.kseb.in E- mail: Cgrf.ktra@kseb.in, Phone: 0474 - 2451300