

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/003/2021
(Present: A.S. Dasappan)
Dated: 28th June, 2021

Appellant : Smt. Ammini Prasad
Prop: M/s. Pournami Hotel,
Opp: KSRTC Bus Stand,
Chengannur,
Alappuzha Dist.-689121

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Chengannur, Alappuzha

ORDER

The appellant is running a three-star hotel in the name and style “M/s. Pournami Hotel” at Chengannur in Alappuzha Dist. The electric connection was given from Electrical Section, Chengannur with consumer number 4933. There were another four electric connections in the premises and later these connections were merged in the electric connection 4933 with a total connected load of 96 kw. The energy meter provided in the premises was seen burnt on 15-12-2005 and which was replaced with CT operated meter. The appellant suspected recording of abnormal consumption in the newly installed meter and changed with another CT operated meter by the respondent on 31-12-2005. As per the audit report of the Accountant General, a short assessment bill was served on the appellant for Rs.1,88,551/- for a period of six months from 07/2005 to 12/2005. The reason for the reassessment of energy consumption was that the consumption recorded from 07/2005 to 12/2005 was less than half of the recorded consumption in the preceding and succeeding years. The respondent issued the reassessment bill for compensating the revenue loss sustained to the Licensee in the period of six months.

As such the appellant filed a petition before the Consumer Dispute Redressal Forum (CDRF) vide CC No.200/2006 on 18-09-2006 against the short assessment bill for Rs.1,88,551/- . The Forum rejected the petition No.CC200/2006 on 05-06-2020, stating the Forum has no jurisdiction to entertain the complaint. Further the appellant filed a writ petition before the Hon. High Court of Kerala vide WP(C) No.16017/2020 and the Hon. Court closed the writ petition vide judgement dated 09-09-2020 relegating the appellant to approach Consumer Grievance Redressal Forum (CGRF) within four weeks from the date of judgement. Accordingly, the appellant filed a petition in CGRF, Central Region, Ernakulam vide OP No.50/2020-21 and the Forum issued order dismissing the request of the appellant. The appellant again filed a writ petition before the Hon. High Court of Kerala vide WP (C) No.579/2021 challenging the order of Consumer Grievance Redressal Forum, Central Region. The appellant has withdrawn the writ petition as permitted by the Hon. Court with liberty to appeal Electricity Ombudsman.

As directed by the Hon. High Court of Kerala, the appellant filed this appeal petition before this Authority on 21-01-2021.

An online hearing was conducted at 12 noon on 25-02-2021 with prior intimation to both the appellant and the respondent. The appellant was absent and Sri. C.K. Surendran, Assistant Executive Engineer, Electrical Sub Division, Chengannur attended the hearing from the respondent's side. Two more hearings were conducted, one in the office of the Electricity Ombudsman, Kochi and other by online at 11-30 AM on 03-03-2021 and 2 PM on 12-03-2021 respectively. Sri. Sanjeevkumar. V.R. for the appellant and Sri. C.K. Surendran, Assistant Executive Engineer, Electrical Sub Division, Chengannur from the respondent's side attended the hearing. Both the appellant and respondent argued the case as stated in their appeal petition/version.

While processing the appeal petition as directed by the Hon. High Court of Kerala, the appellant filed an application on 30-03-2021 expressing the appellant's unwillingness to proceed the appeal petition and hence, the decision to withdraw the appeal petition. The content of the application is as follows: -

The application had been given to the Assistant Engineer, Electrical Section, Chengannur on 25-03-2021 for the settlement of the short assessment arrears of Rs.1,88,551/- issued to the appellant on 29-08-2006. An undertaking was furnished to the Deputy Chief Engineer, Electrical Circle, Haripad by the appellant that the appellant is willing to settle the case by remitting Rs.1,88,551/- with permissible interest under One Term Settlement Scheme of KSEB Ltd. before 31-03-2021. Hence, the appellant is not willing to proceed with the appeal petition P003/2021 filed on 21-01-2021 and which is withdrawn.

The total amount to be remitted by the appellant is Rs.8,46,507/- as demanded by the respondent including surcharge. Under 'One Time Settlement Scheme', the said amount was reduced to Rs.3,53,551/- and further a deduction will be done for Rs.3,300/- if the remittance is made as a single payment. Later on 21-04-2021, the respondent informed that the appellant had remitted Rs.1,88,551/- along with surcharge Rs.1,61,382/- on 30-03-2021 under one time settlement scheme. As such, the appeal petition No. P-003/2021 is closed.

ELECTRICITY OMBUDSMAN

P/037/2020/ dated _____.

Delivered to:

1. Smt. Ammini Prasad, Prop: M/s. Pournami Hotel, Opp: KSRTC Bus Stand, Chengannur, Alappuzha Dist.-689121
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Chengannur, Alappuzha.

Copy to:

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