

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/087/2022**(Present: A. Chandrakumaran Nair)****Dated: 13th January, 2023**

Appellant : Sr. Litty Raphel,
Mother Superior,
St. Paul's Convent,
Kuriachira. P.O.,
Thrissur Dist. 680006

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Koorkkenchery, Thrissur Dist.

ORDER**Background of the case:**

The appellant is the Mother Superior of St. Paul's Convent, who is running a Self-Financing School in the name of St. Paul's School availed the electric connection from the Licensee with consumer No. 1482 registered in the name of Mother Superior. As per the tariff order dated 26-11-2007, issued by KSERC w.e.f. 01-12-2007, the tariff of Self-Financing Educational Institutions including hostels were assigned with LT VIIA tariff. Various school managements filed petitions in the Hon'ble High Court. The Licensee approached the Hon'ble Supreme Court against the order of Hon'ble HC Division Bench, which was in favour of School Management and the Apex Court issued final order in favour of KSEBL on 20-02-2020. The Licensee billed all the Self-Financing Educational Institutions as per the tariff decided by KSERC. This institution has also been shifted to tariff VIF with effect from 01-09-2014. The difference in tariff for the previous period was not claimed. On periodical audit conducted by the Regional Audit office, Thrissur, it

was found that the tariff difference for a period from 06/2008 to 08/2014 was not collected. Accordingly, the Licensee has issued bill for Rs.8,77,529/-. The appellant is contending about the interest charged during this period.

The appellant filed petition to the Consumer Grievance Redressal Forum (CR) and CGRF (CR) ordered that the interest for the undercharged amount is to be charged only up to 10/2020 and the bill is to be revised accordingly. Then the bill was revised to Rs.8,22,373/-. Aggrieved by the order of CGRF(CR), the appellant filed the appeal petition to this Authority.

Arguments of the appellant:

The respondents gave electric connection to the building wherein students are accommodated as part of boarding with Consumer No.1482. The appellant is regularly remitting the energy charges based on the bills issued by the respondent. Consumer No.1482 is given under LT 6 A Tariff by the respondent as evidenced by the bills issued by the respondent. Appellant is regular in remitting the bills issued by the respondent.

While so all on a sudden the respondent issued a demand stating that an amount of Rs.8,77,529/- is due to the KSEBL as arrears from 08.05.2008 to 01.09.2014 based on an objection raised by Audit, along with a detailed calculation was also given to the appellant. It is stated that there is under charged amount to the tune of Rs.3,06,401/- and interest up to 10/21 is Rs.5,71,128/-. The demand is raised for the period from 6/2008 to 8/2014. The said demand is raised on the allegation of audit objection and also alleged that the same is issued in the light of the decision of the Hon'ble Supreme Court. There was no demand and no statutory authority stayed the enhanced tariff in the case of consumer No. 1482. Therefore, according to the appellant the liability starts only from the date of the issuance of the alleged under charged amount, if at all it is legally recoverable (not admitted).

Pointing out the above aspects, the appellant submitted a detailed objection before the respondent stating that there was no demand at any point of time under LT VII A Tariff to Consumer No.1482 and all the bills issued to the Consumer no.1482 was remitted at the given time. Therefore, there is no need for the

appellant to remit the alleged demands.

Since there was threat of disconnection, the appellant filed a complaint before the Consumer Grievance Redressal Forum (CGRF), Central Region, and the case was numbered as O.P No.41/2022-23, praying to set aside the arrear bills by issuing appropriate orders and declare that the demand raised is barred by limitation under Section 56 (2) of the Electricity Act, 2003 and further to declare that the demand of interest raised is contrary to regulation 136 (1) of the Kerala Electricity Supply Code 2014. But the Forum as per the order dated 30.09.2022 disallowed the complaint. However, a small relief was granted by reducing the interest up to 10/2020. CGRF order was received by the appellant on 12-10-2022. Being very much aggrieved by the illegal demand and order of CGRF, the complaint is filed on the following grounds:-

The crucial question highlighted by the appellant before the CGRF is whether the respondents can demand interest which comes to Rs.5,71,128/- on the principal amount of Rs.3,06,401/-. The question of interest starts only from the date of demand which as per bill is only on 09.05.2022. Therefore, the liability to pay interest does not arise even if the principal amount is liable to be paid (for argument's sake not admitted). The CGRF failed to take note of the above material aspect.

A perusal of the impugned order supports the above ground since according to the CGRF, the respondents can demand interest only up to 10/2020, which is the date the appellant's schools are billed first time as per the direction of the KSEBL vide circular No. LA1/5243/2009/205 dated 29.02.2020. The above principle is applicable in the case on hand since there was no demand for the energy charges from 06/2008 to 8/2014 and the demand raised for the first time is only on 09.05.2022. Therefore, the principle adopted in one place is not followed in another place which shows the inconsistency regarding the stand taken by the CGRF and therefore, on that ground also the impugned order of the CGRF is liable to be set aside.

■ The finding in the impugned order that the issue was pending under litigation, the licensee charged almost all similar SFE is under the tariff prior to

the tariff order dated 26.11.2007 is incorrect. There was no dispute for consumer no.1482 with KSEB at any point of time. The respondents are also not having a case that consumer no.1482 under the respondent ever approached any Forum including the Hon'ble High Court challenging any demand. Therefore, the amount of interest demanded in arrear bills are legally unenforceable. It is pertinent to note that Regulation 136 of the Kerala Electricity Supply Code 2014 deals with recovery of arrears and its limitations. It is clearly stated in Regulation 136 (1) of the Supply Code that the licensee shall be entitled to recover arrears of charges or any other amount due from the consumer along with interest for the belated payment from the date on which such payment became due. In the case on hand, the amount became due only on issuance of demand notice. Therefore, the liability to pay interest under Regulation 136(1) of the Supply Code is only from 09.05.2022.

The respondents have admitted the fact that appellant's school hostel was mistakenly continued to be billed under the tariff prior to the tariff notification w.e.f. 01.12.2007 instead of under LT VII A tariff which was only changed w.e.f. 01.09.2014 to the applicable LT VI F Tariff. Therefore, only due to the mistake on the part of the KSEB in not demanding the charges under the relevant tariff and not because of any case filed by the appellant. If the demand carrying interest as if there was proper demand, the same will be barred by limitation since the amount is not continuously demanded in the bills issued by the KSEBL.

Regulation 136 (3) also supports the above argument. The above provisions read as follows: "(3) No such sum due from any consumer, on account of default in payment shall be recoverable after a period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable arrears of charges for electricity supplied." Therefore, the argument of the licensee is accepted as if the amount became due from 06/2008 up to 08/2014 and without a continuous demand in the subsequent bills, the entire bill will be barred by limitation and cannot be recovered.

CGRF is mainly relying as if they are bound by the direction of KSEBL vide Circular No.LA 1/5243/2009/205 dated 29.02.2020. The above stand of the CGRF, Central Region is unjust and illegal. In a reported decision Jos Francis

V. KSEB reported in 2009 (4) KLT 461 the Hon'ble High Court held that "Simply because the Board established the Forum that does not mean that the Forum is under their control regarding the statutory function of the Forum. When the Forum is created as an independent arbitrator as between the consumer and licensee, the Forum should be free from any kind of influence from anybody particularly the Board. If there are any such constraints on the Forum, it would not be an independent arbitrator at all. In fact, the courts in Kerala are established by the Govt. of Kerala. That does not mean the Govt. of Kerala has controlled over the judicial functions of the judicial officers of the State manning the courts. Likewise, the Forum established by the Board is not under the control of the Board at all." Hence on that ground also impugned order of the CGRF is legally unsustainable.

It is settled legal proposition that on which date onwards the interest is leviable. The Hon'ble Supreme Court in Kusumam Hotels Pvt. Ltd. V. Kerala State Electricity Board, reported in 2008 (13) SCC 213 held that only from the date the bill was raised interest can be charged and cannot be charged from a retrospective date. In the case on hand the demand of interest is on retrospective date and therefore, legally unsustainable.

For these and other grounds to be urged at the time of hearing, it is requested by the appellant that:

- i) To set aside the arrear bills and CGF order by issuing appropriate orders.
- ii) To declare that the demand raised as per arrear bills is barred by limitation under Section 56(2) of the Electricity Act, 2003 and Regulation 136(3) of the Supply Code 2014.
- iii) To award cost for these proceedings;
- iv) To grant such other reliefs that may be deemed just and proper.

Arguments of the respondent:

The appellant is running a self-financing School in the name St. Paul's School having electricity connections with Con Nos. 3964 & 6416 registered in the name Mother Superior St Paul's, St. Mary's Street, St. Paul's School, and Mother

Superior, St. Paul's English Medium, 318/A/1, St Pauls's St, Chiyaram respectively and the service connection with Con No. 1482 registered in the name of Mother Superior, St Paul's Convent, Kuriachira, provided for the building used as Hostel for the said Schools.

As per the Tariff order dated 26.11.2007 issued by the KSERC, with effect from 01.12.2007, the tariff of Self-Financing Educational Institutions including hostels were assigned with LT VII A. The appellant's School along with a group of other Self-financing educational institutions approached the Hon'ble High Court of Kerala against the said tariff re-classification in WP(C) 6692/2008 & WP(C) 20245/2009. Even though the Writ Petitions were dismissed by the Single Bench, the Petitioners subsequently succeeded in appeal. The appellant also filed Appeal as WA 1573/2009 in WP(C) 6692/2008. As per the judgment, Hon'ble High Court of Kerala dtd 17.08.2009 in WA 1063/2009 and connected cases, the Hon'ble Court set aside the tariff classification of LT VII A for the Self-Financing Educational institutions, which was followed in other similar cases including the WP(C) 20245/200 filed by the Petitioner.

The KSE Board Ltd. filed Special Leave Petitions before the Hon'ble Supreme Court against the said judgments of Hon'ble High Court of Kerala. The Hon'ble Supreme Court allowed the appeals as per judgment dated 20.02.2020 in Civil Appeal No. 8350/2009 and connected appeals and quashed the Judgments of the Hon'ble High Court of Kerala.

The tariff assigned to Self-financing Educational institution including Hostels as LT VIIA as per the tariff order dated 26/ 11/2007 was continued up to 30/04/2013 and changed to LT VIII General (vide order in O P No.2 of 2013 dated 30.04.2013) wef 01/05/2013. The tariff was subsequently changed to LT VIF wef 16/08/2014 (Vide order dated 14-08-2014 in OP No. 9 of 2014) and continues in LT VIF till date.

The tariff of the connections with Con. Nos. 3964 & 6416 were changed to LT VIIA applicable to Self-Financing Educational School earlier but connection with Con. No. 1482 to the petitioner's school's Hostel being registered in the name of Mother Superior, St Paul's Convent, Kuriachira was mistakenly continued to be

billed under the tariff prior to the tariff notification w.e.f from 01/12/2007 instead of LT VIIA tariff applicable to Hostels run by Self-Financing Educational Institutions and subsequently changed with effect from 01/09/2014 to the applicable LT VIF tariff. The difference in demand for the previous period was remained as unclaimed since the dispute was pending before the Hon'ble Supreme Court in which the Petitioner's School was also a party. The Petitioner without any objection remitted the bills issued to them till then in the correct tariff as per the prevailing tariff orders.

As per the common judgment dated 20/02/2020 in the Civil Appeals 8350/2009 and connected cases filed by KSEB, the re-categorization of Self Financing Educational Institutions to a separate Tariff distinct from the Government and Government aided Educational Institutions by the KSERC Tariff Order with effect from 1/12/2007 was upheld by the Hon'able Supreme Court of India. In the light of this decision, the Petitioners are liable to remit the charges in the applicable tariff from 01/12/2007 along with the consequent surcharge prevailed during the relevant period as per rules for the difference amount.

In compliance of the above judgment, the Secretary, KSEB Ltd. vide Circular No. A1/5243/2009f 205/dated, 29.02.2020 directed to take action for collecting the arrears with interest due to the difference in Tariff from the self-financing Educational Institutions concerned.

On periodical audit carried out by the Regional Audit Office, Thrissur, it was found that as per the available billing records that the tariff difference was not collected from the consumer for the period from 06/2008 to 8/2014. The complainant was served with a bill dated 09/05/2022 for Rs.8,77,529/- with calculation details and relevant page of the audit report. The bill amount includes the arrears for the above period and the surcharge calculated as per the then rules in force during the respective period.

The appellant had given complaints regarding this arrear bill to the Assistant Engineer, Electrical Section, Kuriachira and also to the Deputy Chief Engineer, Electrical Circle, Thrissur. The Deputy Chief Engineer had given a reply to the appellant on 08.07.2022.

Respondent is having every legal right to recover the demand raised against the consumer towards the balance amount due to the change in applied tariff, which is issued in accordance with law and has become final on pronouncement of the Judgment by the Hon'ble Supreme Court in Civil Appeal No. 8350/2009 and connected cases.

The complaint filed by the appellant aggrieved by this demand as complaint 41/2022-23 was considered in detail by the CGRF which was disposed as per order dated 30/09/2022 by restricting the interest up to 09/11/2020 ie the date of remittance of the arrears bill issued earlier in this regard by the appellant, KSEBL accorded sanction vide order (DD, SCM & IT) No. 1457/2022(LDII)/ 6051/2022 dated Tvpm 01/11/2022 for the compliance of the CGRF order. Accordingly, the bill was revised to Rs. 8,22,373/- and was served to the appellant on 09/11/2022. Respondents are having every legal right to recover the revised arrears amount from the consumer towards the balance amount due to the change in applied tariff, which is issued in accordance with law and is liable to be remitted by the appellant.

As per our billing records the building is used as the Hostel for Self-financing Schools run by the appellant and the tariff was assigned as LT VIF applicable to Hostels run by Self-financing Educational institutions wef 01/09/2014 and the billing is continued accordingly. The bill copy submitted by the Complainant pertains to the connection with Consumer No. 484 of the appellant's convent with registered connected load of 2260W and continues to be billed under LT VIA tariff applicable to convents whereas the connection with Consumer No. 1482 with connected load 23000W was provided to the Hostel in which the arrears bill under challenge is issued.

The demand raised by the licensee is legal and not barred by section 56 (2) of the Electricity Act 2003 which is liable to be remitted as per regulations 134 of Electricity Supply Code 2014 in the light of the Hon'ble Supreme Court judgment in Civil Appeal No. 8350/2009 and connected cases.

The plea of the appellant regarding the bar of limitation for the demand is

without noticing the settled legal position in the matter. In Civil Appeal No. 7235 of 2009 Prem Cottex Vs. Uttar Haryana Bijli Vitran Nigam Limited, The Hon'ble Apex Court categorically held that (Para25.) *In other words, the negligence on the part of the licensee which led to short billing in the first instance and the rectification of the same after the mistake is detected, is not covered by Sub-section (1) of Section 56. Consequently, any claim so made by a licensee and the detection of their mistake, may not fall within the mischief, namely, "no sum due from any consumer under this Section", appearing in Sub-section (2).* A very similar stand was taken by the Hon'ble Supreme Court in CA No. 1672/2020 in the matter of Assistant Engineer, Ajmer Vidyut Vitharan Limited Vs. Rahmatulla Khan 2020 (4) Sec 650.

The Hon'ble High Court in a recent Judgment in WP(C) No. 2403/ 2022 in a very similar case, has held that the challenge against the demand cannot be entertained at this time as the Judgment had validated the demand of the Board for changing the tariff of the Self-financing Educational institutions. The grievances of the petitioner that demand is ex-facie time barred in view of Regulation 136 of the Supply Code, 2014 or Section 56 of the Code is not sustainable as the period for which demand was raised is prior to promulgation of the Supply Code and the matter was pending in the Court. It is only after the adjudication; the demand could have been raised. The petitioner in order to avoid liability at this stage, ought to have paid it with adjustment as the other consumers had done, but cannot raised the dispute of limitation at this stage of time. For the above reasons the Writ Petition was dismissed.

The grievances in the complaint filed by the Petitioner as Comp 39/2022-23 were considered in detail by the CGRF which was disposed as per order dated 30/09/2022 by restricting the interest up to 10/2020 ie the date of issuance of the arrears bill issued first time based on the Board 's Circular earlier in this regard by the Respondents.

There are no merits in any of the grounds raised in the complaint and is liable to be dismissed as such. For the foregoing reasons, it is requested by the respondent that this Authority may be pleased to dismiss the petition and to direct the appellant to pay the amount due to the KSE Board Ltd.

View of the appellant against arguments of respondent

The Ass. Engineer issued a bill dated 09.05.2022 for Rs.8,77,529/- for the period from 08.05.2008 to 01.09.2014 out of which it is stated that Rs.3,06,041/- is the undercharged amount and balance amount of Rs.5,71,128/- is the interest up to 10/2021. The above demand was challenged by way of filing complaint before CORF, Central Region, Ernakulam as OP No.41/2022-23 by taking legally sustainable grounds. However, the CGRF, Central Region, Ernakulam declined to interfere with the assessment and granted a limited relief of payment of interest only up to 10/2020. Being aggrieved the complainant filed the above numbered petition before this Hon'ble Forum. The main grounds taken are:

- a) The arrear bill was issued admittedly, on the basis of audit and not on the basis of any direction from any Hon'ble Court.
- b) The undercharged amount was raised for the first time only on 09.05.2022. It is the settled legal proposition that the electricity charges would become 'first due' only after the bill is issued to the consumer, even though the liability to pay may arise on the consumption of the electricity. The above position is settled in Rahamatullah Khan's case c2020) 4 sec 650.
- c) Consumer No.1482 have not challenged any bill or classification before any authority including the Hon'ble High Court except what is stated above. Therefore, there was no difficulty for the licensee to issue the bills on the consumption of the electricity. Having not done, in the light of the decision of the Rahamathullah Khan's case, the licensee company is not empowered to take recourse to coercive measure of disconnection of electricity supply for recovery of the additional demand.
- d) So long as consumer no. 1482 have not challenged the change of tariff, the decision relied on by the respondents have no relevance in the case on hand except the decision in Rahamathullah Khan's case.
- e) The contention regarding payment of interest by relying on the decision in Kerala State Electricity Board Rep. by Its Secretary and another V. Principal,

Sir Syed Institute for Technical Studies and another reported in 2020 (2) KHC 61 (SC) is not applicable in the case on hand and there is no direction in the above judgment as contented by KSEBL to collect arrear amount with interest from the due date.

- f) The appellant is requested to pass an order declaring that the liability of the consumer no.1482 under the local jurisdiction of Ass. Engineer, Electrical Section, Kuriachira, in the case on hand become first due only on 09.05.2022 and the attempt to disconnect the supply may be declared as without jurisdiction.
- g) The appellant may be granted interest free installments in remitting the undercharged amount alone excluding interest.

Analysis and findings:

The hearing of the case was conducted on 21-12-2022 & 09-01-2023 in the office of the State Electricity Ombudsman, Near Gandhi Square/BTH, Ernakulam South. Advocate Sri. Julian Xavier. J. was attended the hearing on behalf of the appellant and Sri. Raajesh. M.R., Assistant Executive Engineer, Electrical Sub Division, Koorkkenchery and Sri. Sandeep. M.P., Assistant Engineer, Electrical Section, KSEBL, Kuriachira and Sri. James. T. Paul, Nodal Officer (Litigation), Electrical Circle, Thrissur were attended the hearing from the respondent's side. On examining the appeal petition, the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached 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 appellant is running a Self-Financing School. Kerala State Electricity Regulatory Commission is responsible for determining tariff of the electricity consumers in Kerala as per the Indian Electricity Act, Section 86(1)(a). The tariff of all educational institutions was under tariff LT VIA till 30-11-2007. As per the tariff notification order of KSERC dated 26-11-2007, the tariff of Self-Financing Institutions was brought under LT VIIA. A group of Self-Financing Educational

Institutions challenged the order in the Hon'ble High Court of Kerala. The Single Bench of the Hon'ble High Court of Kerala made the judgement in favour of the Licensee. But, on appeal Division Bench of the Hon'ble High Court of Kerala judgement was against the Licensee. Then the License, KSEBL has approached Hon'ble Supreme Court of India. The Apex Court's judgment was in favour of KSEBL, which was pronounced on 20-02-2020. Accordingly, the License, KSEBL issued circular dated 29-02-2020 directing all concerned offices to raise the demands based on this order. The tariff for the other connections were changed as per the KSERC determined tariff except the consumer number 1482, which was registered in the name of Mother Superior, St. Paul's Convent. Subsequently, the tariff of the appellant was also changed to VIF with effect from 01-09-2014. The difference in tariff for the previous period was not billed due to the pending case in the Apex Court.

The different tariff decided by KSERC for the Self-Financing Educational Institutions are as follows: -

<u>Effective date</u>		<u>Tariff change</u>
w.e.f. 01/12/2007	-	from LT VI A to LT VII A
w.e.f. 01/05/2013	-	from LT VIIA to LT VIII
w.e.f. 16/08/2014	-	from LT VIII to LT VI F

The electricity charges under tariff LT VIF were regularly paid by the appellant since 01-09-2014. During the periodical audit conducted by the Regional Audit Officer, Thrissur of the Licensee, it is found that the tariff difference from 06/2008 to 08/2014 were not collected from the appellant. Then the Licensee issued a demand note for Rs.8,77,529/- which includes the arrear charges and surcharges calculated as per the rules on 09-05-2022. It is mentioned that this demand is raised as per the order of the Apex Court dated 20-02-2020. Here the question is why this much delay in raising the arrear bill though the Court order is dated 20-02-2020.

This institution was also a party who filed the case in the Hon'ble High Court challenging the order of KSERC not for this consumer number, but for other

connections. When the final order was pronounced by the Apex Court on 20-02-2020, they are well aware that they have to pay the energy charges w.e.f. 01-12-2007 as per the tariff determined by KSERC. In the same premises, there are various connections and this connection was in the name of Mother Superior. There is a likely chance of confusion to decide which connection is coming under which tariff. As a responsible consumer, they would have approached the Licensee to bill in the appropriate tariff like some of Self-Financing Educational Institutions already done.

It is very pertinent to note the Section 134 (1) of Kerala Electricity Supply Code 2014 that “Under charged bills and over charged bills” states, “If the licensee establishes either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill.”

If the Licensee establishes by review, that it has under charged the consumer, the periodical audit is a review on the revenue collection and by the audit it establishes that the consumer was under charged and accordingly, the arrears are billed.

It is relevant to examine the Section 152 of Kerala Electricity Supply Code 2014 as applicable to this case in hand on “Anomalies attributable to the licensee which are detected at the premises of the consumer” as follows: -

- 152 (1) Anomalies attributable to the licensee which are detected on inspection at the premises of the consumer, such as wrong application of multiplication factor, incorrect application of tariff by the licensee even while there is no change in the purpose of use of electricity by the consumer and inaccuracies in metering shall not attract provisions of Section 126 of the Act or of Section 135 of the Act.
- 152 (2) In such cases, the amount of electricity charges short collected by the licensee, if any, shall only be realized from the consumer under normal tariff applicable to the period during which such anomalies persisted.

Here the actual tariff application was delayed initially because of the various Court cases. The Section 152 states that the anomalies attributable to the Licensee, which are detected on inspection, then the Sub Sections are applicable. Here, this was not the purposeful mistake happened from the Licensee. The arrear bills were delayed due to various cases and hence, this Section is not applicable to this case. Further, Hon'ble Supreme Court by its judgment, it is made very clear that all these institutions are to be paid the charges as per the tariff determined by the KSEERC. It would have been reasonable to raise the bill immediately after the Court order i.e, on 20-02-2020. A reasonable time would have been taken to raise the bill. In this case, the bill was raised on 09-05-2022 and the interest was also calculated up to 09-05-2022. Then the CGRF order dated 30-09-2022 has restricted the interest up to 09-11-2020 and accordingly the demand was revised to Rs.8,22,373/-.

The contention of the appellant was the amount was due only on 09-05-2022 and the judgment of Hon'ble Supreme Court in the case No. 7235 of 2009 in M/s. Prem Cottex Vs. Uttar Haryana Bijli Vitran Nigam Ltd. & Others. In this case, the arrear bills could not be raised only because the cases in the Court and not similar to that of the Prem Cottex case and hence, cannot be applied in this case.

In the case WP(C) No.2403 of 2022 between Kaithakkuzhy Educational Association Vs. KSEBL, the Hon'ble High Court of Kerala upheld the order of this Authority in the petition No. P055/2021. M/s. Kaithakkuzhy challenged the demand notices issued by the Licensee for the arrear with surcharge for the tariff change according to the judgment of Hon'ble Supreme Court dated 20-02-2020. The CGRF and this Authority decided that the Consumer is liable to pay the demand raised by the Licensee.

Though the Licensee has issued Circular dated 29-02-2020 to recover the arrears from the Self-Financing Educational Institutions, there is an abnormal delay from the officials of Licensee to recover the amount in time. The interest for the delay occurred from the Licensee has not been chargeable to the consumer. The officials who are responsible for this delay is to be found out and action is to be taken.

Decision: -

From the analysis of the arguments of appellant and respondent and the hearing, the decision is taken as follows:

- 1) Agree with the order vide OP No.41/2022-23 dated 30.09.2022 of Consumer Grievance Redressal Forum (CR).

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

ELECTRICITY OMBUDSMAN

P/087/2022/ _____ dated _____.

Delivered to:

1. Sr. Litty Raphael, Mother Superior, St. Paul's Convent, Kuriachira. P.O., Thrissur Dist. 680006
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Koorkkenchery, Thrissur 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.