**CONSUMER GRIEVANCE REDRESSAL FORUM**
**KERALA STATE ELECTRICITY BOARD LTD- SOUTHERN REGION**
**VYDYUTHI BHAVANAM, KOTTARAKKARA**

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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 11th November,2024

**OP No.35/2024**

Between

Petitioner: General Manager,
Hotel Saj Luciya, East Fort ,
Thiruvananthapuram -23

And

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

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

**ORDER**

**1. Grievance of the petitioner**

The petitioner M/s Hotel continental (Hotel Saj Lucia) is a high tension consumer (HT-IV) under Electrical Section Fort, Thiruvananthapuram with consumer number 1345210003136 (LCN No.25/22/2231) falling under the jurisdiction of the Deputy Chief Engineer, Electrical Circle, Thiruvananthapuram. On 30/09/2023, the petitioner received a notice from licensee for settling long pending arrears in which principal arrear was shown Rs.82611/- In response, the petitioner requested the officials of licensee to provide details of the arrears. However, the licensee has not provide any details in this regard and informed that the disputed bill issued to the consumer was the bill revision for the short assessment of connected load during the period from 03/1989 to 03/1995.

The petitioner argued that the licensee has not issued any revised invoice in this regards.No inspection was conducted to verifying in the connected load. So the belated demand after 35 years is totally illegal and also barred by limitation. Therefore he request the forum to cancel the disputed bill and pass orders to refund the penal charge issued to him by the Special Officer (Revenue) of Rs.1,61,309/- with eligible interest.

**2. <u>Version of the respondent</u>**

M/s Hotel Lucia continental (Hotal Saj Lucia) was a high tension consumer of Electrical Section, Fort, Thiruvananthapuram with LCN No.25/22/2231. The respondent stated that an error was occurred on recording the total connected load of the aforesaid consumer. Instead of registering the total connected load as 389 KVA, it was taken as 366 KVA and invoices are issued accordingly. Therefore the invoice from 1989 to 03/1995 have to be revised by taking the connected load as 389 KVA and a revised bill of Rs.82,611/- was served to the petitioner. Thereafter the invoices were prepared by taking the authorized connected load as 389 KVA, and bills issued till 11/2000, when the consumer executed HT agreement for a contract demand of 500 KVA (55 KW) executed a revised agreement for a contract demand of 300 KVA and continued in 300 KVA with HT IV B commercial tariff.

The respondent argued that the consumer was informed to settle the arrears through one time settlement scheme facility. An amount of Rs.63,515/- will come under the purview of OTS scheme 2023. This amount is the disputed balance of Rs.86,531/- of 05/05/1992 as per the system energised details. Though the matter was brought to the attention of the consumer, be failed to utilize this facility.

Regarding the refund claim by the petitioner, the respondent stated that an amount of Rs.46,106/-were issued by the Special officer(Revenue) towards penalty for delayed payment of regular bills. Aggrieved by this, petitioner has filed a petition before CGRF (Southern Region) for getting the excess demand by means of calculating the belated interest for actual days, instead of treating part month as full month for calculation of interest. Upon the grievance, the forum quashed the bills, levying interest for actual days of delay and adjust excess amount if any, against the future demands. Subsequently the licensee challenged the order of the forum before the Hon’ble High Court of Kerala by

filing WP © No.22197/2010 and the Court dismissed the petition without interference. Having examined the order in detail, the respondent has decided to comply the judgement vide office order (DF) No.1058/2021 (Law/323/2021) dated 15/09/2021. On perusal of records, it is found that excess amount remitted by the consumer by way of interest is not seen credited into the account of the petitioner. A proceedings in this regard will be issued to the consumer, but it was not refunded.

## 3 Analysis and Findings

The first sitting of the case was on 21/08/2024. The respondent were present and Petitioner were absent on that day. Considering the inconvenience,the Forum afforded another oppurtunity to hear the grievance on 24/09/2024.On that hearing both the petitioner and respondent were present.

During the hearing petitioner contested that the licensee has not issued any revised invoice in this regards. So this belated demand after 35 years is totally illegal and also barred by limitation. In response, the respondent stated that the bills from 03/1989 to 03/1995 have to be revised by taking connected load as 389 KVA and an amount of Rs.82,611/- is due from the consumer and the petitioner is liable to remit the bill. On perusing the records,it is observed that the licensee lacks clarity in establishing their arrear bill. The amount and period is mentioned differently in the various contexts that mentioned in statement of facts. So utmost care should be taken while recording the facts in statement of facts.

The forum also observed that the respondent failed to adequately inform the petitioner about the arrear since 1989 and Issuing a demand after 35 years abruptly is deemed unjustifiable.As per the Regulation 123 (1) (r) (XV) of Kerala Electricity Supply Code, 2014 consumer arrears must be reflected in the consumer’s bill. The regulation is outlined below.

**Regulation 123 information to be provided in the bill**

**(i) energy charges**

**(ii) fixed charges**

**(iii) meter rent, if any**

**(iv) capacitor surcharges**

**(v)other charges, if any**

**(vi) electricity duty**

**(viii) fuel cost adjustment charges**

**(ix) power factor adjustment charges, if any**

**(x) reactive energy charges, if any**

**(xi) time of use charges, if any**

**(xii)penal charge for delay, if any**

**(xiii) interest on instalments due**

**(xiv) total demand for the current month**

**(xv) arrears (with details)**

**(xvi) details of subsidy if any**

**(xvii) others (with details)**

**(xviii) total amount due**

**(xviii) adjustment**

**(xix) net amount to be paid**

**(s) modes of payment accepted;**

**(t) in case of cheques and bank drafts, the receiving authority in whose favour the amount shall be drawn**

**(v) advance already paid;**

**(w) details of last six readings:**

**Also, as per Regulation 136 (3) of the Kerala Electricity Supply Code, 2014, no amount is recoverable unless it is shown continuously as arrears in the bills provided to the consumer.**

In this case, the respondent was unable to provide a valid explanation for the demand of the revised bill and failed to demonstrate the continuous inclusion of the disputed arrear in the invoice bills. The licensee also failed to provide any supporting evidence for the same.

Regarding the refundable amount of Rs.1,61,309/- as claimed by petitioner, the Forum found that only 46,106/- is eligible for refund. The Forum dismissed the argument of the petitioner that the respondent is liable to refund the penalty amount of Rs.1,05,203/- as per the judgment of First class Additional Munsiff of Thiruvananthapuram. On verifying the records, the Forum observed that a direction in this regard has so far not been received from the Hon'ble Court. The judgment of the Hon'ble Court was only to with hold the penalty amount. Here the petitioner is demanding for the refund of this penal amount assessed in the bill though the remittance of the same is not yet made by the petitioner. So the contention raised by the petitioner is baseless and devoid of any merit. Further more, the refund of Rs.10,000/- has also made by the licensee. Therefore the rest of the refund claim other than Rs.46,106/- is not maintainable.

***DECISION***

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

1. The revised arrear bill of Rs.82,611/- is hereby quashed.
2. The penal bill amounting to Rs 46,106/-.shall be adjusted it in future bills
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/-* | *Sd/-* | *Sd/-* |
|---|---|---|
| C .K.HARIKUMAR | SANJEEV KOSHY | LAILA.N.G |
| ADVOCATE<br>MEMBER III | EXECUTIVE ENGINEER<br>MEMBER II | DEPUTY CHIEF ENGINEER<br>CHAIRPERSON |

Forwarded
*Sd/-*

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No. 35/2024/506 Dated :11/*11/*2024

Delivered to:

1. The General Manager, Hotel Saj Luciya, East Fort , Thiruvananthapuram -23

2. The Special Officer Revennue, Vydyuthi Bhavanam, Thiruvananthapuram.

Copy to:-

1. The Secretary, KSERC, KPFC BhavanamVellayambalamTVPM.

2. The Deputy ChiefEngineer,ElectricalCircle,Thiruvananthapuram