

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/014/2022**(Present: Bhuvanendra Prasad. T.R.)****Dated: 31st May, 2022**

Appellant : The Principal,
Airconds Computer Centre (P) Ltd.,
Govt. Hospital Road,
Vadakara,
Kozhikode Dist. 4.

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Vatakara, Kozhikode Dist.

ORDER

The appeal petition filed by the appellant pertains to consumer No. 1166236001173 and 1166237001172 at the premises where the appellant's educational institution "Airconds Computer Center & (Pvt) ITI" was functioning. The above stated connections were registered in the name of Sri. Latheef Panayullathil under Electrical Section Vadakara North. Consumer No. 1166237001173 was dismantled on 19/11/2020 and the premises has now only one electric connection bearing No. 1166236001172 being Sri. Latheef Panayullathil as registered consumer. Being the appellant is a self-financing educational institution, as per the present tariff order, tariff assigned to the consumer is VI—F. The energy meter installed in the premises of Consumer No. 1166236001173 became faulty and consequently the same was replaced on 13/11/2019 by a good functioning meter. Thereafter on 06/12/2019 a bill for Rs. 2,711/- had been issued for 338 units and the consumer remitted the said bill amount on 12/12/2019. Then on 6/2/2020 electricity bill for Rs. 7,802/- being the regular current charge for the consumption of 875 units for the

previous bi-months was issued and the same was also remitted by the appellant on 10/02/2020. After replacing the faulty meter, on 03/03/2020 a short assessment bill for an amount of Rs.39,511/- for the meter faulty period had been issued to the appellant on the basis of the average consumption and the appellant had remitted the above bill on 26/5/2020. Subsequent regular current charge bills issued to the appellant were also remitted by the appellant.

Since the appellant raised complaint against the regular current charge bill issued to him on 15/10/2020 for Rs. 8,280/- for 954 units, the energy meter installed in the premises of Con. No. 1166236001173 was tested by installing a parallel meter and found that there was no error in the energy meter and the same had been conveyed to the appellant. The appellant was also advised to check the internal wiring to find out whether earth leakage was prevalent in the premises. Moreover, since in the premises of Airconds Computer Center & (Pvt) ITI, two electric connections bearing No. 1166236001173 and 1166237001172 were found using for the same purpose in the same tariff, direction was issued to dismantle one of them and to take steps to regularize the load in the other connection which is to be retained. Afterwards on 19/11/2020 electric connection to Consumer No. 1166237001173 had been dismantled on the request of the appellant and the load in the premises has been regularized on Consumer No. 1166237001172.

On examining the complaint regarding the bills issued to the appellant, it was found that the short assessment bill issued for the meter faulty period on 03-03-2020 was prepared by taking the average consumption from the post meter replaced period. Hence, the bill was revised by taking the average consumption prior to the meter faulty period. On scrutiny it was also found that the appellant was billed under the tariff applicable for government/aided educational institutions. The appellant being a self-financing educational institution, it should have been billed under the tariff applicable for self-financing educational institutions.

A regular current charge bill for Rs.8,270/- had been issued to the appellant on 07/6/2021. After adjusting CD interest, amounting to Rs. 402/-, the appellant had to remit Rs.7,868/-. This bill was for the regular current

charge for 666 units consumed by the appellant during the period from 08/04/2021 to 07/06/2021.

On 20/2/2020, Hon'ble Supreme Court of India in Civil Appeal No. 8350 of 2009 and in connected Appeals, ordered restoring the judgment of the Single Judge of the Hon'ble High Court, wherein the Hon'ble High Court found that the notification issued by Kerala State Electricity Regulatory Commission on 26th November 2007 bearing Order No TP 23 and TP 30 of 2007 to be valid. In the above stated notification, SFEI were categorized under Low Tension VII (A) commercial category with effect from 1/12/2007 (As per the present tariff order SFEI are categorized under VI — F tariff). In the light of the aforementioned judgment of the Hon'ble Supreme Court, Kerala State Electricity Board Ltd. has issued circular No. LA I/5243/2009/2005 dated 29/02/2020 to recover the arrears of current charge being the difference of tariff applicable to SFEI and the bill amount paid by the self-financial educational institutions under different tariff (tariff applicable for government/aided educational institutions) with interest from the consumers concerned.

From 10/2008 to 08/2013, the appellant bearing Consumer No. 116623701172 was billed under VIB tariff. As per the guidelines in the circular No. LAI/5243/2009/2005 dated 29/02/2020 issued by Kerala State Electricity Board Ltd. to recover the arrears of current charge being the difference of tariff applicable to SFEI and the bill amount paid by the self-financial educational institutions under different tariff (tariff applicable for government/aided educational institutions) with interest, Electrical Section, Vatakara North issued a tariff revision arrear bill for Rs.1,16,531/- (Rs.41,280/- being the principal and Rs.75,251/- surcharge) which the appellant is bound to remit as per the notification issued by Kerala State Electricity Regulatory Commission in respect of the tariff of Self Financial Educational Institutions.

The hearing of the case was scheduled on 26-05-2022, but the appellant vide letter dated 18-05-2022 expressed his willingness to remit the arrear under One Time Settlement scheme and also submitted a letter, requesting to withdraw that complaint. By considering the willingness of the

appellant, Deputy Chief Engineer Electrical Circle, Vadakara accorded sanction to remit the arrear in 6 equal installments with a surcharge portion at a reduced rate of interest of 4% as intimated by the respondent vide their letter dated 25-05-2022. With the request of both the appellant and the respondent to dispose the complaint submitted by the appellant, the Appeal Petition No. P-014/2022 filed by the appellant is disposed of as withdrawn.

This Appeal Petition No. P-014/2022 is disposed of as withdrawn.

ELECTRICITY OMBUDSMAN

P/014/2022/ _____ dated _____.

Delivered to:

1. The Principal, Airconds Computer Centre (P) Ltd., Govt. Hospital Road, Vadakara, Kozhikode Dist. 4.
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Vadakara, Kozhikode 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.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Gandhi Road, Kozhikode