

STATE ELECTRICITY OMBUDSMAN

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REPRESENTATION No: P 49/09

Appellant : Smt Shahida Siddique
(SreeRag Video Lab)
Siddique Manzil
Pada: North
KARUNAGAPPALLY

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division
KARUNAGAPPALLY South
KARUNAGAPPALLY Kollam District

ORDER

Smt Shahida Siddique, SreeRag Video Lab, KARUNAGAPPALLY
submitted a representation on 18.12.2008 seeking the following relief :

Restore LT IV Tariff to the Video Lab instead of LT VII Tariff assigned

Counter statements of the Respondent was obtained and hearing of both the parties
conducted on 18.3.2009 .

The Appellant has an electric connection at Karunagappally vide consumer number
14561 with connected load 4700W. The connection was categorized under LTIV tariff
until November 2007 . Subsequently it was changed to LTVII as per tariff order made
effective from December 2007. The Appellant aggrieved by this change of tariff
approached CGRF Kottarakkara . The CGRF upheld the action of the Respondent. The
Appellant has approached this office under the above back ground.

In the Tariff notification dated 29.10.2002 *SSI units engaged in computerized colour photo printing, Audio/video cassette recording/duplication , CD recording/duplication* etc were categorized under LT IV Tariff.

But according to the Tariff Notification dated 27.11.2007 LT VII A Tariff will be applicable to ‘commercial consumers such as ----- *Audio/video cassette recording/duplication units, CD recording units* ’ etc.

LT IV Tariff shall be applicable for ‘general purpose industrial loads (single or three phase) viz ----- *SSI units engaged in computerized colour photo printing,---- ,audio/video cassette/CD manufacturing units, ---etc.*

In other words Audio/video cassette recording/duplication units and CD recording units were taken out of LT IV Tariff and put under LT VII tariff wef 1.12.2007.

Accordingly the KSEB had categorized the video labs under LT VII Tariff wef 1.12.2007.

The contentions put forward by the Appellant against the action of the Respondent are summarized below:

1. The small scale video-graphers hand over the mini digital recorded tapes of functions like weddings etc to the video labs as job work for video editing, titling etc .The video labs change the format of the edited recordings using computer software to CD/DVD formats and write the contents to CD/DVD and return the same to the video-graphers .There are no re-recorders in such small labs. Government of Kerala has registered the Appellant unit as Video-editing, Video-recording unit under Micro industries.
2. Photo color labs consume around twice time and electricity to complete similar jobs which are larger in scale and size. Hence such photo color labs are more correctly to be classified as CD recording units than video labs and put under LT VII Tariff.
3. The unit run by the Appellant is more similar to computerized color photo lab and deserves classification under LT IV Tariff.

The Respondent submitted the following contentions:

1. The video lab of the Appellant accept mini digital recorded tapes and write them to storage devices such as CD/VCD after editing etc. These units are correctly classified as video cassette/CD recording. This activity was put under LT VII tariff by KSERC wef 1.12.2007.
2. Video Lab and Colour photo printing units can be differentiated by the presence of printing activity in the colour photo units. The contention of the Appellant that same activities are going on both types of labs is not correct.
3. Classification of the Appellant unit under LTVII tariff was done as per the Tariff notification dated 27.11.2007.

It is true that some ambiguity is inbuilt in the re-classification of such activity in the Tariff order dated 27.11.2007.Hence the best method of deciding the tariff would be to assess the near-ness of the activity to the classifications in the tariff order. Even though

there are no massive audio/video cassette recording, or CD/DVD recording activities going on in the Appellant's video lab , one can see that the activities are nearer to the functions described under LT VII tariff in the tariff notification. In other words the activities in the video lab of the Appellant can not be grouped to any other functions or classifications described in LT IV tariff .

Hence classification of the Appellant under LT VII tariff is to be upheld.

Under the circum stances 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 representation submitted by the Appellant is devoid of merit and hence dismissed.*
2. *No order on costs.*

Dated this the 26th day of May 2009 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 49 /09 / 245 / dated 3.6.2009

Forwarded to: 1. Smt Shahida Siddique
(SreeRag Video Lab)
Siddique Manzil
Pada: North
KARUNAGAPPALLY

2. The Assistant Executive Engineer
Electrical Sub Division
Karunagappally South
KARUNAGAPPALLY
Kollam District

Copy to :

1. The Secretary,
Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram 695010

2. The Secretary, KSE Board,
VaidyuthiBhavanam, Thiruvananthapuram 695004
3. The Chairman, CGRF, KSE Board ,
VaidyuthiBhavanam KOTTARAKKARA