

STATE ELECTRICITY OMBUDSMAN

Thaanath Building Club Junction Pookkattupadi Road Edappally Toll

KOCHI 682024

www.keralaeo.org

Phone 04842575488 +919447216341 Email : info@keralaeo.org

REPRESENTATION No: P 34/08

Appellant : M/s Saj Flight Services(P) Ltd
FCI Road , Airport,
THIRUVANATHAPURAM

Respondent: Kerala State Electricity Board

Represented by
Special Officer (Revenue)
KSE Board Vaidyuthibhavanam
Pattom, THIRUVANATHAPURAM 695004

ORDER

M/s Saj Flight Services(P) Ltd submitted a representation on 16.12.2008 seeking the following relief :

Refund the excess amount collected by KSEB with interest

Counter statements of the Respondent was obtained and hearing of both the parties conducted on 19.3.2009 and 10.6.2009 .

The Appellant is a private limited company having registered office at Chennai engaged in flight catering services from various airports like Thiruvananthapuram, Kochi, Calicut Chennai etc. They have an HT Connection vide Consumer no: HTB20/3697 under Electrical Section Sreevaraham Thiruvananthapuram. The Billing is done by the Special Officer (Revenue) of KSEB based upon the reading reports sent by the Assistant Engineer of Sreevaraham Section.

The Assistant Engineer reported that the meter had been declared faulty on 3.4.2007 consequent to abnormality found in the reading taken on 1.4.2007. The meter was replaced only on 13.6.2007. The Special Officer issued invoices for the months 3/07, 4/07,5/07 and 6/07 based on previous six months average computed by him. While calculating average he had left out the month of 2/07 which is disputed by the consumer. The average / assessment for the month 6/07 had been recast by the CGRF in their order dated 6.10.2008 and the consumer has not disputed it. The dispute on the computation of average remains for the months of 3/07, 4/07,and 5/07.

The grounds noted down by the Appellant for the appeal are given below:

1. The super ceding of the clause on computation of average provided in the agreement between the consumer and KSEB is wrong .
2. Why the month of 2/07 was excluded by the Special Officer and the CGRF in computing the average is not explained.
3. The consumer is eligible to get interest for the excess amounts paid.

It is true that the clause 8 of the agreement provides for taking of '3 normal previous months' or if it is not possible for taking '3 normal succeeding months' for computation of the average consumption. But clause 9(b) provides for alterations in the billing methods by KSEB . Computation of average is directly related to the billing method and the KSEB has freedom to alter it. Moreover as pointed out by CGRF if any provisions in the agreement is found to be inconsistent with the Regulations framed under the Electricity Act 2003, the provisions in the Regulations will prevail. Hence the calculation methodology detailed in the Terms& Conditions Regulations are to be applied for arriving at the average for assessment. Hence this contention of the Appellant can not be accepted.

Special Officer (Revenue) had left out the month of 2/07 while computing the average on the reason that the consumption was low for the month. The regulations do not allow such discretions. The Appellant has a case on the matter.

The consumer has claimed interest on the excess payments made by him. The Special Officer has disputed this on the grounds that there is a delay between the actual consumption by the consumer and the date on which he is making payments. The KSEB pays heavy interest for the funds arranged to bridge this gap. This is excuse made by the special officer can not be accepted because the KSEB is actually loading all such interest costs on the ARR&ERC and the cost ultimately reflects upon the Tariff. Hence the KSEB is bound to pay interest on such excess realizations from consumers.

Hence it is concluded that the assessment for the months of 3/07, 4/07, and 5/07 shall be revised taking the consumption for the months of 2/07 to 9/06 (both included) for calculation of average. The assessment for 6/07 shall be revised based upon the directions of CGRF. The excess payment shall be adjusted in the future bills. The adjustments should be completed within Two months from the date of receipt of this order.

During the hearing the Appellant consented to forego the claim for interest for the refund in view of the positive approach taken by the Respondent.

Orders:

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 relief prayed for by the Appellant is allowed as per the details specified above.*
2. *No order on costs.*

Dated this the 11th day of June 2009,

P.PARAMESWARAN
Electricity Ombudsman

No P 34/09 / 248 / dated 11.6.2009

Forwarded to: 1. M/s Saj Flight Services(P) Ltd
FCI Road , Airport,
THIRUVANATHAPURAM
2. Special Officer (Revenue)
KSE Board Vaidyuthibhavanam
Pattom, THIRUVANATHAPURAM 695004

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