

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/069/2021**(Present: A.S. Dasappan)****Dated: 02nd February, 2022**

Appellant : Smt. Jancy Varghese,
T.C.14/352, Kanjirakkattu House,
Pothujanam, Kumarapuram,
Thiruvananthapuram - 11.

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

ORDER**Background of the case:**

The appellant is a consumer of Electrical Section, Ulloor with consumer number 1145174000453 under LT-IA tariff and connected load is 17510 watts. The grievance of the appellant is that the respondent denied the eligible subsidy to the appellant as ordered by KSE Board Ltd. in the “Lockdown” period of “COVID-19”. The appellant was allowed only Rs.601/- towards subsidy, but eligible for Rs.2,512/- and also as per appellant, the bills are issued without required details. For the redressal of the grievance, the appellant filed a petition before Consumer Grievance Redressal Forum (CGRF), Southern Region, Kottarakkara vide OP No.33/2021 and the Forum in its order dated 06-09-2021 partially allowed the petition.

Not satisfied with the order of the Forum, the appellant filed this appeal petition before this Authority.

Arguments of the appellant:

The Government of Kerala declared subsidy for the Covid lockdown period and as such KSEB Ltd. issued guidelines as per BO (FTD) No. 434/2020 dated 25/6/2020. The Asst Engineer denied eligible subsidy to the appellant even after repeated requests. The respondent issued letter dated 4/2/2021 stating that the appellant are not eligible for subsidy.

The bills issued to the appellant on 12/6/2020, numbered as 4517200614997 & 4517200614998 and also dated 12/9/2021 No. 4517200913630 was without any details as per regulations.

Against the above defects and denial of subsidy, the appellant lodged the complaint before CGRF, Kottarakara as OP 33/2021. The complaint was partially allowed by the forum hence, this appeal. The Forum in its order allowed only Rs 601/- as subsidy whereas correct calculation, the units of 318 is the subsidy and amount will be Rs. 2512.20. Two bills were issued between the said period.

For delayed payments KSEB is collecting huge interest (18%). And for this delayed refund no interest was allowed by CRGF, which is against law.

Argument of the respondent:

KSEBL has given the appellant all the benefits and concessions if entitled as per the regulations prevailing. The appellant has raised same arguments earlier before the Forum vide P004/21 and disposed the petition on 28.06.2021.

Bill Nos. 4517200614997 and 417200614998 were the revised bills of March 2020 and May 2020. These bills were scrutinized by both CGRF and Ombudsman and then details were handed over to the appellant as per the verdict of OP no. 58/2020 dated 24 December 2020.

In the case of bill No. 4517200913630, the previous bill on 12/7/2020 was door lock bill and the readings were taken only on 12/9/2020. So, the consumption shown in the bill was the consumption for two billing cycles and the software adjusted the consumption with two billing cycles and prepared the bill. It is noted in the bill that the previous status was door lock and the bill given was average bill. Hence, the bill for 9th month consists of bill amount of 9th month bill

and previous adjustment of 7th month bill. Because 7th month bill was given for an average of 998 units, but the respondent got 4525 units for 2 billing cycles on 12/9/2020. So, $4525/2 = 2262.5$ units for each billing cycle. As such, 9th month bill consists of bill amount of 2262 units and previous adjustment of 7th month bill $(2263-998) = 1265$ units.

The actual consumption on 11/3/2020 was 2741 units, and on 5/2020 was 2674 units. After getting the result from TMR and after installing two parallel meters, the premises meter found good and the respondent revised the bills with actual consumption on 12/6/2020 and issued to the appellant. Previously the bills were issued for 998 units and 1218 units respectively.

The appellant had taken six months consumption for three billing cycles and arrived at bimonthly average consumption compared with the bill which is considered for covid subsidy.

Meter reading details for covid subsidy calculation

Consumer No:453, ES Ulloor.

Description	IR	FR	Split Consumption	Total Consumption	Bill amount (Rs.)
Regular Bill 05/2019	131807	134062		2255	18,800/-
Regular Bill 07/2019	134062	135714		1652	13,897/-
Regular Bill 09/2019	135714	137075		1361	12,197/-
Regular Bill 11/2019	137075	138295		1220	10,938/-
Regular Bill 01/2020	138295	138658	363	3038	26,736/-
	0	2675	2675		24,274/-
Regular Bill 03/2020	2675	3124	449	2741	13,897/-
	0	2292	2292		
Regular Bill 05/2019	2292	4630	2338	2674	23,846/-
	3124	3460	336		

According to B.O.(FTD) No .434/2020 (KSEB/TRAC-D/Covid Pandemic - Tariff Concession/2020-21) dated, Tvpm 25 .06.2020.

- i. State Government subsidy shall be allowed on the additional bill amount raised in the invoices issued from 20th April 2020 to 19th June 2020.

ii. The additional bill amount in respect of paragraph 8 (iii) to (vi) above shall be the difference in bill amount indicated in the invoices (door lock adjustment prior to lockdown period, excluding previous arrears, assessment amount etc. if any,) issued from 20th April 2020 to 19th June 2020 and the bill amount corresponding to their average consumption of previous three billing cycles.

&

f) to allow a subsidy of 20% on additional amount in the bills issued from 20th April 2020 to 19th June 2020 over the bill amount corresponding to their average consumption for domestic consumers having their average monthly consumption above 150 units.

g) to consider the bill amount for the period from 20th April 2020 to 19th June 2020, *exclusive of any door lock adjustment prior to lockdown period*, previous arrears assessment etc. for the purpose of arriving at the differential amount and subsidy amount.

Bill date 12-05-2020 (11-03-2020 to 12-05-2020) is considered for covid subsidy calculation.

Bimonthly average according to BO (Bill for 11/2019 + Bill for 01/2020 + Bill for 03/2020)/3 = (1220+3038+2741)/3 = 2333 Units

Average Bimonthly bill amount for 5/2020 : 20843.00 (for 2333 units)

Actual Bimonthly bill amount for 5/2020 : 23846.00

Excess bill amount for bill for 05/2020: 23846-20843 = 3003.00

Eligible for COVID subsidy: 3003*20% = Rs. 601.00

Hence, Rs. 601.00 is only Eligible for covid subsidy.

The calculations are made as per the prevailing rules and the bills were issued once challenged and admitted by the Forum, and hence, it is requested to accept the above mentioned averments and prayed that this Authority may be pleased to dismiss the petition.

Analysis and findings:

An online hearing was conducted at 11 AM on 17-01-2022 with prior intimation to both the appellant and the respondent. Sri. Reji Varghese attended the hearing for the appellant and Sri. V. Pramod, Assistant Executive Engineer, Electrical Subdivision, KSEB Ltd., Kesavadasapuram 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 only to the tariff concession/2020-21 allowed by the Licensee in a situation of COVID Pandemic. The respondent allowed Rs.601/-, but the appellant's claim is that the concession allowed is not sufficient and eligible for Rs.2,512/-.

The argument of the appellant in this case is that, the Assistant Engineer of the Electrical Section Office denied the eligible subsidy for the Covid lockdown period to the appellant. The complaint of the appellant was partially allowed by the CGRF. Moreover, for delayed payments, KSEB is collecting huge interest (18%), but for the delayed refund, no interest was allowed by CGRF, which is against law.

According to the respondent, the appellant was allowed the tariff concession, in accordance with the guidelines contained in the order of KSEB Ltd., vide BO (FTD) No.434/2020 (KSWEB/TRAC-D/Covid Pandemic-Tariff Concession/2020-21). The appellant had filed an appeal petition regarding the energy consumption recorded in the energy meter vide P004/2021, which was dismissed by the Electricity Ombudsman with an observation that the appellant is liable to remit the energy charge as per the consumption recorded in the static meter installed by the respondent.

On perusing the document file, it is observed as follows:

The request of the appellant before the CGRF, Southern Region was to grant the eligible Covid subsidy ordered by the Licensee. Moreover, the appellant wants to get proper bills from KSEB Ltd. after due verifications. Thus, filed the petition vide OP No. 33/2021 and issued order on 06-09-2021. In the order, the Forum directed the respondent to adjust the amount of subsidy in the next bill to be issued itself, if not done hitherto. Also, the Forum directed to exclude the energy units recorded in the meter for the testing of the meter and revise the bill accordingly.

The relevant portion of the order issued by KSEB Ltd. pertains to granting

subsidy to domestic consumers for the electricity charges and allowing interest facility for the bills from 20th April to 19th June 2020 vide No. BO (FTD) No. 434/2020 (KSWEB/TRAC-D/Covid Pandemic-Tariff Concession/ 2020-21) dated TVM 25-06-2020 is as below:

- (f) to allow a subsidy of 20% on additional bills issued from 20th April 2020 to 19th June 2020 over the bill amount corresponding to their average consumption for domestic consumers having their average monthly consumption above 150 units. (In the case of appellant, the average monthly consumption is above 150 units).
- (g) to consider the bill amount for the period from 20th April 2020 to 19th June 2020, *exclusive of any door lock adjustment prior to lockdown period*, previous arrears assessment etc. for the purpose of arriving at the differential amount and subsidy amount.
- (h) to mention clearly and separately the subsidy granted, in the bills and receipt to be issued to eligible consumers.
- (i) to allow up to 5 monthly instalments to domestic consumers for remitting the bills issued from 20th April 2020 to 19th June 2020. There shall be no interest for payment of these revised bill amounts, if the same is remitted in full or by availing instalments before 31.12.2020.
- (j) to provide an option to remit 70 % of their bill amount in respect of bills issued between 20th April 2020 and 19th June 2020 and adjust the difference due to grant of subsidy in the subsequent bill without liability of surcharge on either side, until software modification for releasing subsidy is rolled out.

The factor considered for the modification of software is that the additional bill amount in respect of domestic consumers having their average bimonthly consumption above 150 units will be provided with a subsidy of 20% of their additional amount in the bills due to excess consumption for the bills issued from 20th April 2020 to 19th June 2020 shall be the difference in bill amount indicated in the invoices (door-lock adjustment prior to lockdown period, excluding previous arrears, assessment amount etc., if any) issued from 20th April 2020 to 19th June 2020 and the bill amount corresponding to their average consumption of previous three billing cycles.

Accordingly, the respondent prepared Covid subsidy for Rs.601/-, which is the 20% of the difference in average monthly bill arrived at and actual monthly bill for 05/2020. Since there is no dispute in the electricity bills for 11/2019, 01/2020, 03/2020 and 05/2020 and the Covid subsidy was computed in accordance with the general guidelines issued by the Licensee, this Authority observed that the Covid subsidy arrived at is correct. In the hearing, the appellant revealed that appellant has only the dispute in the Covid subsidy and has no dispute in the bills issued by the Licensee and taken for computing Covid subsidy.

Decision: -

In view of the above discussions, it is decided to dismiss the appeal petition filed by the appellant. The order of CGRF, Southern Region, Kottarakkara vide OP No.33/2021 dated 06-09-2021 is upheld.

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

ELECTRICITY OMBUDSMAN

P/069/2021/ _____ dated _____.

Delivered to:

1. Smt. Jancy Varghese, T.C.14/352, Kanjirakkattu House, Pothujanam, Kumarapuram, Thiruvananthapuram - 11.
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Kesavadasapuram, 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.