

## STATE ELECTRICITY OMBUDSMAN

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### REPRESENTATION No: P 101/09

Appellant : Sri Sunny Mathew S/o Mathew, Adakkanattu House ,  
Pulluvazhy (Po) , Perumbavoor

Respondent: Kerala State Electricity Board  
*Represented by*  
The Assistant Executive Engineer  
Electrical Sub Division, Velloorkunnam,  
Muvattupuzha

### ORDER

Sri Sunny Mathew , Adakkanattu House , Pulluvazhy submitted a representation on 24.9.2009 seeking the following relief:

*Set aside the order no: CGRF-CR/Comp 40/09-10/984/19.8.2009 of CGRF Ernakulam and allow the Consumer no 10506 to continue under LT IA Domestic tariff.*

Counter statement of the Respondent was obtained and hearing conducted on 16.12.2009 and 22.12.2009.

The Appellant Sri Sunny Mathew had connection no: 10506 under I A tariff under Valayanchirangara Section of KSEB. An inter section inspection team after inspecting the premises on 28.5.2009 directed that the tariff of the consumer may be changed to LT VIIA commercial on the grounds that the premises are being used as vehicle garage and lodging the employees of the Appellant's nearby soda factory. KSEB also issued an 'adjustment invoice' for Rs 9240/- on 30.5.2009 being the penal assessment for the previous 12 months. The consumer was billed under LT VIIA since 5/09. The Appellant gave an objection letter on 9.6.2009 which was not considered by the Respondent .The Appellant was not heard . The CGRF upheld the action of KSEB.

The representation with the pleas noted above is submitted to the under signed in the above back ground.

The Appellant claims that the service connection is not used for any commercial purposes. KSEB has not stated any valid reasons for change of tariff. The scene mahazar said to have prepared had not been copied to him. It was true that the Appellant had allowed a few employees of his factory to stay in the house. It was also true that the Appellant had parked a few vehicles outside the building. But the Appellant says KSEB can not change the tariff of the connection based upon this.

The Respondent produced copy of the scene mahazar format prepared by the inspection team. The purpose noted by inspection team is vehicle garage and lodging of employees of the factory. The scene mahazar notes that the tariff is to be changed to LT VIIA . It is prepared by one Assistant Engineer of Kothamangalam. In the inspection note also the same fact is recorded.

The single question to be decided is whether KSEB can classify a domestic connection, where the house is used as vehicle garage and for lodging of some employees of the factory, to commercial tariff. KSEB has no contention that the building is used as 'lodge' in the commercial sense nor as a lodge in its common parlance meaning understood in their natural, ordinary and popular sense. Only fact is that some employees have been allowed to reside in the house. I do not think that the basic nature of the domestic connection have changed due to this. The finding that a few vehicles of the soda factory have been parked in the premises is not at all relevant to electricity tariff.

Hence the only conclusion is that the action of KSEB in converting the service to commercial tariff is not fair.

It is bewildering to see that the 'adjustment bill' amounting to Rs 9240/- had been issued to the consumer on 30.5.2009 penalizing him for the previous 12 months on the matter. The calculation statement and the bill states that it is towards 'unauthorized additional load'. The KSEB had not identified any UAL in this case. Then how could they issue an invoice for penal charges for UAL? In the bill itself the penal FC is computed at VIIA tariff and penal CC at domestic tariff! Credit had not been provided for the amounts already paid. How could KSEB issue such an invoice is not known. In short the invoice issued to the consumer for Rs 9240/- is marked by errors , carelessness and high handed ness. Surprisingly the bill had never been reviewed at any level even though the consumer had submitted objection letter on 9.6.2009 and later a petition in CGRF. The bill shall be cancelled and amount refunded.

#### Orders:

Under the circum stances explained above and after carefully examining all the evidences, arguments and points furnished by the Appellant and Respondent on the matter, the representation is disposed off with the following orders:

- 1. The order no: CGRF-CR/Comp 40/09-10/984/19.8.2009 of CGRF Ernakulam is set aside and the Consumer no: 10506 under*

*Valayanchirangara Section of KSEB shall continue under LT IA Domestic tariff*

2. *The excess amounts collected from the consumer shall be refunded by adjustment in future bills in 12 monthly installments.*
3. *No order on costs.*

Dated this the 22nd day of December 2009,

P.PARAMESWARAN  
Electricity Ombudsman

No P 101 /09/452 / dated 22.12.2009

Forwarded to: 1. Sri Sunny Mathew S/o Mathew, Adakkanattu House ,  
Pulluvazhy (Po) , Perumbavoor

2. The Assistant Executive Engineer  
Electrical Sub Division, Velloorkunnam,  
Muvattupuzha

Copy to :

1. The Secretary,  
Kerala State Electricity Regulatory Commission  
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Thiruvananthapuram 695010
2. The Secretary ,KSE Board,  
VaidyuthiBhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF,KSE Board ,  
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