

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/071/2021**(Present: A.S. Dasappan)****Dated: 21st January 2022**

Appellant : Sri. Selvaraj Gabriel,
Madathil Tower,
Opp. LBS Centre, Palayam,
Vikas Bhavan P.O.,
Thiruvananthapuram Dist. 695033

Respondent : Asst. Executive Engineer,
Electrical Sub Division,
KSEB Ltd., Puthenchantha,
Thiruvananthapuram Dist.

ORDER**Background of the case:**

The appellant is a consumer of Electrical Section, KSEB Ltd., Cantonment, Thiruvananthapuram with consumer number 1145061009179. The tariff assigned to the premises having single phase supply is LT VIIA and connected load is 1200 watts. The appellant was given an instalment facility to remit the accumulated electricity bill amount for Rs.30,424/- and remitted only Rs.10,000/- towards first instalment. The appellant has to remit the balance amount of Rs.20,424/- but requested the Consumer Grievance Redressal Forum (CGRF), Southern Region, Kottarakkara to waive the entire amount. The Forum registered the petition filed by the appellant vide OP No.45/2021 and the Forum dismissed the petition with allowing 12 instalments on 20-09-2021.

Aggrieved by the decision of the Forum, the appellant filed this instant appeal petition before this Authority.

Arguments of the Appellant:

The appellant received electricity bill No.4506210204656 dt.08.02.2021 for Rs.27,822/- (due date 18.02.2021 & disconnection date 05.03.2021) of Electrical Section, Cantonment, Thiruvananthapuram. In order to avoid disconnection, the appellant made a down payment of Rs. 10,000/- out of borrowed money. The appellant was advised to pay the balance amount of Rs.17,822 + Rs.2,602/- (Charges) = Rs. 20,424/- in three instalments as shown below:

02.04.2021 - First - Rs.6,808/-

02.05.2021 - Second - Rs.6,808/-

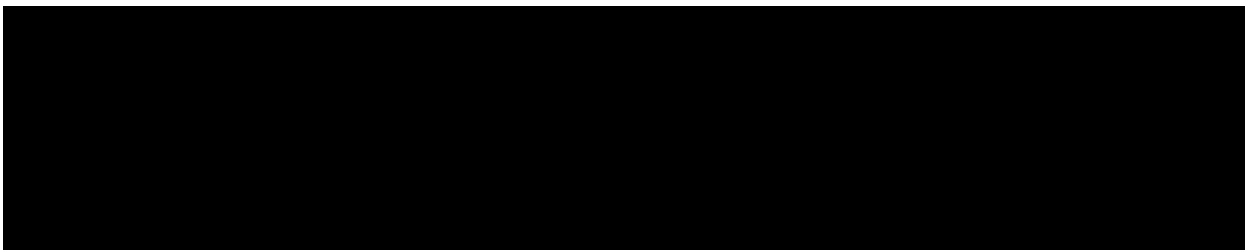
02.06.2021 - Third - Rs.6,808/- Total Amount - Rs.20,424/-

Due to total lockdown/continuous partial lockdowns from 03/2020 to 02/2021 to check the spread of Covid-19 pandemic, the appellant lost all business/income. In fact, the appellant has been in deep debt-trap. The appellant's debts are mounting as interest and instalments of bank loan, building loan could not be serviced. The appellant has no other source of income.

In view of what has been clearly stated above and due to the inability to pay any amount, it is requested to waive the entire dues of Rs.20,424/-.

Arguments of the Respondent:

During the process of bulk change of static meters to digital meters, new meter was installed on 18.09.2020. Though the appellant was a defaulter in payment of current charge from 04.2020 to 02.2021, the appellant was allowed to pay the defaulted amount in four monthly instalments by considering the pandemic situation as detailed below.

PREPARED INSTALLMENT PLAN--INSTALLMENTS

The first instalment of Rs.10000/- was paid on 02.03.2021, and the balance three instalments were due for payment. Since the instalment plan has been expired and an amount of Rs.20424/- was due for payment against the appellant, the service connection was disconnected on 08.04.2021. After disconnection, the appellant has paid only the subsequent bill amounts for the months of 04/2021, 06/2021 and 08/2021 through online payment system. The disputed amount is still unpaid.

During the period from 04.2.2020 to 02.2021, the appellant has consumed 3142 units of energy for his purpose. So, the appellant is liable to pay the charges for the energy used by him. As per the Government direction, an amount of Rs.105/- on 29-6-2020 and Rs.35/- on 21-7-2021 have been credited to him on account of Covid 19 FC Rebate. SD interest Rs.32/- on 10.5.21 has also been credited. As such, further waving of energy charge is not in order and the appellant is liable to pay the arrear amount of Rs. 20424/- with up-to-date surcharge.

The KSEBL has only tried to realise the energy charges against the recorded consumption in a judicious and systematic way. Hence, it is prayed that the petition may be dismissed.

Analysis and findings:

An online hearing was conducted on 17-01-2022 with prior intimation to both the appellant and the respondent. The appellant Sri. Selvaraj Gabriel attended the hearing and Sri. R. Rajesh, Assistant Executive Engineer, Electrical Subdivision, Puthanchantha attended the hearing from the respondent's side. On examining the petition, the counterstatement of the respondent, the documents attached and the arguments made during the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

The appeal petition pertains to the remittance of usual electricity bill amount from 04/2020 to 02/2021. The amount accumulated in the above period is Rs.30,424/- and to avoid disconnection, the appellant remitted Rs.10,000/- being the first instalment. The appellant made default in remitting further instalments @ Rs.6,808/- per month fixed by the respondent giving due date 02-04-2021, 02-05-2021 and 02-06-2021. The appellant filed petition before CGRF for waiving the balance amount of Rs.20,424/- and the Forum rejected the request of the appellant.

The appellant's contention is that, he had no source of income to remit the balance amount of Rs.20,424/- and hence, to waive the amount and exempt the appellant from remitting the amount.

According to the appellant, the amount to be remitting by the appellant is the usual electricity charge and not a disputed amount. The appellant had remitted the electricity bills after 02/2021 through online payment system. As such the appellant is liable to remit the amount.

On going through the document file, it is observed that the appellant had no dispute in the accuracy of the energy meter installed in the premises. The appellant had not filed any complaint regarding the accuracy of the meter before the respondent, CGRF or before this Authority. The arrear is the accumulated electricity bill amount for a particular period and instalments were sanctioned by the Licensee. The appellant remitted the first instalment also. The only reason for the request of exemption from remitting the electricity bill is the appellant's financial incapability. The appellant had remitted the bill amount after the period of non-payment of the arrear electricity bills. A consumer is responsible to remit the energy charge for the consumption in the premises. The appellant had not made any complaint towards "disputed bills" vide Regulation 130 of Kerala Electricity Supply Code 2014 before the Licensee. A consumer is liable to remit the electricity bill amount as per Regulation 131 of Kerala Electricity Supply Code 2014. The CGRF analyzed the case in detail with the support of relevant Regulation of Kerala Electricity Supply Code 2014.

Decision: -

For the reasons detailed above, the appeal petition filed by the appellant stands dismissed as it is found having no merits. The order dated 20-09-2021 in OP No. 45/2021 of CGRF, Southern Region, Kottarakkara is upheld.

Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/071/2021/_____ dated _____.

Delivered to:

1. Sri. Selvaraj Gabriel, Madathil Tower, Opp. LBS Centre, Palayam, Vikas Bhavan P.O., Thiruvananthapuram Dist. 695033
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Puthenchantha, Thiruvananthapuram Dist.

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, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Kottarakkara - 691 506.