



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

A service connection application with A.F dated 02/03/2016 was submitted at Electrical Section, Gandhinagar for obtaining connection in favour of Sri.K.V Abdul Azeez, Elko properties Pvt. Ltd. Cochin and the purpose mentioned was domestic common connection. The connection bearing Consumer No.1146287017681 was issued on 15.03.2016 under LT VII A tariff after conducting site inspection by the Sub Engineer. Later, the ownership of the connection was changed on 10/12/2021 in favour of Sri. Biju Kuriakose, President Skyline Villa Owners Association. On 5.11.2022, the consumer submitted an application for tariff change to LT IA domestic and after necessary verification, the tariff was changed to LT IA.

The Consumer's request before the Hon'ble Forum for refund of over charged amount for the period from 15/03/2016 to 5/11/2022 is not existing. The consumer has applied for tariff change from VII A to domestic purpose I A only on 5/11/2022 and the tariff changed to IA on 6/11/2022 itself, after inspection and verification by the Sub Engineer.

The VII A tariff assigned on 05.03.2016 to Consumer No.1146287017681 might be either due to non submission of documents in proof for IA tariff connection or due to non fulfillment of conditions for domestic tariff. Also, there is no conclusive evidence (as specified in Regulations 134 (2),134 (3) of Kerala Electricity Supply Code 2014) that the service connection was utilized for domestic purpose only. Hence the tariff change with retrospective effect could not be done.

## **3 Analysis and Findings**

The hearing was conducted on 24/4/2024. The petitioner and the respondent were present and heard the matter in detail. On analysing the petition and other documents, the Forum viewed that the case is with regard to effect the LT IA tariff to a common facility connection of Skyline Oasis Villa at Thellakom under Electrical Section Gandfhinagar & the petitioner requested for a refund of overcharged amount due to allocation of VII A tariff instead of LT IA tariff for the period from 15/3/2016 to 5/11/2022.

The respondent argued that the date of connection for common facilities is 15/3/2016 and that was in favour of Sri.K.V. Abdul Azeez, Elkoo properties Pvt. Ltd., Cochin and the purpose mentioned was domestic common connection . The connection was effected on 15/03/2016 under LT VIIA tariff after conducting site inspection. The respondent also reported that at the reported time of effecting that common connection there is a connection other than domestic purpose, attached in this particular consumer No. Therefore LT VII A tariff allocated later the ownership of the connection was changed on 10/12/2021 in favour of Sri. Biju Kuriakose, president, Skyline Villa owners Association. On 05/11/2022 only the consumer submitted an application for tariff change to LT IA and after necessary verification the tariff changed to LT IA on 6/11/22 in the second day of application itself. Based on regulation 97 & 98 of Kerala Electricity supply code 2014 and based on tariff order of KSERC the procedures of Licensee is legally sustainable.

**DECISION**

Considering the above facts and circumstances of the case the Forum disposed the cases with the following orders.

1. The Petitioners request for refund of overcharged amount for the period from 15/3/2016 to 5/11/2022 is illegal and not sustainable.
2. The licensee shall have the right to assign suitable tariff after observing procedures as per prevailing rules and site conditions.
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/-*

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. 15/2024/170

Dated : 05/06/2024

Delivered to:

1. The president, Skyline Oasis Villa Owners Association  
Peroor Road, Thellakom.P.O., Samkranthi, Kottayam -686630
2. The Assistant Executive Engineer, Electrical Sub Division,  
Gandhinagar.
3. The Assistant Engineer, Electrical Section, Gandhinagar.

Copy to:-

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