

STATE ELECTRICITY OMBUDSMAN

Thaanath Building Club Junction Pookkattupadi Road Edappally Toll

KOCHI 682024

www.keralaeo.org

Phone 04842575488 +919447226341 Email : info@keralaeo.org

REPRESENTATION No: P 94/09

Appellant : Sri Bava A.M S/o AbduRahman
Angalakath Mukkil Veedu
Kuttikkattunilam Paramba
BEYPORE Kozhikode 15

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division Kallayi Kozhikode

ORDER

Sri Bava A.M S/o AbduRahman Beypore submitted representations on 8.9.2009 & 5.10.2009 seeking the following relief :

- 1. To conduct enquiry into the corrections made in the application for service connection dated 23.08.2007 such that the connection is sought for construction purposes.*
- 2. Provide retrospective effect from the date of connection for change of tariff from commercial to domestic*
- 3. To hold that the Respondent is not entitled to collect surcharge/interest for the arrears*
- 4. To conduct an enquiry into the correctness of the bill dated 05.02.2008 etc.*

Counter statements of the Respondent was obtained and hearing of both the parties conducted on 29.10.2009 .

Sri Bava had got an LT Single phase connection from Beypore section on 12.9.2007 based upon an application dated 23.8.2007. The connection was provided under LT VII A tariff for construction purposes. The tariff was changed to Domestic after more than one year in 9/2008 on clearing the arrears under Commercial tariff.

Sri Bava states that he had never made application for service connection for construction purposes and hence he is not bound to pay charges under LT VIIA tariff. He alleges that the service connection papers were corrected by one overseer of Beypore section to make it for construction purposes. Hence the tariff LTVII A was forcefully imposed upon him and he had to pay much higher amounts for more than one year. Hence he is not liable to

pay interest on belated payments . He demands that the bills under LT VII A are to be reviewed.

The Respondent produced the originals of the service connection papers. On verification of the entries in the printed formats, corrections were not seen any where as alleged. The entries in the wiring test report issued by the wiring contractor , estimate prepared by the overseer, and the agreement signed and executed by the Appellant, the purpose is shown as *construction purposes*. No corrections or over writings were seen. But in an application for permission to pay OYEC alone one correction was noted. This format is submitted after accepting the application for connection and hence the entries in the original papers only are relevant.

The Appellant has failed to provide evidence to prove the allegation that he had made applications for domestic connection which was subsequently corrected by KSEB staff at Beypore section. He has failed to establish that KSEB staff had made corrections in the application for service connection dated 23.08.2007 such that the connection is sought for construction purposes, and hence other reliefs sought for above also become irrelevant.

Under the above circumstances I do not find any necessity of reviewing the decisions of CGRF Kozhikode on the matter in OP 79/08 or OP 5/08 .

But during the hearing the Appellant complained that the Respondent had wrongly collected Service Connection Charges on 25.9.2008 from him for tariff change. The CGRF Kozhikode as per order dated 3.4.2009 (issued on 8.9.2009) on OP 79/08 had directed KSEB to refund the same. But the Respondent had not refunded the same till date.

Collection of money wrongly from a consumer attracts Section 24(6) of the Supply Code and the delay in arranging refund even after orders from a forum like CGRF is viewed seriously.

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 arguments/claims/points raised by the Appellant in support of the reliefs sought for are devoid of merit and hence the reliefs are not allowed and the representation is dismissed*
2. *The refund of the Service Connection charges as ordered by the CGRF Kozhikode shall be done within One Month from the date of receipt of this order along with interest at twice the bank rate as specified in Section 24(6) of the Supply Code*
3. *No order on costs.*

Dated this the 30th day of October 2009 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 94 /09/390 / dated 30.10.2009

Forwarded to: 1 Sri Bava A.M S/o AbduRahman
Angalakath Mukkil Veedu
Kuttikkattunilam Paramba
BEYPORE Kozhikode 15

2. The Assistant Executive Engineer
Electrical Sub Division Kallayi Kozhikode

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, Gandhi Road Kozhikode673032