

**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

Monday 30th June ,2025

OP No.92/2024-25

Between

Petitioner: Sri. Praveen.T.T,
Michael House,
TC 16/882 (18) Jagathy,
Thycaud.P.O.,
Thiruvananthapuram
PIN 695014

And

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

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

ORDER

1. Grievance of the petitioner

The petitioner Sri. Praveen.T.T, Michael House, Jagathy, Thiruvananthapuram, the Managing Director of M/s Michael Builders and Developers Pvt.Ltd., The Service connection bearing consumer number 1145124042444 has been availed for running the office complex of M/s Michael Builders and Developers Pvt Ltd located in the building number TC4/14721 under the jurisdiction of the Electrical Section,Poojappura.This firm has been fully operational since March 2024. The petitioner stated that the connection taken earlier for construction purposes in LT VI F tariff. The same tariff was

continued there even after the completion of the construction of the building. Following the APTS inspection held on 26/11/2024, the connected load was adjusted and the tariff was fixed at the LT-VIF tariff on the basis of the consulting office.

But after a month, the Assistant Engineer of Electrical Section Poojapura informed him through a notice that the tariff of his institution was LT VIIA and if there was any objection to the determination of the tariff, informed it to the officials. The petitioner raised an objection along with the documents of the Regulatory commission and requested that the tariff of his institution be maintained as LT-VIF. The petitioner stated that the Assistant Engineer rejected his application and changed the tariff of his establishment from LT VIF to LT VII A. Against this he again raised an objection before the Assistant Executive Engineer of Electrical Sub Diviison ,Poojappura, that the tariff of his establishment be maintained as LT VIF. The Assistant Executive Engineer held a hearing and rejected his application with out considering any of the facts raised by him and upheld the action of the Assistant Engineer who changed the tariff of his establishment from LT VIF to LT VIIA. The petitioner alleged that the sudden tariff change was to covered up the lapse in the assessment made by the licensee. Considering all the above facts they humbly request the forum for justice.

2. Version of the respondent

The respondent has filed the statement of facts against the averments raised in the petition. According to the respondent, the petitioner Sri. Praveen.T with consumer number 1145124042444 falls under the jurisdiction of Poojapura Electrical Sub Diviison and Poojappura Electrical Section .On 26.11.2024 the APTS team along with the officials of Poojappura Electrical Section, conducted an inspection at that premises and found that 34623 watts were being consumed more than the permissible load, from the meter for the purposes of the establishment

named Michael Builders & Developers. On the basis of which an assessment bill of Rs.3,20,544/- was issued under Section 126 of the Electricity Act 2003.

The respondent stated that the consumer has applied for the renewal of the connected load as 38373 and the tariff has been fixed at 6 F tariff as per the application on 01/01/2025. It was also readjusted from the date of 01/01/2025. On the basis of a detailed inspection by the Assistant Engineer, it was found that the consumer was using it for commercial purposes. A notice was issued to the consumer and the tariff was changed to VIIA from 22/02/2025. The complainant filed a complaint before Assistant Executive Engineer, Poojapura. A hearing was held on 06/03/2025. In the hearing the complainant submitted a copy of the registration and stated that the main object stated therein is to carry on the business of builders, Land Developers land owners, buying and selling of real estate and to engage in construction of commercial and residential offices, flats, Villas and other infrastructure projects. The photograph of the boards displayed in front of the office as evidence and stating that some 10 establishments are operating there. As per the Kerala Gazette No.3939 Volume XIII, dated 9th December 2024 filed by the complainant the establishment falls within the scope of the Business House as stated in the Memorandum of Association of Michael Builders and Developers Private Limited and the action of the license is correct. The above action was taken in accordance with the existing laws and regulations and it is humbly requested to the forum to reject the complaint, considering all the matters mentioned above.

3 Analysis and Findings

The forum afforded an opportunity to hear the petitioner and respondent on 13/05/2025. The petitioner was not present and respondent were present for hearing. Again the Forum afforded an opportunity on 04.06.2025. Both the petitioner and respondent were present. Having examined the petition in detail and the statement of facts of the respondent, considering all the facts and circumstances in detail and perusing all the documents of both sides, the forum comes to

the following observation, conclusion and decisions there of. The issue arising for consideration in the petition is changing of the tariff assigned by the licensee. After the APTS inspection the petitioner has applied for the renewal of the connected load as 38373 and the tariff has been fixed at VI F tariff. The Forum viewed that after the site inspection, of the officials it was found that the connection is not under VIF tariff and the consumer was using it for commercial purpose. The respondent claims that the connected load and tariff readjusted as per the application on 01/01/25.

As regarding the reclassification of the consumer category on the request of the consumer the procedure is mentioned in Regulation 97 of the Kerala Electricity Supply Code 2014 which states that

97. 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.

The Forum arrived a conclusion that the Licensee has the right to assign the applicable Tariff based on the purpose of supply used there. The Forum does not intervene into the reclassification of Tariff.

DECISION

Considering the above facts & circumstance of the case the Forum ordered as follows.

- (1) The tariff change initiated by the respondent is sustainable.
- (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.92/2024-25/854

Dated :03/07/2025

Delivered to:

1. Sri. Praveen.T.T, Michael House, TC 16/882 (18) Jagathy, Thycaud.P.O., Thiruvananthapuram. PIN 695014
Con. No.1145124042444 Mob.No.9746034722
E-mail -
2. The Assistant Executive Engineer, Electrical Sub Division, Poojappura. K.S.E. Board Ltd,
3. The Assistant Engineer, Electrical Section, Poojappura.

Copy to:-

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

Office: CGRF(S), Vydyuthi Bhavanam, Kottarakkara, Pin - 691 506

Web site: cgrf.kseb.in E- mail: Cgrf.ktra@kseb.in, Phone: 0474 - 2451300