

**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

Tuesday 4th June,2024

OP No.16/2024

Between

Petitioner: The Principal,
Heera College of Engineering & Technology,
Panavoor (P.O), Nedumangad.

And

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

(2) The Deputy Chief Engineer, Electrical Circle,
Kattakada.

ORDER

1. Grievance of the petitioner

The petitioner is a HT consumer bearing consumer number LCN 30/6060 under Electrical Section Chullimanoor. An amount of Rs.13,36862/- (Rupees thirteen lakh thirty six thousand eight hundred sixty two Only) was pending for remittance towards electricity charges in respect of Heera College of Engineering & Technology as on Feb 2024. Based on petitioner's request SOR has permitted to remit the dues on monthly installment basis. However due to acute financial crunch experienced by this college due to low rate of admissions, steep reduction in tuition fee etc, the petitioner could not pay all the installment within the scheduled time span along with their regular monthly bill. Now SOR, KSEB has given instruction to pay Rs.600000/- (Six lakh rupees) which is half of pending arrears on or before 26.03.2024.

It is brought to your kind notice that, the pending arrear amount was accumulated during the Covid-19 Pandemic period, when the college remained non operational for a long period. The petitioner's college buildings were taken over by District Administration for functioning that this space as Covid Care Centre with effect from 18.03.2020.

Further, The petitioner has already initiated steps claiming suitable compensation from the Kerala Govt. towards utilization,of college buildings/Hostels, in terms of building rent, Electricity/Generator/ water charges etc. The petitioner's applications is under consideration and is in progress. Once the petitioner receive this compensation amount thy will settle the pending electricity charges in lump sum.

In view of the above captioned facts the petitioner requests the CGRF to intervene and issue necessary instructions to SOR KSEB Pattom to keep this pending arrear amount, which was accumulated during the Covid-19 pandemic period as ' Disputed Amount", which will be cleared by them on receipt of compensation amount from the Kerala Govt. Apart from this the petitioner's monthly bill will be paid regularly on due date. In view of the above it is requested to the Honorable CGRF to issue necessary interim order refraining KSEB from taking any further course of action in this matter.

2. Version of the respondent

Heera College of Engineering and Technology (LCN 30/6060) of Electrical Section Chullimannor is a HT II (B) General consumer under the jurisdiction of Deputy Chief Engineer, Electrical Circle, Kattakkada. The total arrear of the consumer as on 27.04.2024 is Rs.13,81,283/- for the period from 10.03.2023 to 05.04.2024, which excludes the interest portion. An ACD amount of Rs.8,710/- is also pending against the consumer. The invoices were seen issued to the consumer on a monthly basis.

Arrear Notice was issued to the consumer invoking Section 56 (1) of the Electricity Act 2003 read with Clause 138 and 139 of the Kerala Electricity Supply Code 2014. The consumer is bound to pay the arrear amount on time. The arrear notice issued to the consumer is in order and it cannot be challenged.

As per the second contention of the petitioner, the arrear was accumulated during the Covid 19 pandemic period. As per regulation 133 of the Kerala Electricity Supply Code 2014, irregular payments made by the consumer shall not be adjusted against that particular invoice. Remittances/installments made by the consumer is seen adjusted against the pending arrears and hence a huge arrear accumulated.

Another issue raised by the consumer is that their premises were taken over by District Administration for functioning as Covid Care Centres. But the order/ proceedings issued by concerned Revenue/Panchayat Authorities were not been produced so far. The petitioner has not produced any order from Government Authorities to substantiate their claim that the arrears will be settled as and when it receives fund from Government. Hence the pending arrear is under undisputed status. Installment facility has been availed by the consumer from 2021 onwards. But they are not prompt in making their payments. Once the installment facility is sanctioned, the remittance should be made on or before due date otherwise the installment facility stands cancelled. Not only that, the petitioner is irregular in remitting their regular current charges in between the installments.

Four installments were sanctioned to the consumer vide INS/323/2020/SOR/HTB/30/6060/INS/2020 on 11.01.2021, for an amount of Rs.11,65,068/- with due dates from 22.01.2021 to 23.04.2021. Another six installments were again sanctioned on 30.11.2022 Vide INS/2056/2022 for an arrear amount of Rs.13,89,904/- with due dates from 12.12.2022 to 12.05.2023. Since the consumer is irregular in making their installments once again 6 installments were sanctioned vide INS/2336/2023 dated 03.08.2023 for an arrear amount of Rs.10,70,730/- with the dates from 28.08.2023 to 26.01.2024, which is also pending.

Also it is pointed out that KSEBL is a Public Sector Undertaking and it functions as per rules and regulations as established by statutes and KSEBL cannot comment on the internal financial constraints faced by the institution.

Considering the contention of the petitioner challenging Regulation of Kerala Electricity Supply Code 2014 and the Conditions of Electricity Act 2003, the O.P.No.16/2024 filed by the Principal, Heera College of Engineering

and Technology (LCN No.30/6060) cannot be challenged before the Hon'ble Forum.

Considering the above facts, the contention of the petitioner challenging regulation of Kerala Electricity Supply Code 2014 and Conditions of Electricity Act 2003, the petition No.16/2024 filed by the principal, Heera College of Engineering and Technology, Nedumangad may be dismissed with cost .

3 Analysis and Findings

The hearing was conducted on 28/05/2024. Both the petitioner and the respondent were present and the Forum 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 arrear bill of Rs.13,81,283/- issued to the petitioner by the licensee. The petitioner contended that the amount was accumulated as arrears during the Covid-19 pandemic period, when the college remained non operational for a long period. Petitioner's buildings were taken over by District Administration for functioning that space as Covid care center with effect from 18.03.2020. They have already initiated steps claiming suitable compensation from the Kerala Govt towards utilization of current and the application is under consideration and is in progress. Once they receive this compensation amount, they will settle the pending electricity charges in lump sum. The respondent stated that even though installments were sanctioned for paying the arrears on three occasions, they have not paid the amount so far. The Forum views that as per `Regulation 133, 138 (A), 139 of Kerala Electricity supply code 2014, the Electricity arrears in dues by the consumer has to be remitted, otherwise the supply will be disconnected. Considering the above facts, contention of the petitioner challenging regulation of Kerala Electricity Supply code 2014 and conditions of Electricity Act 2003, the argument of the petitioner is not sustainable. However the petitioner can approach the licensee for extension of the date of remittance of the arrears since this case has arisen due to the Covid-19 pandemic situation.

DECISION

Considering the facts and circumstances of the case mentioned above, the Forum ordered as follows:-

1. The arrear bill of Rs.13,81,283/- issued is legal and sustainable. The petitioner liable to pay the bill.
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'.

<i>sd/-</i>	<i>sd/-</i>	<i>sd/-</i>
C .K.HARIKUMAR	SANJEEV KOSHY	LAILA.N.G
ADVOCATE MEMBER III	EXECUTIVE ENGINEER MEMBER II	DEPUTY CHIEF ENGINEER CHAIRPERSON

Forwarded
Sd/-
CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No. 16/2024/169 Dated : 04/06/2024

- Delivered to:
1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram.
 2. The Principal, Heera College of Engineering & Technology, Panavoor (P.O)., Nedumangad.
 3. The Special , Officer Revenue, Vydyuthi Bhavanam, Thiruvananthapuram.
 4. The Deputy Chief Engineer Electrical Circle, Kattakkada.