

**THE STATE ELECTRICITY OMBUDSMAN**

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**APPEAL PETITION No. P/066/2021****(Present: A.S. Dasappan)****Dated: 25<sup>th</sup> February 2021**

Appellant : Smt. Subha Murugan,  
Alankar Jewellers,  
Zodiac Temple, M.C. Road,  
Chengannur,  
Alappuzha Dist.

Respondent : Asst. Executive Engineer,  
Electrical Sub Division, KSEB Ltd.,  
Chengannoor, Alappuzha Dist.

**ORDER**

The appellant is a consumer of Electrical Section, KSEB Ltd., Chengannoor with consumer number 4685. On 13-03-1997, the Anti Power Theft Squad (APTS) of KSEB inspected the premises of the appellant and found 8 kilowatts unauthorized additional load and the appellant was issued an assessment bill for Rs.75,226/- on 29-03-1997. The registered connected load in the premises was 10 kilowatts and the tariff category allotted was LT VIIA. The appellant approached the respondent against the assessment made by the respondent and later filed a suit before the Hon'ble Munsiff Court, Chengannoor vide OS No. 179/1997. The Hon'ble Court dismissed the petition and hence, the appellant filed an appeal suit before the Hon'ble District Court, Mavelikkara vide AS No. 04/2000. The Hon'ble District Court

dismissed the Appeal Suit granting liberty to the appellant to approach the Statutory Authority under Section 24 (2) and 26 (6) of IE Act 1910 vide judgement dated 18-11-2005. But the appellant could not approach the Statutory Authority within the stipulated time. In continuation, the respondent issued an invoice for Rs.2,39,219/- including the original bill amount Rs.75,226/- on 28-03-2006. The respondent again issued a notice on 13-08-2010 for Rs.3,10,681/- comprising of Rs.75,226/-, the original bill amount and surcharge for Rs.2,35,455/- as on the month 08/2010. Against the said notice the appellant filed a writ petition before the Hon'ble High Court of Kerala vide WP(C) No. 26680/2010. The Hon'ble High Court through an interim order directed the appellant to remit Rs.1,55,340/- (50% of the bill amount including surcharge) and the amount was remitted by the appellant on 14-09-2010. The writ petition was finally disposed of with the direction to remit Rs.50,000/- further and the amount was remitted by the appellant on 19-08-2012. Afterwards, the appellant filed an appeal before the Electrical Inspector, Alappuzha, but the case was transferred to the Chief Electrical Inspector, Thiruvananthapuram. The appellant did not represent the case before the Chief Electrical Inspector. On 18-01-2013, the appellant was given another notice for Rs.1,37,596/- (Rs.75,226 + surcharge up to 18-01-2013 for Rs.62,350/-) and hence, the appellant filed another writ petition before the Hon'ble High Court of Kerala vide WP (C) No.3265/2013. The Hon'ble Court directed the appellant to remit 50% of the amount Rs.1,37,596/- and also directed to file appeal before the Chief Electrical Inspector within a period of two weeks vide the judgement dated 14-02-2013. The appellant remitted Rs.68,788/- towards 50% of Rs.1,37,596/- on 19-02-2013, but again the appellant did not file an appeal before the Chief Electrical Inspector. Another notice demanding Rs.81,170/- (Rs.68,788/- + surcharge Rs.12,382/-) was given to the appellant, which led to file one more Writ Petition before the Hon'ble High Court of Kerala vide WP (C) No.405/2014. The Hon'ble High Court vide judgement dated 14-12-2015 directed the Chief Electrical Inspector to consider the appeal of the appellant and pass appropriate orders thereon after hearing the parties within a period of two months thereafter. The Chief Electrical Inspector conducted hearing

on 05-02-2016 and issued orders on 06-03-2016 with a direction to the respondent to revise the original bill for Rs.75,226/- based on the revised connected load. Accordingly, the respondent revised the original bill from Rs.75,226/- to Rs.16,970/- along with surcharge for Rs.52,854/- up to 14-09-2010.

As per respondent, the total amount to be remitted by the appellant as per the order dated 06-03-2016 of Chief Electrical Inspector is Rs.69,824/- including surcharge and the amount remitted by the appellant is Rs.2,74,128/-. As such the total excess payment made by the appellant is Rs.2,04,304/- and adjusted the regular bills for the period from 11/2019 to 03/2021 amounting to Rs.1,11,372/-. The balance amount of Rs.90,932/- was refunded to the appellant vide Cheque Number 891227 dated 16-08-2021. Not satisfied with the action of the respondent, the appellant filed a petition vide OP No.10/2021-22 before the Consumer Grievance Redressal Forum (CGRF), Central Region, Ernakulam and the Forum in its order dated 01-09-2021, issued the following:

- 1) The petitioner's account may be settled as if it would have been done on 06-03-2016 i.e., date of order of Chief Electrical Inspector and the balance amount may be paid to the petitioner with interest from 06-03-2016 at bank rate up to 11/2019.
- 2) The electricity charges from 11/2019 to 03/2021 and any other pending payments shall be offset against the payables to the petitioner.
- 3) The petitioner may be paid the up-to-date interest at bank rate for the balance amount from 11/2019 after offsetting monthly current charges.

Aggrieved by the decision of the Forum, the appellant filed this Appeal Petition before this Authority.

As per the order of CGRF, the respondent revised the bill for Rs.86,562/-, comprising of Rs.16,970/- towards principal amount and Rs.69,592/- towards surcharge up to 06-03-2016. The appellant had permitted Rs.2,74,128/- in three different spells and the excess amount paid

by the appellant is Rs.1,87,566/- as revealed by the respondent. Moreover, the respondent stated that Rs.1,16,554/- was adjusted in the electricity bills from 11/2019 to 03/2021 and the total interest amount payable to the appellant is Rs.35,990/-. The respondent's contention is that the calculation was made in accordance with the order of CGRF, Central Region and Rs.35,990/- will be refunded shortly.

The appellant agreed with the revised bill amount for Rs.16,970/-, the amount remitted by the appellant for Rs.2,74,128/- and the amount credited to the account of the appellant Rs.90,932/-. But the appellant disagreed with the adjustment of regular monthly bill amount from 10/2019 to 03/2021, which is Rs.1,13,372/- as per appellant and as per respondent, the adjusted amount is Rs.1,16,554/- from 11/2019 to 03/2021. The appellant argued that Rs.52,854/- is to be refunded by the Licensee and dispute is in the rate of interest.

The view of this Authority is that the Chief Electrical Inspector had taken decision on additional load connected in the premises as per the direction of Hon'ble High Court of Kerala and made revision of the bill amount from Rs.75,226/- to Rs.16,970/-. The appellant had remitted Rs.2,74,128/- in the years 2010, 2012 and 2013. A portion of the excess amount remitted was refunded/adjusted. In the hearing conducted on 16-12-2021, the appellant revealed that the balance amount to be refunded is Rs.1,66,226/-, but the respondent did not agree with the amount. The factors which are relevant in the subject matter are rate of interest to be given, the period for which surcharge to be realized, rate of surcharge etc. Since the grievances of the appellant mentioned in the appeal petition are in continuation of the decision of the Chief Electrical Inspector, it is not proper to interfere in the appeal and it is proper to approach the Chief Electrical Inspector, who decided in the subject of additional load as directed by Hon'ble High Court of Kerala.

**Decision:**

From the analysis done above and the conclusions arrived at, it is decided to reject the appeal petition P-066/2021 filed by the appellant and stands disposed of as such. The appellant is free to approach the Chief Electrical Inspector for redressing the grievance.

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

**ELECTRICITY OMBUDSMAN**

P/066/2021/\_\_\_\_\_ dated \_\_\_\_\_.

**Delivered to:**

1. Smt. Subha Murugan, Alankar Jewellers, Zodiac Temple, M.C. Road, Chengannur, Alappuzha Dist.
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Chengannoor, Alappu 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, CGRF-CR, 220 kV Substation Compound, KSE Board Limited, HMT Colony P.O., Kalamassery, PIN: 683 503.