

THE STATE ELECTRICITY OMBUDSMAN

Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,
Edappally, Kochi-682 024

www.keralaeo.org Ph: 0484 2346488, Mob: 91 9539913269

Email:ombudsman.electricity@gmail.com

APPEAL PETITION No. P/063/2017

(Present: A.S. Dasappan)

Dated: 25th September 2017

Appellant	:	Swami Chaithanya Jnana Thapaswi General Secretary, Santhigiri Ashram, Santhigiri P.O., Thiruvananthapuram
Respondent	:	The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Koduvayur, Palakkad

ORDER

Background of the case

The three phase service connection with consumer No.10623 (new consumer No. 23794) is effected in the name of Santhigiri Medical College, Palakkad under Electrical Section, Thathamangalam and the existing tariff is LT VI F. The connected load of the premises is 68000 Watts. As per the schedule of tariff and terms and conditions for retail supply by KSEB, self financing educational institutions including hostels come under LT VII A tariff with effect from 01-12-2007. Before 01-12-2007, all self financing educational institutions were billed under LT VI A tariff. The respondent had billed the appellant mistakenly under IT VI A tariff during the period from 12/2007 to 10/2008 and to recoup the difference of tariff from VI A to VII A, the appellant was issued a short assessment bill for Rs. 2,22,416/- on 22-11-2008. Against this, the appellant filed WP(C) No. 36758/2008 before the Honourable High Court of Kerala and the Hon'ble High Court as per order dated 15th December 2008 permitted him to pay the electricity charges under LT VI A tariff for a period of one month from the date of the order. On 07-08-2009, another short assessment bills for an amount of Rs. 1,09,042/- for the period from 11/2008 to 4/2009 and for an amount of Rs. 38,710/- for the period from 11/2009 to 12/2009 were issued

to the appellant and the same are pending for payment. Aggrieved by this, the appellant approached with a petition before CGRF, Kozhikode. The petition was dismissed by the CGRF vide order in OP No. 112/2016-17 dated 06-05-2017. Not satisfied with the above order, the appellant has filed this appeal petition before this Authority.

Arguments of the appellant:

1. The appellant is the petitioner in O.P. No. 112/2016-17 on the file of Consumer Grievance Redressal Forum, Northern Region, Kozhikode. The said petition was submitted as the Assistant Engineer of Electrical Section, KSEB Ltd., Thathamangalam under the administrative control of Assistant Electrical Sub Division, Koduvayoor, Palakkad district issued a short assessment bill amounting to Rs. 8,47,898/- as per notice dated 26-07-2016 including Rs. 3,70,168/- as current charge and Rs. 4,77,930/- as interest in respect of Santhigiri Ayurveda Medical College, Olassery, Palakkad having consumer No. 10623 (New No. 23794). The appellant approached the Consumer Grievance Redressal Forum challenging the above referred bills drawn under Tariff LT VII A which came into effect from 01-12-2007 onwards. In fact the respondents were issuing bills based on tariff VI A considering the fact that the Santhigiri Ayurveda Medical College, Olassery, Palakkad "is an institution run by M/s. Santhigiri Ashram, a charitable society registered under Travancore Cochin Literary Scientific and Charitable Societies Registration Act 1955. When the appellant was served the demand notice dated 02-03-2016 a representation was submitted seeking a revision of the energy charges pointing out that the classification adopted by the respondents and subsequent inclusion of the appellant institution as a Self Finance College is not correct. However the authority concerned did not take any steps to redress the grievance of the appellant.

2. The appellant submits that M/s. Santhigiri Ashram has established 57 subsidiary institutions in tune with the aim and object of the society. It is also submitted that the society established by Navajyothi Sri Karunakara Guru is undertaking various social, educational, cultural and spiritual activities with the noble idea of uplifting the mankind and making them instrumental in establishing a social based on truth. Annadanam (offering free food to the needy), Athura Susrusha (providing medical attention to those who are ailing) and Athmaprabhodhana (spiritual enlightenment) to make these vision a reality. The copy of the bye-law is produced herewith and marked as Annexure Al. Santhigiri Ashram has established Ayurveda Medical College at Palakkad, Sidha Medical College at Thiruvananthapuram apart from Santhigiri Ayurveda and Sidha Vaidhyasala at numerous centres at all over area, Dairy Farms, Polymer units, vegetable stalls, handloom units and stitching units etc. All these units are run/operated/established without any profit motive. The income generated through various establishments and institution referred to

above is the source of means for the society to undertake the charitable activities as stated above. The copy of the relevant pages of Assessment Order dated 27.02.2015 giving details of 57 institutions established by Santhigiri Ashram is produced herewith and marked as Annexure A2.

3. Taking note of this noble and pious mode of operation, the Santhigiri Ashram is exempted from payment of Income Tax. Necessarily, Ashram and its subsidiary units are enjoying the benefits of relevant statutes enabling the Ashram to utilize the entire income for the benefit of the common man. The copy of the Certificate dated 13.08.2015 clarifying that Santhigiri Ashram is exempted under Section 80 G of Income Tax Act is produced herewith and marked as Annexure A3.

4. As already submitted the Ayurveda Medical College at Palakkad is an institution established, maintained and run by Santhigiri Ashram. The organizational set up in Santhigiri Ashram is divided in such a way to differentiate the entire organization into 10 division/departments such as (1) Internal operation division, (2) Operation Department, (3) Communication Department, (4) Industries Department, (5) Santhigiri Health Care & Research Organization, (6) Marketing Department, (7) Agricultural Department, (8) Educational Department, (9) Arts & Cultural Department and (10) Santhigiri Research Foundation.

5. Santhigiri Health Care & Research Organization has got seven institution including Santhigiri Medical College, Palakkad and Santhigiri Sidha Medical College, Thiruvananthapuram. The classification available in the audited account maintained by Santhigiri Ashram would establish that Santhigiri Ayurveda Medical College, Palakkad is an institution run by and under the administrative control of Santhigiri Ashram Charitable institution recognized as such by the authority concerned, by the Income Tax Department of Government of India. The copy of relevant pages of audited account is produced herewith and marked as Annexure A4.

6. The respondents herein filed an objection contenting that Santhigiri Ayurveda Medical College is a self financing college and it has got a separate management and independent infrastructure. It was also contended that the exemption under the Income Tax Act cannot be made applicable for Ayurveda Medical College functioning under the Ashram.

7. The Consumer Grievance Redressal Forum without under taking any kind of appreciation of facts, circumstances and the data made available proceeded to hold that the State Electricity Regulatory Commission is vested with the power to determine the tariff of various categories of consumer based on the purpose for which supply is required. Thereafter it was also observed that the Santhigiri Ayurveda Medical College is a Self Financing Institution is entirely different entity. The Consumer Grievance Redressal Forum upheld the

short assessment bill through a non speaking order which is under challenge before this Honourable authority. The copy of the order dated 06.05.2017 and made in O.P.112/2016-17 is produced herewith and marked as Annexure A5. Hence this statutory complaint as provided under Section 41 of Electricity Act for the following among other grounds:

A. The order passed by the C.G.R.F., Kozhikode northern region is liable to be set aside since the same was passed without adverting to any of the contentions and the evidence let in before the said authority.

B. The C.G.R.F. should have found that the Santhigiri Ayurveda Medical College, Palakkad is a unit run by M/s. Santhigiri Ashram, a charitable institution registered under the provisions of Travancore Cochin Literary Scientific and Charitable Societies Registration Act, 1955.

C. The C.G.R.F. should have found that the exemption granted under Section 80 G of Income Tax Act in respect of a charitable society cannot be limited to a particular area of operation of the society concerned.

D. The order passed by the C.G.R.F. is vitiated on account of non application of mind.

E. The order is liable to be set aside since it is cryptic and not supported by sound reasoning.

F. The principles of natural justice also were violated since the appellant was not given an opportunity to establish its case. Under these circumstances it is most humbly prayed that this Honourable Authority may be pleased to set aside the order dated 06-05-2017 and made in O.P.112/2016-17 on the file of Consumer Grievance Redressal Forum, Northern Region, Kozhikode and may cancel the bill dated 02-03-2016 and 26-07-2016 and direct the first respondent to continue to issue the bill at the rate at which the consumption as being assessed prior to 01-12-2007 as per Tariff VI A.

Nature of relief sought from the Ombudsman

Setting aside the order dated 06.05 2017 made in O.P.I 12/2016-17 on the file of C.G.R.F. Northern Region, Kozhikode and cancel the bill dated 02.03.2016 & 26.07.2016 and direct the Assistant Executive Engineer to continue to issue the bill at the rate at which a consumption as being assessed prior to 01.12.2007 as per Tariff VI A.

Arguments of the respondent:

1. Electric connection bearing consumer No. 10623 (new consumer No. 23794) in the name of Santhigiri Medical College is a three phase LT consumer under Electrical Section, Thathamangalam, under VI F tariff.

2. As per the schedule of tariff and terms and conditions for retail supply by KSEB read with Clause 24 (5) of Supply Code, 2005 with effect from 01-12-2007, self financing educational institutions including hostels like that of the appellant are classified under the tariff VIIA (presently VI F as per the new Tariff Order). Before 01-12-2007, all self-financing educational institutions were billed under LT VI A tariff. Since the billing for the period from 12/2007 to 10/2008 was mistakenly done in VI A tariff, the difference of tariff for an amount of Rs. 2,22,416/- from VI A to VII A was issued to the appellant as short assessment bill on 22-11-2008. A copy of the bill is produced herewith and may be marked as Exhibit B1. As per Regulation 37(5) of the KSEB Terms and Conditions of Supply, 2005, the Board is entitled to realize the under charged amount either by way of review or otherwise. Further as per Regulation 134 of Supply Code, 2014 also the Board is empowered to recover under charged amount. Then the appellant filed WP(C) No. 36758/2008 before the Honourable High Court of Kerala and the Hon'ble High Court as per order dated 15th December 2008 permitted the petitioner to pay the electricity charges under LT VI A tariff for a period of one month from the date of the order. The copy of the order is produced herewith and marked as Exhibit B2. After this, on 07-08-2009, another short assessment bill for an amount of Rs. 1,09,042/- for the period from 11/2008 to 4/2009 was issued to the appellant. A copy of this bill is produced herewith and marked as Exhibit B3. Then, the appellant filed WA 1373/2009 before the Honourable High Court of Kerala. From 5/2009 to 9/2009 the appellant paid bills under VI A tariff. Again a short assessment bill for the period 11/2009 to 12/2009 for an amount of Rs. 38,710/- was issued to the appellant and the same is pending for payment. Meanwhile Kerala State Electricity Board filed SLP (C) No. 34834/2009 before the Honourable Supreme Court of India and obtained stay order against the judgment in WA 1373/2009 in WPC 36758/2008. In view of the stay granted by the Hon'ble Supreme Court of India, the KSEB instructed the Deputy Chief Engineer of Electrical Circle to issue demand to the appellant in WA 1373/2009 under LT VII A tariff vide letter No. LA-1/5243/2009 dated 05-06-2010. A copy of this letter and attachments are enclosed herewith and marked as Exhibit B4. Relevant page of the stay granted by the Hon'ble Apex Court is enclosed as Exhibit B5. Then also the appellant did not turn up to make the payment.

4. Later, the appellant was given an opportunity to settle the dispute for a total amount of 3,70,168/- (2,22,416/- + 1,09,042 + 38,710/-) under One Time Settlement Scheme as per the notice issued by the Assistant Engineer, Electrical Section, Thathamangalam on 2/3/16 and a copy of this notice is

produced herewith and may be marked as Exhibit B6. In reply to this notice, the appellant submitted a letter No. SHRO/MED/1361/2016 Dated 13-04-2016 demanding to change the billing tariff from VII A to VI A based on the document that the Santhigiri Ashramam is a charitable institution registered under Income Tax Act Section 12A. But Santhigiri Medical College is a self financing college functioning on commercial principles. This college is functioning as an independent unit. Normally a self financing college, being an educational institution, will have separate management and independent infrastructure. The tariff of educational institutions like Santhigiri Medical College could not be considered under charitable institution even though the Ashramam is registered as a Charitable Institution under Income tax act. This college also has all the characteristics of any other self financing colleges functioning in the State. LT VI A tariff is applicable only to the electricity connection given for Santhigiri Ashramam and not for the Medical College functioning under the Ashramam. Since the appellant didn't turn up to settle the arrear amount under OTS Scheme, a notice showing the current charge and up to date surcharge was served upon the appellant on 26/7/16. But this also remains unpaid by the appellant.

5. The statement of the Petitioner that the Tariff was changed without considering the purpose for which the Ayurvedic Medical College is functioning is totally wrong. An Ayurvedic Medical College is functioning for imparting medical education to the students. More than that, the appellant's College is a self-financing institution which is categorised in IT VII A tariff in Tariff Order with effect from 01-12-2007. The purpose for which the parent institution is functioning has no relevance unless the Tariff Order has classification pertaining to that purpose. Here, the self financing institutions are classified clearly and rightly in LT VII A Tariff fixed by the Kerala State Electricity Regulatory Commission. Hence there is no ambiguity as to which tariff is applicable to the appellant's institution. Hence the classification is legal and binding for both the parties.

6. It is further submitted that there is no dispute in the tariff provided to the Ashramam. The Regulatory Commission fixes the tariff based on the purpose to which electricity is being used and not on the basis of the purpose of the parent organisation the appellant belongs.

7. The criteria of the VI A tariff for which registration under Travancore-Cochin Literacy Scientific and Charitable Societies Registration Act, 1955 required is only for recognising charitable institutions and to provide lower tariff for such institutions. But in the case of self-financing institutions, Tariff order specifically mentioned them for including in LT VII A tariff. This is irrespective of the management under which the institutions run.

8. Aggrieved by the above short assessment bills, the Appellant approached the Hon'ble Consumer Grievance Redressal Forum, Northern Region,

Kozhikode by filing OP No. 112/2016-17. The Hon'ble Forum, vide order dated 06-05-2017, dismissed the petition on the ground that the licensee issued short assessments of subsequent period after the stay orders from Hon'ble Supreme Court. Also, the licensee has acted as per the directions issued by the Kerala State Electricity Regulatory Commission who in turn is vested with the power to determine the tariff of various categories of consumers as per Electricity Act, 2003. Hence the Forum found that the Santhigiri Ayurvedic Medical College is a self-financing institution. The purpose of the institution is entirely different from the activities.

9. In the light of the above, it is submitted that the Appeal lacks merits. The averments in the Appeal are false frivolous and fabricated. Hence in the interests of justice the Appeal may be dismissed with costs to these Respondents.

Analysis and findings

The Hearing of the case was conducted on 08-08-2017, in the Court hall of CGRF, Kozhikode. Smt. Chandralekha., advocate represented the appellant's side. Sri S. Nagarajan, Assistant Executive Engineer, Electrical Sub Division, Koduvayur, Sri. Vipin N., Nodal Officer (Litigation), KSEBL, Palakkad and Sri. V.V. Sivadasan, advocate represented the respondent's side. On examining the petition, the argument note filed by the appellant, the statement of facts of the respondent, perusing all the documents and considering all the facts and circumstances of the case, this Authority comes to the following conclusions and findings leading to the decisions thereof.

The only question to be decided in this case is as to whether the appellant's institution is a self financing educational institution entitled for concessional tariff under LT VI A.

The main averments of the respondent in changing the tariff to LT VI F and for issuing the short assessment bill are based on the following reasons. As per the schedule of tariff and terms and conditions for retail supply by KSEB read with Clause 24 (5) of Supply Code, 2005, self financing educational institutions including hostels like that of the appellant are classified under the tariff VIIA with effect from 01.12.2007. Santhigiri Ayurveda Medical College is a self financing college and it has got a separate management and independent infrastructure and the exemption under the Income Tax Act cannot be made applicable for Ayurveda Medical College functioning under the Ashramam.

Refuting the above contentions the appellant has stated that the said premises is a unit under Santhigiri Ashramam a charitable organization registered under the provisions of Travancore Cochin Literary Scientific and Charitable Societies Act and the functioning and management of the said unit

is strictly in tune with the bye-law provisions of Santhigiri Ashram, Pothencode and all its units comes under the purview of this registration.

This Authority has found that the Santhigiri Ashram constituted at the initiative of Navajyothi Sree Karunakara Guru and it has been registered under the provisions of Travancore Cochin, Literary, Scientific and Charitable Societies Registration Act, 1955 as per certificate no. 88/1978 dated 10-03-1978 and the registered office at Santhigiri P.O., Pothencode, Thiruvananthapuram. The organization has also formulated their separate bye-laws for regulating the functions of the organization including their various branches and units throughout the state. The various units of the Ashram including the Medical College in Palakkad are functioning under the ambit of a single umbrella organization. Moreover, the Ashram including all its units has filed its return of income tax statement by the assessee, the Santhigiri Ashram. Since the institution is a unit under Santhigiri Ashram formed as per the bye-laws, no separate registration under the provisions of Travancore Cochin, Literary, Scientific and Charitable Societies Registration Act 1955 is not required, as alleged by the respondent.

On going through the documents, it is found that the appellant's ashram was registered under Travancore Cochin Literary, Scientific and Charitable Societies Act, 1955, vide certificate no. 88/1978 dated 10-03-1978 and also filed balance sheet for the year 2012-13. The appellant has also produced a copy of the letter No. DCIT(E)TVM/AABT59123P/Misc/2015-16 dated 13-08-2015, in which the Deputy Commissioner of Income Tax (Exemptions), Thiruvananthapuram specifically stated that the Santhigiri Ashram, Santhigiri P.O., Thiruvananthapuram is a registered Charitable institution U/s 12A of the Income Tax Act, 1961 and as per office records and details submitted by the Santhigiri Ashram, it is having 57 units and income of all these units are included in the balance sheet of Santhigiri Ashram and income of the Santhigiri ashram is exempted under Section 80G of the Income Tax Act, 1961 and both the registration under Section 12 A and exemption under Section 80G are still in force as per their office records.

The appellant claims that the applicable tariff of him is LTVI A because the Santhigiri Ayurveda Medical College, Palakkad is a unit run by M/s. Santhigiri Ashram, a charitable institution registered under the provisions of Travancore Cochin Literary Scientific and Charitable Societies Registration Act, 1955 and the exemption granted under Section 80 G of Income Tax Act in respect of a charitable society cannot be limited to a particular area of operation of the society concerned. The appellant has also adduced that this Authority has taken a decision in appeal petition No. 56/2016 in which it was found that Santhigiri Ashram and its functionaries spread under ten divisions is a single establishment undertaking charitable activities and the tariff applicable for commercial activities cannot be extended to their institutions. In the order issued in appeal petition 56/2016, this Authority has not held that

tariff applicable for commercial activities can be extended to all their institutions. In that particular case, this Authority had examined the case of a single institution of the Santhigiri Ashram i.e. the eligibility of tariff VI A of private hospital and charitable institutions registered under Travancore Cochin Literary, Scientific and Charitable Societies Act, 1955, the donations to which are exempted from payment of income tax. The appellant's institution in this case is a Ayurveda Medical College which comes under the purview of Self Financing Educational institution and the KSERC, in its tariff order, has specifically classified such institutions under LT VII A tariff with effect from 12/2007.

On a perusal of the Tariff order of 10/2002, which was in force from 10/2002 to 11/2007, it is noted that an Educational Institution comes under LT VI A. Also in the tariff order of 10/2002, there was only one category of "Govt or Private Educational institutions" under LT VI A tariff and there was no case of a Self Financing Educational Institution (SFEI) at that time. But in the tariff order of 12/2007, a new category of SFEI was brought in, under LT VII A tariff, after retaining "Govt and Aided private Educational Institutions" under LT VI A tariff itself.

The tariff of LT VIIA specifically for SFEI was introduced in the "Tariff order issued in 11/2007", the claim of the appellant that LT VI A was issued to him before 12/2007, considering all aspects is found to be correct during that time. But when the Rules and Regulations are changed as per Law established it has to be abided.

In this particular case, the new tariff classification was introduced by Hon: KSERC, with effect from 12/2007 which has to be implemented by KSEB. When energy is used for multiple purposes, from a single electric connection, the applicable tariff for the whole unit shall be the highest of the individual tariff, till it is segregated and independent connection is taken for each unit. Here, as per the Tariff Order issued in 11/2007, the applicable tariff for SFEI, it is LT VII A - commercial. Since it is established that the Appellant is a SFEI, the applicable tariff shall be LT VII A with effect from 12/2007.

The tariff is assigned according to the purpose or activity being done on the premises of the consumer in relation to the Tariff order issued from time to time by the Competent Authority.

The Section 62 of the Electricity Act, 2003, enabling the provision for determination of tariff and is read as follows: ***The appropriate Commission shall determine the tariff in accordance with the provisions of this Act.***

Further, the Regulation 24(5) of the Electricity Supply Code, 2005, reads as;

“If the Licensee establishes that it has under charged the appellant either by review or otherwise, the licensee may recover the amount under charged from the appellant by issuing a Bill...”. This regulation empowers the Licensee to correct a mistake or error that has occurred due to oversight or for genuine reasons.

The provisions in Section 61 and 62 of the IE Act, 2003, read as;

61. Tariff regulations: The Appropriate Commission shall subject to the provisions of the Act specify the terms and conditions for the determination of tariff and in doing so shall be guided by the following, namely:(d) safeguarding of consumers’ interest and at the same time recovery of the cost of electricity in a reasonable manner.....

62. Determination of tariff. The appropriate Commission shall determine the tariff in accordance with the provisions of this Act.

The Hon’ble KSERC which is the empowered statutory body, as per Electricity Act, 2003, to frame the Power tariff rules and rates, do so after conducting hearings of the general Public and the versions of interested stakeholders in the field, on the new tariff proposals notified. No specific direction, under Section 108 of the IE Act, 2003, was seen issued by the State Govt. to the Commission, before notification of Power tariff categorization and formulation of connected rules in 11/2007, on the fixation of tariff applicable for Self Financing Educational Institutions exclusively. As per the schedule of tariff and rules notified by KSERC in 11/2007, only Govt. or aided private educational institutions come under the category of LT-VI- non-domestic tariff. It is undisputed fact that the appellant is a self financing educational institution and being so, there is specific tariff earmarked for such purpose of activity or use of electricity. Further, the appellant not being aided by the Govt., he is not entitled to claim the tariff under LT-VI B category.

The Hon. High Court of Kerala in WA No. 660/2010, in a similar nature of case, held that;

“The question raised in the Writ Appeal is whether self financing educational institutions are liable to pay commercial tariff as prescribed by the Electricity Regulatory Commission. Even though similar parties succeeded in this Court to get the tariff cancelled, the Hon Supreme Court admitted SLP No. 30968/09 and granted stay against operation of the Division Bench Judgment of this Court. When the order of the Division Bench is stayed by the Hon Supreme Court, tariff revives and the KSEB is free to collect commercial tariff from self-financing educational institutions” and the Court disposed of the Writ Appeal with the following direction.

“(1) KSEB is authorized to collect tariff in terms of the Regulatory Commission but the same will be subject to the result of the judgment of the Supreme Court in the batch of SLPs pending before the Supreme Court.

(2) However, no arrears will be recovered until the Supreme Court decides the matter and thereafter recovery of arrears will be based on judgment of the Supreme Court, which will be applicable in appellant’s case also.”

As per the schedule of tariff and rules notified by KSEB in 11/2007, only Govt. or aided private educational institutions come under the LT-VI-A (non-domestic) tariff. The appellant has not a contention that his Institution does not belong to a self financing educational institution and being so, there is specific tariff earmarked for such purpose of activity or use of electricity for a Self Financing Educational Institution by the Hon’ble KSEB in the Tariff rules.

The Hon: High Court of Kerala has disposed a WP (C) No. 26041/2012 filed by St. Mary’s Educational & Cultural Society with a direction to the respondents (KSEB) to keep in abeyance the recovery of arrears till decision is rendered by the Hon. Supreme Court in the related Bro. Joseph Antony’s case, which is pending before the Apex Court.

It is clarified that the disputed short assessment bill with notices dated 22-11-2008, issued to the appellant shall be kept pending, till the decision in the referred SLPs filed before the Hon. Supreme Court on the same issue (eligible tariff applicable to Self Financing Educational Institutions) is decided by the Hon. Court and the respondent shall act accordingly.

Decision:

From the analysis done and the Findings arrived at, I take the decisions as;

(1). Exactly following the decision of the Hon High Court stated above, the appellant shall pay the monthly bills under LT VII-A tariff from the date of detection of the wrong tariff fixed to the party i.e. from the month of 11/2008 onwards and short assessment bill dated 22-11-2008 raised for Rs. 2,22,416/- for the arrears of the period prior to that month (11/2008) and the interest of Rs.4,77,930/- shall be kept pending. But the same will be subject to the result of the judgment in the batch of SLP’s pending before the Hon: Supreme Court on the issue of electricity tariff applicable to Self Financing Educational Institutions and the respondent shall act as per the verdict, on its pronouncement.

(2). It is clarified that the disputed short assessment bill dated 10-08-2009 for an amount of Rs. 1,09,042/- for the period from 11/2008 to 4/2009 and for an amount of Rs. 38,710/- for the period from 11/2009 to 12/2009, issued to the appellant shall be payable by the appellant within a period of 30 days from the date of receipt of this order.

(3). The order in OP No. 112/2016-17 dated 06-05-2017 of CGRF, Kozhikode stands modified to this extent.

Having decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is disposed of with the said decisions taken and issued. No order on costs.

ELECTRICITY OMBUDSMAN

P/063/2017/ _____ /Dated: _____

Delivered to:

1. Swami Chaithanya Jnana Thapaswi, General Secretary, Santhigiri Ashram, Santhigiri P.O., Thiruvananthapuram.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Koduvayur, Palakkad

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, Gandhi Road, Kozhikode.