

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/006/2019  
(Present: A.S. Dasappan)  
Dated: 11<sup>th</sup> March 2019

Appellant : Sri. M.P. Baiju  
Maniyalil House,  
Perumbavoor P.O.,  
Ernakulam

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd, Perumbavoor,  
Ernakulam

### **ORDER**

#### **Background of the Case:**

The appellant is a commercial consumer under the jurisdiction of Electrical Section, Perumbavoor having consumer number 24400. The premises is a shed for parking area for the buses. While being so, the respondent issued a short assessment bill amounting to Rs. 42,448/- towards the difference of tariff from 06/2013 to 09/2016, on the basis of the audit report of the Regional Audit Officer. Aggrieved by this, the appellant filed a petition before the CGRF. The CGRF, Ernakulam has ordered to issue a revised bill limiting the period to 24 months. Accordingly the respondent has issued a revised short assessment bill for Rs. 26970/- to the appellant.

Still aggrieved by the said order of the CGRF and revised short assessment bill, the appellant has filed this appeal petition before this Authority.

**Arguments of the appellant:**

The appellant has been paying @ Rs. 60/- per month under LT VII A tariff for the service connection with Consumer No. 24400. The appellant received a bill for Rs. 42,448/- for the period from 06/2013 to 9/2016 under LT X and LT IX tariff. Later the bill was revised to Rs. 26,970/- and intimated vide No. ES-PBVR/BB/Bill Revision/2018-19/142 dated 20-12-2018 for remittance. There is no additional usage of electricity in the premises and remitted the electricity charges up to December 2018 @ Rs. 60/-. The appellant requested to retain him under LT VII A tariff.

**Arguments of the respondent:**

The appellant Sri M.P. Baiju is a single phase commercial consumer with consumer number 1155836024400 under LT VII A tariff of Electrical Section, Perumbavoor.

As per the audit report on 31.10.2016 by the RAO wing it is observed that in service connection register the purpose of the consumer is furnished as display light. But in system it was wrongly furnished as commercial. Hence its actual tariff is LT X and LT IX from 05/2013 onwards. So its tariff difference was reassessed from 06/2013 to 09/2016. So the consumer was given a short assessment bill of Rs. 42448/-.

As per the regulation 134(1) if the licensee establishes either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill.

As per the regulation 136(1) the licensee shall be entitled to recover arrears of charges or any other amount due from the consumer along with interest at the rates applicable for belated payments from the date on which such payments became due.

Aggrieved by this the consumer has filed a complaint before the Consumer Grievance Redressal Forum. The Forum directed to issue a revised bill limiting the period to 24 months vide Order No. CGRF-Cr/OP No.20/ 2018-19/402 dtd 29.09.2018. As per the direction a revised bill of Rs. 26970/- was issued to the consumer on 20.12.2018.

Regulation 134(1) & 136(1) of Electricity Supply Code 2014 allows the licensee to recover the amount short assessed from the consumer. This

demand is not a penalization but it is only the demand to recover the amount due to undercharging of the consumer. Hence it is humbly prayed that the State Electricity Ombudsman may kindly dismiss the appeal and the appellant may be directed to remit the short assessment bill.

### **Analysis and Findings**

The hearing of the case was conducted on 07-03-2019 in the office of the Kerala State Electricity Ombudsman, Edappally, Kochi 24. Sri. V. Surendran represented the appellant's side and Smt. Beevi Backer, Assistant Executive Engineer, Electrical Sub Division, Perumbavoor represented the respondent's side. On perusing the Appeal Petition, the counter of the respondent, the documents submitted, arguments during the hearing and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions there of.

As per the audit report of the Regional Audit Officer of the Section Office and noticing the purpose of the electric connection as display lighting, the tariff was re-fixed as LT X/LT IX. The tariff at the time of giving connection was LT VII A. Later the tariff of Display lighting was changed to LT X as per the tariff order dated 9-9- 2013 and LT IX as per tariff order dated 27-09- 2014.

As per the appellant, there was no such display light in the premises from the date of connection and the appellant is using the premises as the parking ground for tourist buses from the very beginning. The connected load of the appellant is 450 watts and this connected load consists of one number  $\frac{1}{2}$  HP Motor, 4 numbers of CFL bulbs and one tube light only. There is no office with display boards furnished in the premises. The respondent has also admitted the appellant's version during the hearing as she inspected the premises and found the connected load exactly correct.

As per the tariff orders, the tariff LT X/LT IX applicable to display lighting, hoarding, external illumination of buildings for publicity and sales promotion purposes. And it is further stated in the 'Note' of the said tariff orders that "the electricity used for the purpose of displaying the name, address, working time and such essential details of commercial, industrial or other category of consumers is allowed to be charged at same tariff applicable to the category to which such consumers belong."

The RAO has not inspected the premises but his finding was based on a wrong entry in the office records. Hence the request of the appellant to set aside the short assessment levied by the respondent is found justifiable. So the assessment is not sustainable before law and is liable to be set aside.

**Decision**

In view of the above discussions, there is no justification for issuing such a short assessment bill to the appellant even without analyzing or finding out the exact consumer category or purpose of supply. Hence the revised short assessment bill for Rs. 26,970/- is hereby quashed and the appeal petition is allowed. The order of CGRF, Ernakulam in OP 20/2018-19 dated 29-09-2018 is set aside. Having concluded and decided as above, it is ordered accordingly. No order as to costs.

**ELECTRICITY OMBUDSMAN**

P/006/2019/ \_\_\_\_\_ /Dated: \_\_\_\_\_

Delivered to:

1. Sri. M.P. Baiju, Maniyalil House, Perumbavoor P.O., Ernakulam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Perumbavoor, Ernakulam

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, CGRF-CR, 220 kV, KSE Board Limited, Substation Compound, HMT Colony P.O., Kalamassery, PIN: 683 503.