

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/066/2022

(Present: A. Chandrakumaran Nair)

Dated: 22nd November, 2022

Appellant : Sri. Abdul Latheef. K.P.,
Sona Mahal,
Makkade. P.O., Kakkodi,
Kozhikode Dist. 673 611

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

ORDER**Background of the case:**

The appellant is a consumer of the Licensee under the Electrical Section, Kakkodi in Kozhikode Dist. The consumer number is 1165991012164 under the tariff LT 7A. The consumption for the month 02/2020 was 5 units and that of 06/2020 was 0 units. During 08/2020 the energy meter recorded a consumption of 335 units and on 10/2020, the consumption recorded was 583 units. The bill for the month August 2020 was Rs.2,624/- and that of October 2020 was Rs.4,900/-. These bills were not paid by the appellant. The meter was checked and no abnormality noticed. As the appellant was not paid the energy charges, the supply was disconnected on 20-11-2020 and dismantled on 17-11-2021. The total dues as on 17-11-2021 is Rs.10,949/- including the minimum charge and surcharge. The Licensee initiated the revenue recovery procedure. The appellant filed petition to the Consumer Grievance Redressal Forum (CGRF), Northern Region, Kozhikode and CGRF (NR) issued order dated 12-08-2022, stating that the appellant is liable to pay the charges billed by the Licensee.

Aggrieved by the decision of the Forum, the appellant filed appeal petition before this Authority.

Arguments of the appellant:

The appellant is an ex-serviceman, having an electrical connection in his shop bearing consumer No. 1165991012164 under Kakkodi Electrical Section. Further, the appellant is being availed another connection with consumer No. 1165991012163 of his adjacent shop, which was closed during Covid period. During 08/2020 the energy meter recorded an exorbitant consumption of 335 units and also during 10/2020, the consumption recorded was 583 units. Compliant was given to the Kakkodi Electrical Section, but no action was taken by the respondent. The respondent insisted for making the payment for taking any action in this regard. Almost Rs.10,000/- has to pay totally against three pending bills. Though the appellant contacted the respondent several times even with remitting fee for meter checking, no remedial action was taken by the respondent.

The supply was disconnected on 20-11-2020. The appellant was checked the wiring & earth leakage and found no abnormality in the electrical connection. This matter was again informed to the respondent, but respondent take a stand that if payment is not made, the electrical connection will be disconnected. The excess consumption was recorded because of the faulty meter. The respondent taken away the meter and issued notice for revenue recovery on the appellant.

Appellant requested to take favourable action on the above issue.

Arguments of the respondent:

It is a connection under Electrical Section, Kakkodi with consumer number 1165991012164 registered in LT 7A tariff. The energy consumption during 2/2020 was 5 Units and the appellant paid Rs.188/- against this. During 6/2020, the energy consumption was 0 Units and the appellant paid the minimum demand of Rs.156. During 8/2020, the energy meter recorded an energy consumption of 335 Units and a demand of Rs.2,624/- was generated. During 10/2020 also, there was an energy consumption of 583 Units and the demand

was Rs.4,900/-. Both these bills were not paid by the appellant and he approached the section office for a meter checkup. Parallel meter was connected in the appellant's premise and no anomaly detected with the meter.

Since the appellant was not ready to pay the demands, temporary disconnection of the supply was done on 20/11/2020. After the relaxation of covid-19 issues, a dismantling notice was issued on 20/10/2021 to the appellant stating to pay the arrears within a period of 15 days. Although the notice was received, the appellant failed to make the payment within this time frame. Also not contacted office. On 17/11/2021, the connection was dismantled. Revenue recovery procedure is now underway. Last payment done by the appellant is Rs.87/- i.e. on 14/07/2020. The dues till 17/11/2021 is Rs.10,949/- including the minimum charges and surcharge.

Recently in an inspection conducted in the appellant's premise, it found that along with the dismantled connection, one more connection is present in the same premise. This might have come because of combining the two adjacent shops. Till dismantling this particular connection, the appellant was enjoying the supply for the two connections. The appellant is presently using the supply from the other connection whose consumer number is 1165999012163. In the complaint submitted, it was stated that the shop was closed during the period when the meter showed reading. But by seeing the meter readings in the consumer number 1165999012163, it is clear that, the shop has worked during that period and it can be verified from consumption details. Now, the appellant is worried by seeing the Revenue Recovery notice sent from the Electrical Section Office and hence approached that office. The appellant is liable for the demand raised by the licensee and order may be issued to recover loss occurred to the KSEBL, at the earliest.

Analysis and findings:

The hearing was conducted on 12-10-2022 in the Court Hall of Consumer Grievance Redressal Forum, Northern Region, Kozhikode. The appellant Sri. Abdul Latheef. K.P. was attended the hearing and on the respondent side, Sri.

Anand. T.M., Assistant Executive Engineer, Electrical Sub Division, Kakkodi of Licensee was attended the hearing. 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 appellant is having two shops and having two separate connections. The connection under dispute was with consumer No. 1165991012164 under commercial tariff LT 7A. The meter reading in the month of August 2020 and October 2020 was abnormally high. The total bill for these two bi-months was Rs.7,524/-. The meter was checked with the parallel meter and no anomaly detected. The appellant was not paid the bill amount.

The regulation as per the Kerala Electricity Supply Code 2014:-

Regulation:

- Section 104 (1) The licensee shall not supply electricity except through a correct meter installed in accordance with the provisions of the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time.
- Section 110 (1) The meter shall regularly be read once in every billing cycle and on special reading occasions.
- Section 110 (2) The consumer shall extend all facilities to read the meter, to the licensee or his employee or to the person duly authorized by the licensee for the purpose.
- Section 131 (1) The consumer shall pay to the licensee the full amount of the bill on or before the due date indicated therein, for which the licensee shall issue a receipt.
- Section 131 (2) If the consumer fails to remit the bill amount on or before the due date, the licensee is entitled to recover interest on the amount of the bill at the rates specified in the Schedule of Miscellaneous Charges as per schedule 1 of the Code.
- Section 131 (4) If the consumer fails to remit the amount even within such extended period, the licensee may disconnect the supply in accordance with the procedure specified in Chapter VIII of the Code.

The above Sections of the Kerala Electricity Supply Code 2014 are very clear about the procedure of meter reading, raising the bill etc. The consumer is responsible to pay the energy charges in time, failing which the supply has to be disconnected.

Section 138 (1) The Licensee shall not disconnect the supply of electricity to any consumer except:

- (a) if the consumer defaults in payment of the dues payable to the licensee as per the bill or demand notice or any order issued by a competent authority, within the period stipulated therein;

Section 144 (1) The service shall be dismantled on the following grounds:

- (b) if the grounds on which the supply was disconnected are not removed or rectified within the notice period.

The Section 56 of the Indian Electricity Act 2003 is also very clearly spelt out about the disconnection of supply in default of payment.

Further, the question is about charging the minimum charges during the disconnection:

Section 141 The consumer is liable to pay the charges if any as approved by the Commission, during the period of disconnection also:

Provided that no charge shall be due to the licensee for the period which is in excess of one hundred and eighty days from the date of disconnection if the connection remains continuously disconnected for one hundred and eighty days except on the request of the consumer.

In the case in hand, the disconnection was effected on 20-11-2020 and the dismantling is done on 17-11-2021, which is almost after the period of around one year. As per the Section 141, no charges shall be due to the Licensee for the power which is in excess of 180 days of disconnection. So, the minimum charges could be recovered for six months and not beyond 6 months.

The Clause 9 of the agreement signed between the consumer and the Licensee states that "All dues that may become payable by the consumer under or by virtue of this agreement by reason of breach or otherwise are recoverable

under the provision of the Revenue Recovery Act as if they are arrears of public revenue due on land or in such other manner as the Licensee may deem fit.”

Decision: -

From the analysis of the arguments and the hearing, following decision is hereby taken:

- (1) The Licensee should not charge the minimum charges more than 6 months from the date of disconnection. The bill is to be revised accordingly.
- (2) The appellant is liable to pay the amount as per the revised bill prepared in accordance with (1) above.

Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/066/2022/_____ dated _____.

Delivered to:

1. Sri. Abdul Latheef. K.P., Sona Mahal, Makkade. P.O., Kakkodi, Kozhikode Dist. 673 611
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Kakkodi, 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