

**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

Saturday 29th March,2025

OP No.69/2024

Between

Petitioner:. Sri . Mansoor .Y ,
M/s Kavuvila Granite Buildings ,
Chappath Panavur . PO ,
Thiruvananthapuram.
PIN-605568.

And

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

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

ORDER

1. Grievance of the petitioner

M/s Kavuvila Granites is a High Tension (HT) consumer under Electrical Section Chullimanoor bearing LCN Code 21/9777. The petitioner stated that even though the company did not started functioning, the petitioner paid an electricity bill of Rs.5,75,000/-.On 14/11/2022, the licensee has disconnected the electricity connection of the unit due to default in payment of current charges. Thereafter on 13/11/2023, the licensee issued dismantling notice of stating that the arrear outstanding against the consumer from 04/2022 to 06/2023 is Rs.18,72,383 including the interest calculated upto 15/06/2023 and directed to remit the arrear amount within period of 15 days. On receiving the dismantling notice, the petitioner approached the licensee and conveyed his inability to pay the

arrears and he gave a cheque as a security to the respondent. The Petitioner also sought ten installments to repay the arrears amount. As there is no action taken from the licensee, he approached Honorable High Court as writ petition No.4184/2024 to grant installment facility to remit overdue amount. In response, the Honorable High Court directed petitioner to remit outstanding electricity dues in eight equal installments and also made instruction to the respondent to restore electricity connection after remitting the first installment of electricity charges. However the licensee has not taken action in this regard. Feeling aggrieved, the petitioner again filed a writ petition before the Honorable High Court and the Honorable High Court made direction to the petitioner to file a complaint before the Consumer Grievance Redressal Forum as provided under the (Consumer Grievance Redressal Forum and Electricity Ombudsman Regulations, 2023.) Therefore the petitioner requests the forum to (1). Pass an order that the respondent comply with the Hon'ble High Court Order in writ petition NO 4184/2024. (2). Direct the respondent not to implement the illegal monthly charges in disconnection period. (3). Direct the petitioner to provide electricity connection with immediate effect in which the petitioner remitted first installment as per Hon'ble High Court Order.

2. Version of the respondent

The petitioner is running a quarrying unit in the name and style 'Kavuvila Granites' under Electrical Section Chullimanoor, billed under HT I (A) industrial category. Now the industrial unit is inoperative. While so, the service connection was disconnected on 14/11/2022, since the petitioner had defaulted in payment of current charges and the respondent served a dismantling notice to the consumer as per sec 139 (6) of the Kerala Electricity Supply Code 2014 to remit the arrears amount within 15 days. Subsequently the petitioner requested to suspend the dismantling process for one month, and submitted a cheque dated 15/06/2023 for Rs.16,56,283/-. Upon the request, the dismantling process was stopped for one month. However the cheque that submitted was bounced due to insufficient balance in the consumer's account. On 27/01/2024, the

petitioner submitted an application submitted to Deputy Chief Engineer, Pattom, Vyduthi Bhavanam requesting to pay the remaining in ten installments, which is received after the cheque had bounced due to insufficient fund. Later the consumer has filed a writ petition WP © No.4184/2024 before the Honorable High Court of Kerala seeking direction to consider the request of the petitioner dated 27/01/2024 and to give direction to quash the notice issued by the licensee on 17/11/2023. On this writ petition, the Honorable High Court passed its order on 05/02/2024 allowing the petitioner consumer to pay the due amount in eight equal monthly installments, and the first installment should be paid on or before 01/03/2024. It was also directed that, the consumer should pay the electricity charge bills for the respective month and the connection to the aforesaid premises should be restored as soon as the first installment is paid. The Honorable High Court also opined that the board can take legal action, If consumer makes default in paying the amount. On the basis of the Court order, the installment schedule, was prepared and the outstanding arrears till 15/06/2023 was Rs.18,72,383/- including interest. The first installment to be paid was Rs.4,60,418/- and the petitioner has made default in paying the first installment. Hence the electricity connection to the consumer's establishment was not restored. The respondent further contended that in order to restore the service connection, the licensee has to remit maximum demand charge along with the arrear amount from 06/2023 to till the date of reconnection which summed up to Rs.25,46,783/-. Since disconnection was over 6 months, the reconnection can be effected only after inspection by the Electrical inspector.,

3 Analysis and Findings

The hearing of the case was conducted on 31/01/2025. Both the petitioner and respondent were present on that hearing .However, considering the depth of the issue, a second hearing was also scheduled on 04/03/2025. The hearing was attended by the petitioner, Mansoor.Y and the respondent Smt. Sheeja merlin, office of the Special Officer (Revenue) and Sri. Binu.D, Nodal Officer, Electrical Circle

Thiruvananthapuram. Having examined the petition in detail and the statement of facts of the respondent, considering all the facts and circumstances in detail, perusing all the documents of both sides, the forum comes to the following observations, conclusions and decisions thereof.

The petitioner Mansoor.Y, the proprietor of Kavuvila Granites holds a High tension (HT) electricity connection with LCN Code-21/9777. The supply of industrial unit was disconnected on 14/11/2022 due to non payment of monthly current charge. During the hearing the petitioner has expressed their financial crisis and inability to clear the arrears. In addition, he also pointed in the writ petition WP(c)No 4184 of 2024, the Honorable High Court directs the petitioner to remit the outstanding dues in eight installments and provide service connection after remitting the first installment. Even though the petitioner has paid the first installment, the supply was not restored by the licensee to the industrial unit. Hence the petitioner demands to give electricity connection with immediate effect as per direction of the Honorable High Court. He also sought to cancel the monthly fixed charges, while the electricity connection was not in force.

On perusing the records, the forum observed that the petitioner has accrued arrears from November 2022 onwards and the service connection was disconnected on 14/11/2022 due to non payment of current charges. As on 29/02/2024, the total demand arrear was Rs.34,18,670 and the petitioner paid on Rs.87,887/- including the SD interest given to the consumer during the Financial Year 2022-23 and 2023-24. The Section 56 of the Electricity Act clearly states about the disconnection of supply in default of payment

Section 56 (Disconnection of supply in default of payment): -- (1)
Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days' notice in writing, to such person and without prejudice to

his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

Provided that the supply of electricity shall not be cut off if such person deposits, under protest, -(a) an amount equal to the sum claimed from him, or

b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.

Therefore as per Section 56 (1) of the Electricity Act 2003, the licensee is empowered to disconnect the supply in case of default of payment.

Regulation 141 Charges payable during the period of disconnection.- The consumer is liable to pay the charges if any as approved by the Commission, during the period of disconnection also: Provided that no charge shall be due to the licensee for the period which is in excess of one hundred and eighty days from the date of disconnection if the connection remains continuously disconnected for one hundred and eighty days except on the request of the consumer.

Here the the fixed charge is demanded only for 6 months from date of disconnection, even though the licensee has not dismantled the connection. As such, the aforementioned regulation is seen to be complied with and therefore Forum dismissed the argument of the petitioner to cancel the monthly fixed charges during the period of disconnection. Moreover as **per Regulation 139 (6) of the Kerala Electricity Supply code 2014, If the consumer default in payment of dues payable to the licensee as per the bill or demand notice**

or any order issued by a competent authority, with in the period stipulated there in the licensee shall disconnect the supply of electricity to the consumer after disconnection, the licensee shall, on the grounds mentioned in Sub Regulation (1) of Regulation 138 give intimation to the consumer as per format given in Annexure-18 to the code to remove the cause of disconnection, failing which the supply may be dismantled.

Therefore the dismantling notice served by the licensee is in accordance with the aforementioned regulations, and the bill served is legally sustainable.

Regarding the direction of the Honorable High Court pertaining to the reconnection of supply, it is pointed that the licensee can restore supply on after making the payment of first installment. Here the first installment amount is Rs.4,60,418/-. As the consumer did not pay the first installment in full, the electricity connection to the consumer;s establishment was not restored. Hence the Forum does not sees any violation from the part of licensee in abiding the order of the Honorable High Court

The Forum also realized that the petitioner,being an entrepreneur, he faced severe protest from the local group which ultimately paved to shutdown the industrial unit. Moreover he has not availed a single unit of consumption during the period from 11/2022 to 02/2025.The fact is that the petitioner could not operate the industrial unit due to some external reasons and on the other side the arrear is accumulating. Hence licensee may consider a humane approach on this matter. The forum is of the opinion that the issue should be resolved through a consenses between the respondent and the licensee. Hence the petitioner and the licensee agreed to find a solution through discussion.

As per the instructions of the Forum ,both the parties reached a consensus and the petitioner expresses his willingness to dismantle the service connection and it was intimated before the forum vide letter dated 04/03/2025 by the petitioner. Hence the petition is disposed accordingly.

DECISION

1. The licensee shall dismantle the service connection as per the Regulation 145 of the Kerala Electricity Supply Code 2014.
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.69/2024/ 749

Dated : 04/04/2025

Delivered to:

1. Sri . Mansoor .Y , M/s Kuvila Granite Buildings , Chappath Panavur . PO , Thiruvananthapuram.
2. The Special Officer (Revenue), Vydyuthi Bhavanam, Thiruvananthapuram.

Copy to:-

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram.
2. The Deputy Chief Engineer, Electrical Circle, Kattakkada.