

STATE ELECTRICITY OMBUDSMAN

Pallikkavil Building, Mamngalam-Anchumana Temple Road
Opp: Kochi Corporation Regional Office, Edappally, Kochi-682 024
www.kerala.org Ph.0484 2346488 Mob: +91 9567414885
Email:ombudsman.electricity@gmail.com

Appeal Petition No: P/175/2010.

(Present T.P.Vivekanandan)

Appellant : Sri. K. Udayakumar
M/S MCM Furniture, Edachbira, Kadalunday P.O.
Kozhikode-673 302.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division, KSEboard, Feroke,
KOZHIKODE.

ORDER.

Background of the Case:-

The appellant is consumer no.10968, of Electrical Section, Kadalundi, and is given under LT IV Industrial Tariff. This service connection was registered in the name Smt.Sahitha M, MCM Furniture, Edachira, Kadalundi P.O, and was effected on 21.02.2002 with a connected load of 25.95 KW. The Appellant is said to have made an agreement to purchase the property from Smt.Sahitha in 2007, and it remains under dispute and therefore the appellant has executed an Indemnity Bond with KSEB to avail electric supply to run the industry. The Audit team of regional Audit office, Kozhikode on inspection has detected that the consumer was being billed for 10 KW only whereas his connected load was 26 KW. Hence a short assessment bill amounting to Rs.64, 332/= for the balance 16 KW load, for the period from 1/2003 to 1/2010 was issued. Aggrieved by this, the appellant has filed a complaint before the CGRF, Kozhikode which was dismissed vide order No.3080031/ CGRF/KKDE/2010-11/267 dated 08.10.2010. Against this the appellant filed a Writ petition before the Hon: High Court of Kerala. The Hon: High Court disposed the petition granting liberty to the petitioner to approach the Electricity Ombudsman against the order of CGRF with in a period of three weeks from the date of judgment vide order dated 18th Nov: 2010 in WP (2) No.34651/2010. The appellant has submitted the appeal before this Forum with in the specified time.

Argument of the Appellant.

The appellant has argued that the property was purchased from Smt.Sahitha and the Electrical Connection remains registered in the name of Smt.Sahitha. The three phase electric connection was having a connected load of 10 KW and accordingly he was remitting the charge of Rs.450 per month.

The appellant has advanced another argument that the respondent had issued bills of 10 KW for the last four years. He further submits that the KSEB officials had conducted an inspection in his premises and it was found that the connected load in the premises was only 11.864 KW. The previous owner was also paying the bills only for 10 KW. According to the appellant, the respondent had permitted the previous owner to pay the bills for 10 KW on the basis of dropping her proposed for installation of a heavy saw for cutting timber. The office records of respondent showing the connected load of the premises as 25.95 KW is absolutely wrong.

Arguments of the Respondent.

The respondent does not admit the argument of the appellant and deny all the averments in the Petition. According to the respondent, the connected load of the premises, as per records, is 25.95 KW and there is no record to show that the connected load has been reduced after availing the supply. Due to mistake occurred in the billing section, the monthly bills were issued for 10 KW from 2003 onwards. The Audit Team detected this irregularity and the short assessment bill for Rs.64, 332/= for the balance 16 KW for the period from 1/2003 to 1/2010 was issued on the basis of the inspection report. The service connection was disconnected on 24.03.2010 because of the non-payment of the bill. Later the supply of the appellant was reconnected when he remitted the first, out of the 10 installments of the disputed bill, sanctioned by Assistant Executive Engineer, Electrical Sub Division, Feroke. Another contention of the respondent is that the appellant has executed an indemnity bond to maintain the electricity supply to his premises as the previous owner asked KSEB to disconnect the connection due to their dispute. The appellant has not produced any document to prove that the connected load has been reduced. The respondent states that the present connected load of the premises was found as 11.864 KW when inspected by the Assistant Engineer in 05/2010. The respondent has cited Regulation 26 of KSEB Terms & Conditions of Supply, 2005, in support of his argument for issuance of a short assessment bill to the appellant. The regulation reads "should the consumer, at any time, after the supply of energy has been commenced, desire to increase the number of voltage or capacity of lights, fans or motors etc, on his premises on a temporary or permanent basis or in any way alter the position of his wiring there in, request thereof must be made by the consumer in writing to the Board whose representatives will call and inspect the alteration and if necessary change meters and fuses and alter the service lines". Further the regulation specifies that "A test report signed by a licensed writing contractor should also be produced by the consumer along with his application for alteration". As this was not done by the consumer, the respondent submits that the request for cancelling the bill cannot be entertained.

Analysis and Findings.

The Hearing of the case was done at Kozhikode on 3.3.2011, and both parties were present and argued their case on the lines detailed above. On a perusal of the Appeal Petition and the counter statement of the Respondent and considering the facts and circumstances of the case along with the arguments in the Hearing, I come to the following conclusions after the analysis as detailed below.

The service connection (Consumer No.10968) was seen registered in the name of Smt. Sahitha, MCM Furniture, Edachira, Kadalundi, on 21.02.2002 with a connected load of 25.95 KW for industrial purpose under LT IV Tariff. Since 1/2003, the monthly bill was seen issued taking the connected load as

10 KW. The respondent argues that this was due to the mistake of their billing section. It is stated that before 1/2003, the bill was issued for a connect load of 26 KW. They have also stated that as per their office records the connected load of the consumer is 26 KW and it has not been reduced at any point of time. The respondent also argues that the appellant failed to produce the records, if any, regarding reduction in the connected load.

The appellant has deposed during the hearing that he purchased the property from Smt.Sahitha M. in 2007. The ownership of the service connection has not been changed in the name of the appellant due to dispute pending with the original owner of the property, Smt. Sahitha M. The old consumer at the time of taking connection was paying the bill for 26KW upto 12/2002 and from 1/2003 onwards till the signing of indemnity Bond in 2007, the monthly bill was raised for a connected load of 10Kw only. The billing with the connected load as 10KW was continued up to 1/2010 when the error in billing was detected as the consumer was being under charged for 10KW only where as the actual load was 26 KW.

The Respondent has produced the copies of the Papers regarding the application for new Industrial service connection submitted by Smt Sahitha while taking the connection for her MCM Furniture Unit in the year 2002, as evidence. The records clearly shows the consumer Smt. Sahitha as having demanded a connected load of 26 KW and was issued the same by the respondent while taking the new connection. Since the appellant is not the registered consumer (who registered the electric connection initially in his name), but being the consumer who enjoys the service connection as per the present records, he was using the service connection from 2007 only and therefore he is not in a position to know or produce any documents regarding whether any reduction in load has taken place during the previous period. Hence the appellant cannot argue that the connected load was 10 KW from the start. In such a case with the production of evidence by the Respondent proving that the connected load was 26 KW from the initial period and has not been reduced afterwards has to be relied upon.

Decision:-

From the analysis done above and the findings arrived at, I decide as follows.

The Respondent has established that the electric connection was originally taken for 26KW by producing evidence of the copy of the application submitted to KSEB for getting a new electric service connection. Moreover they stressed that the sanctioned load of 26 KW was not reduced thereafter but only a mistake has occurred in their billing branch thereby undercharged the consumer and therefore issued a short assessment bill to recover the actual amount due. On the other hand the appellant was not able to convince this Forum that the connected load was reduced to 10 KW from the original 26 KW during his period or his predecessor's period. Hence I conclude that the averments of the appellant are not maintainable.

As per clause 24(5) of Electricity Supply Code, 2005, if the Licensee establishes that it has under charged the consumer, it may recover the amount so undercharged. Hence, as per the said clause, the Licensee has established the under charging of the consumer during this period and therefore the issue of the short assessment bill to the consumer for the period of 1/03 to 1/2010 for Rs 64332/- is found to be in order and is payable by the consumer after adjusting the amount already remitted against the bill, with in a period of thirty days from the date of this order without any interest charged on the pending

amount. The consumer is also eligible for equal monthly installments up to 25 Nos, for the balance amount pending against the said Bill, if requested by the consumer, and the first installment shall be payable by him, within 30 days of this order without any interest portion and the balance installments shall carry interest at KSEB rate from the 30th day of this order to the actual date of remittance. Having concluded and decided as above, the Appeal Petition filed by the Appellant stands dismissed as it is found devoid of merits and ordered accordingly. No order on costs. Dated the 9th of January, 2012.

Electricity Ombudsman.

No.P/175/2010/ 1082/ Dated 10.01.2012.

Forwarded to:

- (1).Sri.S.K.Udayakumar, MCM Furniture, Edachira, Kadalundy P.O, Kozhikode-673 302.
- (2).The Assistant Executive Engineer, Electrical Sub Division, KSEBoard, Feroke, Kozhikode.

Copy to:

- (1). The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
- (2). The Secretary, KSEBoard, Vydyuthibhavanam, Pattom, Thiruvananthapuram-695 004.
- (3). The Chairperson, Consumer Grievance Redressal Forum, Vydyuthibhavanam, KSEBoard, Kozhikode.