

**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 15th May,2024

OP No.12/2024

Between

Petitioner: Sri. Noufal Salam
Medi Home Pvt.Ltd.,
Valkathitta Building
Kadappakkada, Kollam.

And

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

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

ORDER

1. Grievance of the petitioner

The petitioner is a consumer under Electrical Section, Kadappakkada bearing consumer number 1145597000260 in the name of Noufal salam. On 11/12/2023 the petitioner received a demand notice amounting to Rs.11,19,915/- and on 21/08/2023 the petitioner received another letter from Assistant Engineer, Electrical Section, Kadappakkada intimating him that the arrear amount shown in the demand notice (Rs.2,99,810/-) belongs to the period of 2002 to 2009. The petitioner purchased the premises on 2019 and changed the ownership of the Service connection to his name after clearing all the outstanding arrears as per the direction given by the licensee. It has come to attention that the arrear belongs to a police Crime Branch office which was working in the premises during 2002 to 2009.

The licensee never informed the petitioner about the arrear. It is not justifiable to demand old consumer's arrear from present owner of the service connection. The petitioner prays the Forum to quash the demand bill issued by the licensee.

2. Version of the respondent

The service connection bearing consumer number 1145597000260 was registered in the name of Sri.Chakko under Electrical Section , Kadappakkada. The premises was rented out to Crime Branch Office during 2002 to 2009. They didn't remit current charges regularly It was difficult for the licensee to disconnect the electric connection since the office was working under Government of kerala. They remitted current charge occasionally and it was adjusted as interest by the then used software of the licensee. Hence current charge arrear of Rs.2,99.810/- was outstanding for the period from 2002 to 2009. During 2010 KSEB software changed from Jyothi to oruma and this pending arrears during 2002 to 2009 was converted to pre-system arrears in the oruma software. The petitioner purchased the premises from chacko and changed owner ship during 2019. The matter of pending arrears was informed to the petitioner orally at the time of changing the ownership and it was presumed that the arrears will be cleared either by crime Branch Office or by previous owner. Upto 2023 the arrear was not cleared and in the OTS arrears list, amount of Rs.2,99,810/- was outstanding arrears (principal amount) against petitioner . As a part of OTS scheme a letter was sent to petitioner as per rules to remit the outstanding arrear with reduced 4% interest. Total arrear outstanding from 15.02.2002 to 30.04.2024 is Rs.14,54,235/- (including Principal amount Rs.2,99,810/- + 18%interest Rs.11,54,425/-). Since the petitioner is the present owner and occupier of the premises, he cannot escape from the liability of previous arrears.

3 Analysis and Findings

The hearing of the case was conducted on 9/5/2024. Both the petitioner and respondent were present and the Forum heard the matter in detail. On going through the petition and other documents produced, the Forum learned that the case is related to an arrear bill issued by the

licensee to the petitioner which belongs to the old occupier of the premises which is a government department. Regulation 40 of the Electricity supply Code 2014, clearly stipulates the procedure for recovering arrears from the previous consumer.

Recovery of arrears relating to the previous consumer.-

(1) The arrears of electricity charges and other liabilities if any, in the accounts of the previous consumer of any premises shall be recovered from such previous consumer of the premises, with whom the licensee has executed the service connection agreement, and not from the purchaser or lessee or occupier of the premises.

(2) The licensee shall, on disconnection of supply and dismantling of the service connection on account of arrears of electricity charges, determine the agreement with such consumer and shall forthwith initiate legal proceedings for recovery of arrears of electricity charges and other liabilities from such consumer and shall obtain necessary interim or final orders from the appropriate legal forum.

Provided that the amount of arrears of electricity charges and other liabilities finally recoverable from the consumer and the modus of recovery shall be in accordance with such interim or final orders of the appropriate legal forum. It is the responsibility of the licensee to clear the arrears of service connection before changing ownership. When the petitioner asked about any outstanding dues prevailing in the premises he was informed by the licensee that only ACD amount is pending and the petitioner remitted the amount accordingly. Licensee has made serious lapse in complying the above said regulation specifically Regulation 40 of the Electricity Supply Code 2014. As per the regulation 91 4(b) of Kerala Electricity Supply Code 2014, the request for transfer of connection shall not be accepted unless all recoverable dues in respect of the concerned connection are fully paid. Demanding the dues of an old consumer to present consumer merely because he is the present occupant of the premises is not justifiable. Licensee can realize the amount from the concerned authority, in this case from police department.

DECISION

Considering the facts and circumstances mentioned above the Forum ordered as follows.

1. The bill amounting to Rs.11,19,915/- is not 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.12/2024/150

Dated :07/05/2024

Delivered to:

1. Sri. Noufal Salam, Medi- Home Pvt Ltd, Vaikathitta Building, Kadapakkada, Kollam.
2. The Assistant Executive Engineer, Electrical Sub Division, Kollam.
3. The Assistant Engineer, Electrical Section, Kadapakkada.

Copy to:-

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

Office: CGRF(S), Vidyuthi Bhavanam, Kottarakkara, Pin - 691 506
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