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APPEAL PETITION No. P/033/2020  
(Present: A.S. Dasappan)  
Dated: 30<sup>th</sup> December 2020

Appellant : Sri. Safarulla Khan. S.M.,  
Shahubaniya Manzil,  
Kannanalloor P.O.,  
Kollam.

Respondent : The Asst. Executive Engineer,  
Electrical Sub Division, KSEB Ltd.,  
Kottiyam.

### **ORDER**

#### **Background of the case:**

The appellant is a consumer bearing Consumer number 16625 of Electrical Section, Kannanalloor. The appellant availed a single-phase domestic connection on 28-01-2009 by remitting Rs.1,500/- towards OYEC charge and further on 28-01-2013 the single-phase connection was converted to three phase under the same scheme. The respondent issued a demand notice to the appellant for Rs.3,850/- on 24-10-2018 towards short collection and later which was revised to Rs.5,350/-. The appellant filed a petition before CGRF, Southern Region, Kottarakkara vide OP No.28/2020, but the Forum disposed of the petition, ordering to remit the amount. Aggrieved on this, the appellant filed this appeal petition before this Authority on 03-11-2020.

#### **Arguments of the appellant:**

The appellant availed a single-phase connection from the KSEBL to his newly constructed house in the year 2010. In the year 2014, the single-phase connection of the appellant was converted into three phase connection after paying the demanded amount by the KSEBL. But after a period of six years, the KSEBL issued a notice demanding to pay an amount of Rs.3,850/- and later issued a reminder demanding to pay an amount of Rs.5,350/- contrary to the above notice. The appellant was informed that unless the amount is paid, the electric supply would be disconnected.

The respondent filed objection contending that the appellant availed a single-phase electric connection after collecting an amount of Rs.1,500/- on 28-01-2009. Later the single-phase connection was converted into three phases on 28-01-2013 after collecting an amount of Rs.9,100/-. But the actual amount to be changed was Rs.14,450/-. The mistake was detected in audit. Hence, an amount of Rs.5,350/- is to be paid by the appellant in connection with the conversion of single-phase into three phases connection.

The lower authority heard the appellant's side and respondent's side through video conference and finally dismissed the petition of the appellant.

The order of the lower authority is illegal and devoid of any merits.

The lower authority ought to have found that the respondent allowed three phase connection to the appellant after receiving the full charges.

The lower authority ought to have found that the amount which is alleged to be paid in the year 2013 can't be recovered in the year 2020 as it is barred by limitation.

The lower authority ought to have found the bill issued by the respondent is not legal and not sustainable.

For the above and other grounds that may be urged at the time of hearing this authority may be pleased to admit the appeal and to set aside the order of the lower authority after cancelling the bill issued by the respondent.

**Arguments of the respondent:**

Office records of Electrical Section, Kannanalloor reads that the appellant had availed a single phase domestic Electric Connection on 28.01.2009, vide Consumer number 16625, by remitting Rs. 1500/- towards OYEC. On 28.01.2013 he has converted the connection to 3 phases. Actually, he had to remit Rs. 14450/- towards the conversion.

RAO audit report dtd.31.03.2015 read that, the consumer had to remit an amount of Rs. 14450/- and the actual remittance was Rs.9100/-, and found Rs.5350/- short collection for the conversion. According to the RAO report, the Assistant Engineer, issued a demand notice for Rs. 3850/- as OYEC short collection amount, which was arrived from the difference of remittance as per Orumanet ( Rs. 10600/- ) and the total actual OYEC amount (14450/-), the appellant had to remit. Hence the Assistant Engineer issued a demand notice for Rs. 3850/- towards short collection.

Consequent to the issuance of the demand notice for Rs. 3850/- by Assistant Engineer, the appellant approached the Assistant Engineer demanding details of the amount he had to remit and the detailed estimate. Hence the Assistant Engineer, inspected the site and verified the estimate for confirmation, and observed that the estimate is reasonable . Further, the respondent found that the amount of OYEC remittance Rs. 10600/- as per the Orumanet is false and it is actually Rs. 9100/-, since the OYEC amount (Rs.1500) remitted originally for the original connection cannot be considered for conversion to 3 phase and accordingly the consumer had to remit an amount of Rs. 1500/- further. Hence, the respondent issued a revised demand notice for Rs. 5350/- towards short collection remittance.

Hence, the respondent requested that, the amount of Rs. 5,350/- for which the appellant was issued the demand notice is actually falling short for payment for converting to 3 phase connection. The appellant had to remit Rs.14,450/-. But the appellant had remitted only Rs. 9,100/- due to office software error. As per Kerala Electricity Supply code 2014, Regulation 134, licensee can realize the above short collection amount. Hence, the respondent requested to reject the appeal of the appellant.

#### **Analysis and findings:**

An online hearing was conducted at 11 AM on 14-12-2020 with prior intimation and willingness of both the appellant and respondent. Sri. Safarullakhan, the appellant and Sri. Sujithkumar. S., Assistant Executive Engineer, Electrical Subdivision, Kottiyam from the respondent's side appeared for the hearing. On examining the petition, the counterstatement of the respondent, the documents attached and the arguments made during the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

The single-phase electric connection availed by the appellant on 28-01-2009 remitting Rs.1,500/- towards OYEC charge was converted to three-phase connection on 28-01-2013 under OYEC scheme. After six years, the appellant was given a demand notice for Rs.3,850/- and later revised to Rs.5,350/- by the respondent towards the short realization of OYEC charge for conversion of single-phase to three-phase electric connection. In the hearing the appellant revealed that there is no remittance details or receipt of OYEC payment with him. The respondent revealed that Rs.9,100/- was remitted by the appellant for the conversion of single-phase to three-phase connection.

The total OYEC amount calculated by the Regional Audit Officer is Rs.14,450/- for converting the single-phase connection to three-phase connection. As per report, the work includes (1) converting overhead line (2) converting weatherproof service line (3) providing a support pole to the weatherproof wire. The observation in the audit report dated 31-03-2015 is reproduced below: -

“Length of conversion is not mentioned both in the CC bill and pole war statement. Instead of it, rate of conversion is only mentioned in the bill, which is Rs.1,312/-. From the labour cost, length of 3 phase conversion is assessed as follows: -

Rate of 3 phase conversion of 2 wire to 4 wire	=	16400
Rate claimed	=	1312
Length	=	$\frac{1312}{16400} = 0.08 \text{ KM} = 80 \text{ Metre}$
OYEC as per above conversion length of 80 metre		
	80 m x 120 =	9600
	WP support =	<u>2350</u>
		11950
OYEC for 3 phase connection	=	<u>2500</u>
		<u>14450</u>
Less OYEC collected	=	<u>9100</u>
		<u>Rs.5350”</u>

Here the Audit Officer computed the length of converted line from labour cost measured in the CC bill. But in the pole war statement, the length of overhead conversion made is 55 metre and one pole is used for supporting weatherproof line. The connected load is 7000 Watts.

It is not proper to make a calculation for finding the length of converted overhead line from the labour charge mentioned in the CC bill and raising a demand for further realization from the appellant. The realized amount Rs.9,100/- is the total conversion charge of 55-metre overhead line Rs.6,600/- and weatherproof wire conversion charge of Rs.2500/-.

As per approved data, the rate per metre conversion of LT single-phase 2 wire line to LT three-phase 4 wire line is Rs.120/-, the rate for converting LT single phase weatherproof service connection to LT three phase weatherproof service connection with connected load up to and including 10 KW is Rs.2,500/-; rate for providing support pole for weather proof service connection is Rs.2,350/-. As such the total amount will be Rs.11,450/-.

As per Regulation 134(1), the Licensee can recover the under charged amount from the consumer by using a bill. Hence, the appellant is liable to pay the under charged amount of Rs.2,350/-.

**Decision: -**

From the analysis and conclusion arrived at as detailed above, I decide to quash the demand of Rs.5,350/- issued to the appellant. The respondent shall issue a revised demand for Rs.2,350/- towards the short-collected amount and the appellant shall remit the amount within 15 days from the date of receipt of the demand.

Having concluded and decided as above, it is ordered accordingly. The order of CGRF in OP No. 28/2020 is modified to this extent. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/033/2020/\_\_\_\_\_ dated \_\_\_\_\_.

Delivered to:

1. Sri. Safarulla Khan. S.M., Shahubaniya Manzil, Kannanalloor P.O., Kollam.
2. The Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Kottiyam.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Kottarakkara - 691 506.