

**THE STATE ELECTRICITY OMBUDSMAN**  
Charangattu Bhavan, Building No.38/2829,  
Mamangalam-Anchumana Road,  
Edappally, Kochi-682 024  
[www.keralaeo.org](http://www.keralaeo.org) Ph: 0484 2346488, Mob: 91 9539913269  
Email: ombudsman.electricity@gmail.com

---

**REVIEW PETITION No. R.P/003/2021**  
**IN APPEAL PETITION No: P-031/2021**

**(Present: A.S. Dasappan)**  
**Dated: 21<sup>st</sup> January 2022**

Review Appellant : Sr. Smitha,  
Mother Superior,  
Nirmal Bhavan Convent  
Nenmara,  
Palakkad Dist.

Review Respondent : Assistant Executive Engineer,  
Electrical Sub Division, KSEB Ltd.,  
Vadakkancherry, Palakkad Dist.

**ORDER**

**Background of the case:**

The gist of the appeal petition preferred by the appellant / review appellant before this Authority is as follows:

The appellant is a three-phase consumer of Electrical Section, Nenmara with consumer number 1165138006403. The electric connection was effected on 24-01-1992 and the connected load is 6820 watts. The premises is a self-financing institution and billing of energy charges was done under LT VIA tariff till 30-11-2007. Afterwards the tariff category of the self-financing institution was changed to LT VIIA tariff category and in continuation the subject went to litigation. The appellant was given a short assessment bill for Rs.23,764/- dated 12-10-2020 and hence, the appellant filed a petition in Consumer Grievance Redressal Forum (CGRF), Northern Region, Kozhikode vide OP No. 130/2020-21 and as per the order of the Forum order dated 26-03-2021, the respondent issued revised bill for Rs.20,159/- on 22-04-2021. Also, the Forum found the

respondent's action based on the direction of the Secretary, KSEB Ltd. vide dated 29-02-2020 is in order. Not satisfied with the decision of the Forum, the appellant filed appeal petition P-031/2021 before this Authority and the appeal petition was disposed of on 21-10-2021 upholding the decision of Consumer Grievance Redressal Forum. Still aggrieved by the decision, the review appellant has submitted this review petition with plea to refund/adjust the surcharge amount of Rs.13,440/- remitted by the appellant as per the decision of the Ombudsman in appeal petition P-031/2021.

**Arguments of the appellant:**

As per the order of Electricity Ombudsman in Appeal Petition P-031/2021 dated 21-10-2021, the review appellant was given a bill for Rs.20,159/- on 02-11-2021 and the amount was remitted on 06-11-2021. In the amount remitted by the appellant Rs.6,719/- is the balance current charge and Rs.13,440/- is the surcharge @18% as per the Regulation 131 (2) of Kerala Electricity Supply Code 2014. As per Regulation 134 (1) of Kerala Electricity Supply Code 2014, it is understood that the appellant is liable to remit the balance current charge only.

Regulation 134: Under charged bills and over charged bills: -

(1) : "If the licensee establishes either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill".

The review appellant requested to review the decision in Appeal Petition P-031/2021 and exemption from remitting the surcharge. The review appellant remitted the amount and requested for the refund / adjustment of the surcharge portion of the remitted amount.

**Arguments of the respondent:**

The order of Electricity Ombudsman in Appeal Petition P-031/2021 dated 21-10-2021 is as per statute and doesn't contain any apparent error. As per Regulation 131 (2) of Kerala Electricity Supply Code 2014, the Licensee can

recover interest on the amount of the bill at applicable rate. Since the matter of tariff of Self-Financing Educational Institution was under litigation, the bills are to be treated as disputed bills as per Regulation 130 of Kerala Electricity Supply Code 2014. There is no illegality in charging interest for the short-assessment as per Hon'ble Supreme Court judgement in the tariff assignment of Self-Financing Educational Institution. The Licensee is unable to bill the review appellant due to litigation. The bill was issued soon after the receipt of Hon'ble Supreme Court judgement. The review respondent wants to dismiss the review petition filed by the review appellant.

**Analysis and findings:**

An online hearing of the case was conducted on 17-01-2022 on the review petition with prior intimation to both the review appellant and the review respondent. Sr. Molphy attended the hearing for the appellant and Sri. K.V. Ramprakash., Assistant Executive Engineer, Electrical Subdivision, KSEB Ltd., Vadakkancherry from the respondent's side. On examining the appeal petition, the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached 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 appeal petition filed by the appellant vide P-031/2021 was disposed of by this Authority upholding the decision of the CGRF, Northern Region in the petition filed by the appellant before the Forum vide OP No.130/2020-21. The decision of the Forum was that the action of the respondent in issuing the short-assessment bill with surcharge was in order. The review appellant remitted the short-assessment bill for Rs.20,159/- on 06-11-2021 comprising of the energy charge for Rs.6,749/- and surcharge for Rs.13,440/- following the decision of this Authority in Appeal Petition No. P-031/2021 dated 21-10-2021. The contention raised by the appellant in the review petition is to exempt the appellant from the surcharge portion of the electricity bill and refund/adjust the surcharge of Rs.13,440/-, which was remitted by the appellant.

The appeal petition P-031/2021 was analyzed by this Authority on the strength of the judgement of Hon'ble Supreme Court of India dated 20-02-2020 in Civil Appeal No.8350/2009 filed by KSEB Ltd. In the review petition, nothing is pointed out which escaped from the notice of this Authority while disposing the appeal petition. The review jurisdiction is limited to rectify a mistake or an error which is apparent on the face of records and it cannot be used as appellate jurisdiction. In this background, this Authority did not find any reason to intervene the order already issued.

**Decision: -**

In view of the above discussions, I hold that review petition is not maintainable and hence, rejected.

**ELECTRICITY OMBUDSMAN**

R.P/003/2021/\_\_\_\_\_ dated \_\_\_\_\_.

Delivered to:

1. Sr. Smitha, Mother Superior, Nirmal Bhavan Convent, Nenmara, Palakkad Dist.
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Vadakkancherry, Palakkad Dist.

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.