

THE STATE ELECTRICITY OMBUDSMAN
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REVIEW PETITION No. RP 01/2020
in APPEAL PETITION No. P/003/2020
(Present: A.S. Dasappan)
Dated: 30th June 2020

Review Petitioner : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Velloorkunnam,
Ernakulam

Review Respondent : Fr. Jijo Jacob
Guardian Angel Care
Charitable Society,
Airapuram P.O., Keezhillam,
Ernakulam

ORDER

The review petitioner, the Assistant Executive Engineer, KSE Board Ltd, Electrical Sub Division, Velloorkunnam had filed a review petition against the orders issued by this Authority in appeal petition No. P/003/2020 dated 18-03-2020. The review petition was time barred by limitation and the review petitioner had requested to condone the delay due to 'lock down' declared by Central and State governments from 23-03-2020 onwards. Considering the request of the review petition, he has been given an opportunity to hear his arguments.

The appellant/ review respondent of the petition No P/003-2020 is a consumer under Electrical Section Valayanchirangara being Con No 12939 under LT-V1 (D) Tariff. APTS had conducted an inspection in the premises on 04-07-19 and found that charges are levied for boarding and lodging of inmates hence the Tariff reassigned to LT VI (B), from 8/2017 to 06/2019 and issued a short assessment bill amounting to Rs.125448/-. The review respondent filed a petition before CGRF which was dismissed due to lack of merits. Thereafter he filed an appeal petition vide No P-003/2020 before Kerala State Electricity Ombudsman. This Authority vide dated 18-03-2020 has ordered that in the revised tariff for all categories with effect from 08/07/2019 issued by KSERC vide order

dated 08/07/2019. old-age homes which charge inmates of boarding and lodging comes under LT V1(B) tariff and it is a new category included in the tariff revision order and this was not included any tariff category prior to 08/07/2019. Also directed the Board to take up the matter with the proper authorities for fixing the appropriate tariff for the period from 08/2017 to 06/2019 and issue additional bill if any required.

The review petitioner has submitted the following averment requesting to reconsider the orders issued by this Authority. The Kerala State Electricity Board Ltd having examined the order and requested to review the orders since the Regulatory Commission has already categorized all other tariffs that were not included in anywhere to be included in V1C tariff in the tariff order dated 21-4-2017 with effect from 18-4-2017. The item number (viii) in LTVIC tariff states as "where any other LT Categories not included anywhere in this schedule shall be categorized under LT VI (C) tariff." But it is found that the review petitioner himself reassigned tariff to LT VI (B) instead of LT VI (C), from 8/2017 to 06/2019 and issued a short assessment bill amounting to Rs.125448/-.

The review respondent has argued that his old age home is not charging from the inmates of boarding and lodging and they are only accepting donations from some generous persons and requested for LT VI D tariff. But not produced any evidence to prove their claims during hearing of the appeal. Hence the argument was not admitted.

The hearing of the case was conducted on 24-06-2020 in my chamber at Edappally, Kochi. Sri. Pradeep K.A., Assistant Executive Engineer, Electrical Sub Division, Velloorkunnam and Smt. Shahanas Begum, Nodal Officer (Litigation) Perumbavoor represented for the review petitioner and Fr. Jijo Jacob represented for the review respondent and argued the case on the above-mentioned lines. On perusing the review petition, and the arguments in hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions thereof.

The arguments now raised cannot be considered for a review, as it was considered, decided and order issued accordingly. In the analysis in the order it was stated that in the revised tariff for all categories with effect from 08-07-2019 issued by KSERC vide order dated 08-07-2019, old age homes which charge inmates for boarding and lodging comes under LT VI (B) category and this is a new category included in the tariff revision order. It is clearly stated in the Annexure II of the tariff revision order that this category was not included any tariff category prior to 08-07-2019 and also not shown under LT VI (C) category, as claimed by the review petitioner. Hence a clear clarification to assign the correct tariff is required in this matter and the review petitioner is free to issue the additional bill accordingly.

In this background, this Authority didn't find any reason to intervene the order already issued. In view of the above discussions, I hold that review petition is not maintainable and hence rejected.

ELECTRICITY OMBUDSMAN

REVIEW PETITION No. RP 01/2020
in APPEAL PETITION No. P/003/2020/ /Dated: _____

Delivered to:

1. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Velloorkunnam, Ernakulam
2. Fr. Jijo Jacob, Guardian Angel Care Charitable Society, Airapuram P.O., Keezhillam, Ernakulam

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, CGRF-CR, 220 kV Substation Compound, KSE Board Limited, HMT Colony P.O., Kalamassery, PIN: 683 503.