

**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

Thursday,27th February ,2025

OP No.66/2024

Between

Petitioner: Sri. Fr. Ashlin Jose, Secretary,
Trivandrum Social Service Society
TSSS Golden Jubilee Building Archbishop's House
Compound Vellayambalam, Trivandrum

And

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

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

ORDER

1. Grievance of the petitioner

The petitioner Sri.Fr.Ashlin Jose is a consumer under Electrical Section, Sreevaraham bearing Consumer.No.1145154006620 and 1145152006652 billed under LT VIA tariff. The petitioner stated that Trivandrum Social service society is a registered non-governmental Organisation under the Travancore Cochin Literary, Scientific and charitable societies Registration Act 1955. It operates with the principal mission of empowering marginalised communities towards sustainable development particularly through educational & vocational initiatives. The Xavier's Industrial Training Centre providing educational services to underprevilaged youth from the fisher folk community. An inspection was

conducted on 6th April ,2024 by the officials of Licensee and detected the tariff misuse on the premises of the petitioner.

Subsequently a short assessment bill of Rs.2,56,834/- and Rs.33,735/- was served to the petitioner. The petitioner argued that the bill served by the licensee is not in accordance to the Regulation 97 (4) of the Kerala Electricity Supply Code 2014. Hence the complainant prays the Forum to cancel the short assessment bill.

2. Version of the respondent

The petitioner is a consumer under Electrical Section, Sreevaraham with Con.No.1145154006620 & 1145152006652 registered in the name of The Principal,St.Xaviers ITC in LT VIA tariff with a registered connected load of 7840 watts & 1500 watts. A site inspection was conducted on 06/04/2024 by the section squad and site mahasar was prepared by Sri. Saju.S, Sub Engineer in the presence of Sri. Jayaraj.J, Principal. On inspection it is found that the service connections were being utilised for educational Institution (Self Financing- Private) named as St. Xaviers ITC, Valiyathura. The tariffs of these connections were changed to LT VIF from the month of 04/2024 subsequently a short Assessment bill of Rs. 2,56,839/- for consumer number 1145154006620 and 1,69,019/- for Con.No.1145152006652 served to principal dtd 28/06/24 from the Assistant Engineer, Electrical Section, Sreevaraham, Thiruvananthapuram due to the wrong application of tariff for the period from 01/12/2007 to 30/04/2024.

The respondent stated that the Bill issued to the consumer is for short assessment based on the judgement of the Hon'ble Supreme Court dated 20/02/2020 in CA No.8350/2009 and connected cases regarding the bill of private self financing educational institution. Hence the bill sent to the consumer is as per rules in force and there is no deficiency in service on the part of KSEB Ltd.,

Aggrieved by the bill, the consumer filed a complaint against the bill before the Assistant Executive Engineer,Electrical Sub Division, Beach, Thiruvananthapuram. A personal hearing was conducted on 05/08/2024 and heard the consumer. The consumer stated that they are

running the institution under the leadership of Trivandrum social service Society (TSSS) with a motto to uplift the destitute and poor people along the coastal area for the purpose of imparting education and industrial training to them. They also stated that the society is a registered non governmental Organisation under the Travancore Cochin Literary, Scientific and charitable societies Registration Act 1955.

On verification it is found that a short assessment bill for Rs.1,35,284/- for the period from 1/12/2007 to 1/1/2011 was served to Con.No.1145152006652 on 27/10/2011 due to the wrong application of tariff charged in LT-VIA instead of LT VIIA based on audit report of the principal Accountant General (Civil & comml. Audit) . The petitioner filed a case before Hon'ble CGRF(South) vide Order dated 11/09/2018, in OP.No.82/2018 directed to collect the short assessment bill of Rs.135284/- without surcharge and the consumer remitted the amount on 26/10/2018. Based on the above Rs. 1,35,284/- was deducted from the demanded amount of the consumer No.11452006652 for the period 1/12/2007 to 1/1/2011 and a final bill of Rs.33,735/- was served to the consumer

Consumer Number	Final Amount as per short assessment
1145154006620	2,56,839
1145142006652	33,735

Disconnection notice was also issued by the Licensee as per existing rules clause 138 of Kerala Electricity Supply Code 2014 and there is no maladministration on the part of the Assistant Engineer, Electrical Section, Sreevaraham. In the view of the above facts they request the Forum to dismiss the appeal filed by the petitioner since the same is devoid of any merit.

3 Analysis and Findings

The Forum afforded an opportunity to hear the petitioner and respondent on 31/01/2025. Both the petitioner and respondent were present and heard the matter in detail. On going through the petition and other documents in the file, The Forum found that the petitioner is

aggrieved by a short assessment bill Issued by the licensee for recovering the short assessed electricity charges consequent to the revision of tariff category applicable to self financing educational institution. The site inspection was conducted on 06/04/2024 by the Section Squad and issued demand notice under Consumer No. 1145154006620 & 1145152006652 seeking Rs.2,56,839/- and Rs.33735/- respectively citing alleged ' tariff misuse' for the period from December 1, 2007 to April 30, 2024. The petitioner states that the principal mission of the institution is to empowering marginalised communities towards sustainable development, particularly through educational and vocational initiatives. Forum viewed that they providing educational services to underprivileged youth from the Fisher folk community through its "St. Xavier's ITC". A Short assessment bill for Rs.1,35,284/- for the period from 01/12/2007 to 01/01/2011 was served to Con.No.1145152006652 on 27/10/2011 due to the wrong application of tariff charged in LT-VIA instead of LT VIIA, based on the audit report of the principal Accountant General (Civil & Commercial. Audit). The consumer filed cases before the Hon'ble CGRF. The Hon'ble CGRF(South) vide order dated 11/09/2018 in OP.No.82/2018 directed to collect the short assessment bill of Rs.1,35,284/- without surcharge and the consumer had remitted the amount on 26/10/2018. In the order OP.No.82/2018 . The Hon'ble Forum observed that it was a lapse on the part of the licensee in assigning correct tariff in proper time. Consumer has only realised change of tariff in the correct tariff applicable to the petitioner is not implemented by the licensee at that time. It is not the fault of the consumer. The tariff is not reclassified as per the Order of CGRF(South),OP. No. 82/2028 till 06.04.2024. Here KSEBL has failed to adhere to the mandatory provisions of Regulation 97 of the Kerala Electricity Supply Code, 2014

Suo motu reclassification of consumer category by the licensee.-

(1) If it is found that a consumer has been wrongly classified, in a particular category or the purpose of supply as mentioned in the agreement has changed or the consumption of power has exceeded the limit of that category as per the tariff order of the Commission or the

category has changed consequent to a revision of tariff order, the licensee may suo motu reclassify the consumer under appropriate category.

(2) The consumer shall be informed of the proposed reclassification through a notice with a notice period of thirty days to file objections, if any.

(3) The licensee after due consideration of the reply of the consumer, if any, may reclassify the consumer appropriately.

(4) Arrear or excess charges shall be determined based on the actual period of wrong classification and the account of the consumer shall be suitably adjusted.

(5) If the actual period of wrong classification cannot be ascertained reasonably, the period shall be limited to a period of twelve months or a period from the date of last inspection of the installation of the consumer by the licensee whichever is shorter:

Provided that in the case of reclassification consequent to change of the purpose of supply by the consumer without due authorisation, the licensee may examine each case and initiate proceedings under Section 126 of the Act if found necessary.

Eventhough the petitioner approached the same Forum for the same type of grievance, earlier the licensee's this type of negligence after receiving an order from the same Forum cannot be tolerated and the licensee's lapse cannot be enforced as the burden of the consumer. Therefore the licensee should bear the financial loss. The licensee has the right to realise the loss obtained from the concerned officials at that time. Forum viewed that there is two consumer numbers in the premises having same tariff. There is no clarification in the argument note about it.

As per the regulation 97 (1) observed that it was a lapse on the part of the licensee in assigning correct tariff in proper time. But the tariff is not reclassified as per the order of CGRF (S), Kottarakkara till the 06/04/2024. The Forum viewed that it as a serious lapse on the part of the Licensee.

If it is found that a consumer has been wrongly classified or the purpose of supply has changed. Here in the subject case the Licensee has not adhered the above said regulation. Hence the Forum comes to the

conclusion that the short assessment bills issued by the licensee against the complainant is not sustainable. Also the Forum viewed that as per Regulation 136(3) of Kerala Electricity Supply Code 2014 which stipulates that no such sum due from any consumer, on account of default in payment shall be recoverable after a period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable arrear of charges for electricity supplied

DECISION

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

1. The short assessment bill amounting Rs. 2,56,839, Rs.33,735/- issued to the petitioner is not sustainable.
2. The demand shall be revised for two years prior to the date of change of tariff (04/2024) and the rest of the amount dues shall be recovered from the concerned revenue officials of the Licensee who made the lapses.
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. 66/2024/709

Dated : 28/02/2025

Delivered to:

1. Sri. Fr. Ashlin Jose, Secretary, Trivandrum Social Service Society, TSSS Golden Jubilee Building Archbishop's House Compound Vellayambalam, Trivandrum
2. The Assistant Executive Engineer, Electrical Sub Division, Beach Thiruvananthapuram.
3. The Assistant Engineer, Electrical Section, Sreevaraham.

Copy to:-

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