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APPEAL PETITION No. P/050/2017
(Present: A.S. Dasappan)
Dated: 2nd August 2017

Appellant : Sri. Anandan,
Vazhavilakathu Veedu,
Thalakkode, Mulloor P.O,
Thiruvananthapuram

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd.,
Balaramapuram,
Thiruvananthapuram

ORDER

Background of the case:

The appellant is a domestic consumer having consumer number 2811 under the jurisdiction of Electrical Section, Kottukal. The appellant complains that in his absence, the respondent has drawn electric over head line through his property to the nearby house owned by his brother, without his consent. The respondent had cut and removed the trees in his property for drawing the OH line which caused heavy loss to him. Another complaint raised by the appellant is that the respondent disconnected his domestic electric connection. The appellant raised objection against disconnection of service and requested restoration of supply. Being aggrieved, he filed petition before the CGRF, Kottarakkara and not satisfied by its decision, the appellant has filed the appeal petition.

Arguments of the appellant:

The appellant's grievance is based two counts of allegations. The appellant has stated that an overhead line was drawn through his property for effecting service connection to the nearby property owned by his brother. The line was drawn in 2007, in his absence and without obtaining his consent. The respondent removed his trees for giving this service connection which caused heavy loss to him. He had submitted complaints to the officials of KSEB and other authorities, but not got any favourable orders. The respondent had also not taken any steps for removing or shifting the overhead lines. Another grievance of the appellant is that his electric connection to the house was disconnected in 2007, but the Board collected electricity charges till May 2016 by issuing false bills.

The appellant has requested following reliefs:

1. The appellant suffered heavy loss due to the disconnection. He could not use the motor pump for irrigation of the agriculture which caused its loss. The respondent collected excess amounts by issuing false bills. He requested to refund the excess amount collected and compensation for the loss incurred.
2. The appellant belongs to BPL category. Since his consumption is very low, eligible for the concession and requested for the same.
3. The appellant requested to take disciplinary action against the KSEB officials who misbehaved towards him.
4. The appellant requested compensation for the trees removed from his premises by the respondent.
5. The other reliefs requested by the appellant are to allow compensation for the loss occurred by expending of the cleaning the well, the chickens stolen, action against anti-social elements who slapped him and to prevent the atrocities and defamation.

Arguments of the respondent:

This Domestic connection is provided for a thatched house in LT IA tariff in the above address. On verification of office files, it is understood that the petitioner has approached several forums since 2007, but so far no orders are found favouring the petitioner.

The petitioner approached the Honourable Consumers Grievance Redressal Forum (South) vide OP No. 252/2016. In this above petition, main complaint of the petitioner is that in his absence, officials of KSEB LTD has drawn overhead electric line to the nearby parent house (Con. No. 581) owned by his brother. For this purpose, respondent cut and removed his trees. So he requested to remove this overhead line. Another complaint is that he has not been using the electricity since 2007 and the respondent collected a huge amount for the period up to 8/2016 and the amount has to be refunded. The petitioner also requested for reconnection and inclusion in Non-paying Group category. Several multifarious allegations are raised by the petitioner.

The Honourable CGRF (South) vide its Order dated 03-03-2017 directed the respondent to dismantle the service connection bearing consumer No. 581 from post No. KTL/KT/20/A and to re-effect the new service connection to the temple from nearby electric post No. KTL/KT/21/1 after collecting dues and required charges from the prospective consumer.

Also directed the respondent to re-effect the service connection to the petitioner's premises from the electric post No. KTL/KT/20 and dismantle the disputed overhead line without collecting dismantling charges.

The above order has been complied by the respondent as follows.

1. Con. No. 581 has been dismantled on 20-3-2017.
2. A new Service Connection effected to the temple vide Con. No. 1146578012595 (For the above services, required charges are collected from the applicant)
3. The disputed electric overhead line from Post No. KTL KT 20 has been dismantled without collecting dismantling charges.
4. An electric service line (weather proof cable) is already existing from post No. KTL/KT 20 to the premises of petitioner (Consumer No. 2811) which was disconnected due to non payment of electricity charges. A notice has been issued to the petitioner to remit the electricity charges due from 9/2016 for effecting re-connection. But the petitioner has not remitted the due amount till date. Hence could not effect reconnection.

In this appeal petition, petitioner has raised several complaints. Hence Para wise facts are hereby submitted for relevant complaints.

Item No. 1: - Allegation that excess amount collected as electricity charges,- The allegation is not true. By referring the consumption pattern from 3/2008 to 5/2017, it is seen that there had regular consumption except from 3/2015 to 1/2015 and from 11/2016 to till date. Hence the amount collected is not refundable. Consumption pattern from 3/2008 to 5/2017 is furnished below.

Month & Year	FR	Consumption	Bill Amount	Remarks
14-03-2008	1826	34	85/-	
29-05-2008	1852	26	85/-	
24-07-2008	1877	25	85/-	
26-09-2008	1904	27	85/-	
02-11-2008	1932	28	85/-	
20-01-2009	1960	28	85/-	
20-03-2009	1984	2	85/-	
25-05-2009	2009	25	85/-	
24-07-2009	2035	26	85/-	
24-09-2009	2061	26	85/-	
24-11-2009	2095	34	85/-	
23-01-2010	2135	40	85/-	
20-03-2010	2149	14	85/-	
24-05-2010	2166	17	85/-	
21-07-2010	2193	27	85/-	
22-09-2010	2221	28	85/-	
24-11-2010	2259	38	85/-	
23-01-2011	2293	34	85/-	
22-03-2011	2332	39	85/-	
24-05-2011	2372	40	85/-	
23-07-2011	2403	31	85/-	
12-09-2011	2418	15	85/-	
09-11-2011	2436	18	85/-	
07-01-2012	2451	15	85/-	
07-03-2012	2468	17	85/-	
09-05-2012	2484	16	85/-	
06-07-2012	2501	17	85/-	
07-09-2012	2520	19	64/-	
07-11-2012	2538	18	64/-	
07-01-2013	2557	19	64/-	
07-03-2013	2575	18	64/-	
08-05-2013	2593	18	64/-	
06-07-2013	2617	24	64/-	
06-09-2013	2638	21	64/-	
08-11-2013	2659	21	64/-	
07-01-2013	2680	21	64/-	
07-03-2014	2701	21	64/-	
09-05-2014	2723	22	64/-	
07-07-2014	2747	24	64/-	

10-09-2014	2774	27	64/-	
10-11-2014	2800	26	64/-	
08-01-2015	2801	1	56/-	
08-03-2015	2801	0	56/-	
11-05-2015	2801	0	56/-	
09-07-2013	2801	0	56/-	
09-09-2015	2801	0	56/-	
11-11-2015	2801	0	56/-	
08-01-2016	2803	2	56/-	
08-03-2016	2811	8	56/-	
09-05-2016	2825	14	56/-	
04-07-2016	ACD generated		33/-	Not remitted
08-07-2016	2841	16	62/-	
07-09-2016	2850	9	57/-	Not remitted
08-11-2016	2850	0	26/-	Not remitted
10-01-2017	2850	0	26/-	Not remitted
07-03-2017	2850	0	26/-	Not remitted
09-05-2017	2850	0	72/-	Not remitted

Item No. 2 Request to include in BPL/NPG category- Due to non-co-operation of petitioner, the present connected load has not been checked up so far. At present, during the inspection on 23-11-2016, though the consumer did not allow the premises inspection, it can be seen from the outside that, one submersible pump, TV installations are existing there. Hence anticipated connected load is above 500 Watts. Hence could not be included in NPG category. Inclusion in NPG category can be considered if the petitioner permit the officials for the inspection regarding connected load and submitting of BPL documents according to the prevailing tariff Orders.

Item No. 3 About the connected load and other irrelevant allegations - The statement is not true. In the statement of facts dated 23-11-2016 submitted by the Assistant Executive Engineer before the Honourable CGRF(South), in para 4 & 5 it is clearly mentioned that the petitioner has not allowed the officials to enter the premises for inspection. An attempt was also conducted on 20-5-17 at 4.30 pm, but the premises was in locked condition.

Item No.4 About the clearing of tree branches- Touchings and overhangings are cleared periodically for maintaining supply and for ensuring safety standards- No comments on other allegations.

Item No. 5. The streetlight fitting existing at Post No. KTL/KT/19 has been removed for maintenance on 12/2016 and refitted within a few days after the repair and still in working condition. Other allegations are not true.

Analysis and Findings: -

The Hearing of the case was conducted on 11-07-2017, in the Court hall of CGRF, Kottarakkara, and Mr. Anandan K, represented the appellant's side and Sri. Baji P, Assistant Engineer in charge, Electrical Sub Division, Balaramapuram, represented the Respondent's side. On perusing the Petition, the counter of the Respondent and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

The appellant's main contention in this appeal is that his electric connection was disconnected during the year 2007 and the respondent collected monthly electricity charges till 08/2016. The respondent denied this allegation. On going through the records, it is found that till 09/2016, there was consumption in the premises. The allegation of appellant is not true to facts and hence not sustainable.

The appellant, having consumer number 2811, is a single phase domestic consumer. The registered connected load is 160 watts and the connection was provided to him on 16-11-1979. From the records submitted by the respondent, it is revealed that the bimonthly consumption of the appellant from 03/2008 onwards never exceeded 40 units. The appellant contended that he belongs to BPL category and eligible for concessional tariff allowed for domestic consumers. As per the tariff order effective from 16-08-2014, a concessional rate is applicable to domestic consumers belonging to BPL category with connected load of and below 1000 watts, up to 40 units of consumption. Fixed charges shall also not be applicable to such category with connected load of and below of 1000 watts. The minimum electricity charges payable during the period of disconnection shall be Rs. 20 per consumer per month and it is Rs. 30/- from 1/4/2017 onwards. No fixed charge is seen collected from the appellant during the period from 03/2008 to 07/2017. This shows that the consumer was billed under BPL category during these periods as his connected load was 160 watts and consumption never exceeds 40 units bimonthly. The connection of the appellant was found disconnected on 3/10/2016. Since this date, the appellant was issued electricity bills by the respondent. The bills contain energy charges, meter rent and duty. The energy charges were found billed not as per the norms fixed in the tariff order. I find total negligence and irresponsibility on the side of Board officials for which the consumer should not be held liable. The respondent's laxity or omission in this regard is inexcusable. Hence the bills for the period from 03/2008 to 07/2017 are decided as not admissible.

Regarding the issue of disconnection due to non-payment energy charges, it is essential to look into the provisions contained in Regulation 139 of Supply Code, 2014 which is extracted below.

139 – Procedure for disconnection – The licensee shall in case of disconnection proposed on the grounds mentioned in Clauses (a) & (b) of sub regulation (1) of Regulation 138 above, issued a disconnection notice in writing as per Section 56 of the Act, with a notice period of not less than 15 clear days, intimating the consumer about the grounds for disconnection and directing him to pay the dues with penal charges within the notice period.

(2) If the consumer fails to remit the dues within such notice period, the licensee may disconnect the service of the consumer on the expiry of said notice period, by cutting off the supply in the manner as the licensee may deem fit.

(6) The licensee shall, after disconnection on the grounds mentioned in sub regulation (1) of Regulation 138 give intimation to the consumer as per format given in Annexure 18 to the Supply Code, 2014, to remove the cause of disconnection within 45 days, failing which the supply may be dismantled.

The evidence shows that there is deficiency on the side of respondent in complying with the statutory provisions before disconnecting a service.

The disputed overhead line was dismantled as directed by the CGRF. Regarding the question of compensation for the removal of trees, the matter pertains the year 2007. The appellant has not adduced any valuable evidence like details for removal of trees etc. In the absence of such evidences, it is not possible to award any compensation at this later stage. The appellant's other prayers are not comes under the purview and jurisdiction of this Authority.

Decision

From the analysis done and the conclusions arrived at, which are detailed above, I take the following decisions.

1. The respondent is directed to reassess the bills from 03/2008 to 07/2017 under BPL category as per the relevant tariff orders issued by the KSERC from time to time and the excess amount collected shall be refunded with interest at bank rate or adjust in the future bills after effecting reconnection, if any.
2. The respondent is directed to give reconnection after settling the dispute, if he desires. If he not required reconnection, dismantle the connection after issuing proper notice, within a period of 45 days from the date of this order.
3. The bills from 11/2016 to the date of reconnection shall be settled in accordance with the prevailing tariff orders.

4. The respondent shall inspect the premises by issuing notice in advance and fix the existing connected load before effecting reconnection.
5. The request of the appellant for compensation for the loss incurred is rejected.

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

ELECTRICITY OMBUDSMAN

P/050/2017/_____ /Dated: _____

Delivered to:

1. Sri Anandan, Vazhivilakathu Veedu, Thalakkode, Mulloor P.O, Thiruvananthapuram
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Balaramapuram, Thiruvananthapuram

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.