

## STATE ELECTRICITY OMBUDSMAN

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### REPRESENTATION No: P 107/09

Appellant : Sri P.N.Raveendran  
S/o late Narayanan  
PalayilPuthan Purayil  
Kangarappady (Po) KOCHI 21

Respondent: Kerala State Electricity Board  
*Represented by*  
The Assistant Executive Engineer  
Electrical Sub Division Kalamassery

### ORDER

Sri P.N.Raveendran Kangarappady submitted a representation on 28.10.2009 seeking the following relief:

1. *Restore the Service Connection No: 3205 Thevakkal Section*
2. *Declare that no amount is due from the Appellant to KSEB*
3. *Set aside the Order dated 28.04.2009 of CGRF Ernakulam*

Counter statement of the Respondent was obtained and hearing conducted on 4.02.2010. The service connection number 3205 under Thevakkal Section was for an SSI unit making steel furniture. There were no operations in the workshop for the last so many years. The tariff was changed to LT VII A for the periods from 10/2003 to 2/2004 based upon report from field staff which was subsequently reverted back to LT IV consequent to the complaint from the consumer and inspection by the Assistant Engineer. The consumer had paid an amount of Rs 6189/- under LT VII tariff. The demand under LT IV for the period was only Rs 2981/- and hence the excess payment was Rs 3208/- which was to be adjusted in future bills. The demand for the period from 3/04 to 8/05 was Rs 8262/-. On 9.9.2005 KSEB collected Rs 2073/- from the consumer, by an error, after adjusting Rs 6189/- instead of Rs 3208/-.

The service connection was dismantled some times in March 2007 and the KSEB collected Rs 3309/- as up to date arrears on 9.3.2007. When the consumer approached for

re-connection/new connection the KSEB informed that there was a further arrears of Rs 4054/- in premises and the connection can be provided only on clearing the same. The CGRF up held the claim of KSEB .

The representation with the pleas noted above is submitted to the under signed in the above back ground.

The contentions raised by the Appellant in the representation and during the hearing are summarized below: The payment made on 9.3.2007 was in full settlement of dues as noted in the receipt. Hence KSEB can not demand any additional amount after that . All the demand notes issued by KSEB before the date had been paid . The service connection had not been dismantled but only disconnected on the pole . Hence reconnection is feasible.

The Respondent informed that amount towards excess payment , deducted from the outstanding dues on 9.9.2005, was Rs 6189/- instead of Rs 3208/- . This was an error occurred in the office and the fact had been explained to the consumer on several occasions. Hence an amount of Rs 2981/- is due from that date onwards.

The Respondent also informed that the meter and service wire could not be taken away in 2007 since the premises were not accessible. The connection can be restored if the arrears are cleared and fresh application and other documents are furnished with the required fees.

As per the Section 24(5) of the Kerala Electricity Supply Code 2005 , the KSEB is empowered to recover the amount undercharged from the consumer at later dates also, if they establish that they have undercharged the consumer either by review or otherwise . Hence the contention of the Appellant that KSEB can not demand the dues after 9.3.2007 can not be accepted.

Now the details of arrears claimed by KSEB shall be examined. It is seen that they have claimed interest on dues improperly.

As per the statement given by the Respondent the amounts due on 9.9.2005 are :

Demand 3/04 to 9/04	: Rs 2694.00
Demand 10/04	: Rs 465.00
Demand 11/04 to 8/05	:Rs 3900.00
Total	: Rs 7059.00

An amount of Rs 3208.00 had been paid by the consumer as excess for prior periods on 3.4.2004. This should sequentially offset against the dues from 3/04 onwards and balance worked out .An amount of Rs 2073.00 had been collected on 9.9.2005. This must be offset against the balance dues, including interest on the above balance dues , as on 9.9.2005. Hence the balance outstanding on 9.9.2005 shall be computed.

But the arrears were outstanding after 9.9.2005 only due to error or oversight of the staff of KSEB. The consumer can not be asked to pay interest for the dues from 9.9.2005.

Hence KSEB shall not collect any interest for the dues, worked out as per the above principles, as on 9.9.2005 .

On a review of the records submitted by the Appellant and Respondent it is seen that the consumer had not used electricity for years together for running the industry.

Consequently they were very irregular in paying current charges also. The Appellant was not able to state when the electricity to the premises was cut off. In any case it is clear that KSEB had not raised any demand for monthly charges from 3/2007 onwards and the consumer had not paid even the monthly minimum charges after 3/2007. Hence for all practical purposes the service has to be treated as non-existent after 3/2007. Under this

circumstances the question of providing re-connection of Cons: No: 3205 do not arise. New service connection shall be given to the premises in the name of the owner or tenant after clearing the dues and on observing all formalities required as per statutes for a new connection.

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 arrears due from the Consumer shall be re-worked by KSEB as per the guide lines given above and a notice with detailed calculation sheet shall be sent to the Appellant / Registered consumer .*
3. *New service connection shall be given to the premises in the name of the owner/ tenant after clearing the dues and on observing all formalities required as per statutes for a new connection.*
4. *No order on costs.*

Dated this the 4<sup>th</sup> day of February 2010 ,

P.PARAMESWARAN  
Electricity Ombudsman

No P 107 /09/ 487 / dated 5.2.2010

- Forwarded to: 1. Sri P.N.Raveendran  
S/o late Narayanan  
PalayilPuthan Purayil  
Kangarappady (Po) KOCHI 21
2. The Assistant Executive Engineer  
Electrical Sub Division KALAMASSERY

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 ,  
Power House Ernakulam