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REPRESENTATION No: P 117/09

Appellant : Sri Saju Thomas S/o P.P.Thomas
Pellissery House , Ammadam (Po) Thrissur Dt

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division Karuvannur Thrissur Dt

ORDER

Sri Saju Thomas S/o P.P.Thomas ,Pellissery House , Ammadam , Thrissur Dt submitted a representation on 22.12.2009 seeking the following relief:

1. *Revert the Tariff of Consumer Number F 90 Cherpu section to LT IV Industrial*
2. *Take action against the employees of Cherpu section for harassing the consumer*
3. *Order compensation to the tune of Rs 10 Lakhs by recovering from the employees.*

Counter statement of the Respondent was obtained and hearing conducted on 11.03.2010.

The 3 phase connection number F90 was given under Cherpu section under LT IV industrial tariff with connected load of 6KW for an oil mill in 1976 in the Industrial estate. The tariff of the service was changed to LT VII A from April 2007 since the APTS team found that there was no production activity there. The Appellant agitated against this and finally approached the CGRF who upheld the action of the local KSEB officials

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

The contentions/arguments/points raised by the Appellant in the representation and during the hearing are summarized below:

1. The plant has one 3 phase 7.5 HP motor with 3 oil 'chuck' and a motor operated oil filter press . The equipments are working on certain seasons only depending upon the availability of raw materials, raw oil etc. The unit is registered with Khadi and Village Industries Commission and working as per their specifications The products have 'agmark' registration. The unit is also collecting various raw oils and filtering using the motor operated filter press and marketing locally.
2. The APTS team had not inspected the service connection number F90 on 2.4.2007. The whole episode of inspection is a cooked up story. There are no evidence for their inspection. Site mahazar had not been prepared in the presence of witnesses and got acknowledged.
3. Notice on change of tariff has not been given to the consumer. The copy of the notice produced is a cooked-up one with no file number, consumer name etc.
4. Rent of single phase meter had been recovered till 12/2008.
5. The APTS might have mistaken the nearby consumer number F187 where packing of oil had been going on for several years.

The contentions/arguments/points raised by the Respondent in the counterstatement and during the hearing are summarized below:

1. The Palakkad APTS unit has inspected the service connection F 90 on 2.4.2007. The Logbook of their vehicle for 4/2007 and the Inspection Register maintained by APTS are produced as evidence. On 2.4.2007 the trip from Palakkad to Cherpu section consumer premises are recorded. In the page 190 of the Inspection register maintained by APTS Palakkad unit the details of the inspection of a number of consumers in the Industrial Estate including F90 is recorded.
2. The APTS unit had found out and recorded that the oil mill had no production activity for the last one year. The readings of the power meter of the premises from June 2005 shows very little consumption as well as Door Locked condition. The reading was 3059 from 5.7.2006 to 2.2.2007 which shows that the motor had not worked for a long time and hence production activity was virtually absent.
3. Consumer number is available on the meter boards of the consumer and as such the question of mistaken identity do not arise.
4. The consumer did not allow dismantling of the light meter in his premises after the tariff was changed.

Discussion and Findings:

The Appellant had vehemently and repeatedly argued that the APTS inspection is a 'cooked up story'. But the Respondent was successful in proving that the APTS team had inspected the premises on 2.4.2007 and the findings were recorded in the Inspection register maintained by the APTS unit.

The Appellant might be mis-lead by the wrong understanding that the every APTS inspection should be followed by scene mahazar, imposing of fines etc. But one should

not jump on to the conclusion that inspection had not been conducted simply because scene mahazar had not been prepared. Scene mahazars are to be prepared only when some serious irregularities are noticed and the site conditions and observations are to be preserved by records for future reference. In the instant case the APTS team has just observed that that production activities are not seen in the premises and the premises are used for packing and resale only. The actual meter readings of the consumer also support these observations.

Under the above circumstances the action of the Respondent in changing the tariff to LT VII A is to be upheld.

But the Respondent has committed a serious flaw by not obtaining the acknowledgement for the notice communicating the tariff change, if at all such a notice had been issued actually.

The argument of the Appellant that the action might be due to mistaken identity with consumer number F187 is also not acceptable since consumer numbers are reported to be available in all the premises of the industrial estate.

During the hearing the Appellant informed that he would be able to resume production activities, at least on seasonal basis, if industrial tariff is restored. The filtering and repacking of oil in a premises where productive activities are also undertaken can not be cited as a reason for imposing LT VII A tariff. The SERC order dated 9.1.2008 produced by the Respondent support the view that filtering and packing as part of the manufacturing process could be allowed to be under Industrial tariff. More over in the instant case the filtering of the oil is reported to be done by the motor driven filter press. Hence after considering all aspects of the matter and taking a very lenient and supporting view for the tiny small scale industrial activity, I am inclined to restore LT IV tariff to the unit with prospective effect. The industrial tariff shall be allowed after the Respondent personally inspect the premises and convince herself on the machinery and equipments for industrial production.

The Respondent shall be free to convert the tariff back to LT VIIA, after giving due notice, as and when the productive activities are stopped and the premises are exclusively used for warehousing/repacking/trading.

The respondent may review the collection of meter rent for single phase meter and refund by adjustment if any excess rent had been collected.

Orders:

Under the circumstances 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 Tariff of Consumer Number F 90 Cherpu section shall be changed to LT IV Industrial with prospective effect from the date of this order subject to the guide lines given above.*
- 2. All other pleas of the Appellant are found to be devoid of merit and hence dismissed*
- 3. No order on costs.*

Dated this the 12th day of March 2010,

P.PARAMESWARAN
Electricity Ombudsman

No P 117 /09/ 520/ dated 12.03.2010

Forwarded to: 1. Sri Saju Thomas S/o P.P.Thomas
Pellissery House , Ammadam (Po) Thrissur Dt
2. The Assistant Executive Engineer
Electrical Sub Division Karuvannur Thrissur Dt

Copy to :

1. The Secretary,
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2. The Secretary ,KSE Board,
VaidyuthiBhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF,KSE Board , Power House
ERNAKULAM