

THE STATE ELECTRICITY OMBUDSMAN

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**Appeal Petition No. P/030/2023
(Present A. Chandrakumaran Nair)
Dated: August-08-2023**

Appellant : Sri. Suresh George Thomas,
70/1002, Vinovihar, LFC Road,
Kaloor, Kochi, Ernakulam.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division, Kerala State
Electricity Board Ltd., Palarivattom,
Ernakulam (Dist.)

ORDER

Background of the case

The appellant, Sri. Suresh George Thomas is the consumer of Electrical Section, Kaloor, Kochi. Close relative of the appellant is a critical patient using life supporting equipments consists of Oxygen concentrator, Suction machine, Air bed, etc. As per the Govt. of Kerala order, KSEB was extending the free electricity for the life supporting equipments. The appellant has applied for the free electricity and he was getting the same since 12/2021 onwards. Consumer installed solar panel of capacity 3.44 kw and connected to the Grid on 13/06/2022. The relief was given up to the bill of month 08/2022. For the bill of Sept. 2022 onwards the concession of free electricity has not been given to the consumer. The solar generation is higher than the consumption, and hence the monthly bill is only for the meter rent and excess energy supplied to the grid is accounted as the banking energy. The appellant approached the officers of the licensee but no decision was taken. Then filed

petition to CGRF and CGRF issued order dtd. 05/12/2022 stating that the licensee has to take decision within two months. The licensee has not taken any decision in spite of repeated reminders and then the petition is filed to this office.

Arguments of the Appellant

1. I, Sri. Suresh George Thomas, submitted letter to Assistant Executive Engineer, Kaloor division on 13/09/2022 regarding the non-inclusion of electricity units used for life supporting devices in the monthly billing.

Further, letter and necessary documents were submitted to chairperson, CGRF, Kalamassery on 22/11/2022 regarding the same subject matter.

Assistant Executive Engineer, Palarivattam, Electrical Sub Division submitted the letter to The Deputy Chief Engineer, Commercial & Tariff. Vidyuthi Bhavanam on 24/11/2022 regarding the subject matter.

After the required hearings to chairperson, CGRF, CGRF order CGRF-CR/OP No.62/2022-23/344 dated 05/12/2022 was released.

2. As per the order, I was supposed to receive a response from KSEBL through The Assistant Executive Engineer, Palarivattam, Electrical Sub Division within a period of 2 months from the date of order.

As I did not receive any response in the mentioned 2 months duration, I submitted a written request to The Assistant Executive Engineer, Palarivattam, Electrical Sub division on 16/02/2023 for the response.

Till date, there has been no response from KSEBL and The Assistant Executive Engineer, Palarivattam, Electrical Sub division regarding my subject matter of Non-inclusion of electricity units used for life supporting devices in the monthly billing and accordingly providing concession in the billing.

3. Requesting your intervention to direct the Concerned team to include the electricity units used by Life supporting devices in the monthly billing and accordingly provide the relief/concession to my Consumer number.
4. CGRF, Central Region order No. 62/2022-23 344 dtd. 12/05/2023 had given the liberty to file appeal only for 30 days from the receipt of this order and in the decision of CGRF, they had given 2 months from the date of receipt of

order for KSEB report. Till date I had not received any communication from “Respondent”. So, please consider my appeal without considering the delay for giving the appeal so as to settle the issue at the earliest.

Arguments of the Respondent

1. The electricity service connection bearing consumer no. 2535 is registered in the name of Sri Suresh George Thomas under Electrical Section, Kaloor in LT I (a) tariff with a connected load of 5400 watts under the jurisdiction of this respondent. Consumer submitted an application for life support relief on 13.12.2021 at Electrical Section, Kaloor and after verification, Assistant Engineer, Electrical Section, Kaloor uploaded the documents on 21.12.2021 and consumer was getting relief on energy charges from next billing cycle onwards (from 2/2022). On 28.05.2022, consumer applied for installation of solar panel and a 3.44 KW plant was installed in his premises and connected to grid on 13.06.2022. Reading for 8/2022 was a combination of reading of old meter and new net meter, therefore relief is awarded to the consumer during that month. After that solar generation export is higher than that of consumption and import, as a result only fixed charge and meter rent was included in the electricity bills. As on date consumer has 220 unit in his credit as banked unit.
2. On 13.09.2022 consumer approached Assistant Engineer, Electrical Section, Kaloor for revoking relief for life support equipment. But in the billing software adopted in KSEBL “Orumanet” relief is awarding to the net consumption recorded in the meter. Here no such consumption is recorded and only meter rent and fixed charges were realizing from the consumer. No such prior incident reported in any office of KSEBL and no prevailing procedures/rules existing in the subject matter. The petitioner at present not consuming power from KSEBL and hence field officers are not in a position to give any relaxation/ relief as per the request of the consumer.
3. Sri. Suresh George Thomas, filed Complaint No 62/2022-23 on CGRF Central Region for the subsidy allowance. During hearing, consumer argued that he is eligible for getting relief of his consumption in night hours. It is a policy matter with financial implication KSEBL should make a decision whether relief awarded to a consumer having solar generation more than his own consumption and updation in billing software is necessary. The Honorable forum after verifying all records and documents asked about the action taken by the field office in the complaint filed by the petitioner. The Hon'ble forum also directed to take up this matter with KSEBL immediately with intimation to forum.

4. As per the direction from the Hon'ble forum undersigned prepared a letter immediately, including all these matters concerned and mailed to The Deputy Chief Engineer, Commercial and Tariff, Vydhyuthi Bhavanam, Pattom on 24.11.2022. So far it has not received any response from that office. Under signed contacted that office several times through phone but still no replay is given to the said letter.
5. The Assistant Executive Engineer cannot take a decision unilaterally unless a proper reply is given to this letter from concerned office.

The statement of facts is prepared after verifying all available documents at Electrical Section, Kaloor and Electrical Sub division Palarivattom and the statements are given in good faith.

Analysis and findings

The hearing of the appeal petition was conducted on 01/08/2023 at 11:30 am in the office of the State Electricity Ombudsman, DH Road & Foreshore Road Junction, near Gandhi Square, Ernakulam south. The hearing was attended by the appellant Sri. Suresh George Thomas and the respondent Sri. Sijimon K.M., AEE, Electrical Sub Division, Palarivattom.

The appellant's wife is surviving with the support of life supporting equipments such as oxygen concentrator, Suction machine, Air bed etc. The Government of Kerala issued order vide G.O (Rt) No. 50/2014/DD Dated 13/02/2014 according to Section 65 of the Electricity Act 2003 for providing free electricity for patients surviving on the basis life supporting system.

The Section 65 of Electricity Act *“If the State Government requires the grant of any subsidy to any consumer or class of consumers in the tariff determined by the State Commission under Section 62, the State Government shall, notwithstanding any direction which may be given under Section 108, pay, in advance and in such manner as may be specified, the amount to compensate the person affected by the grant of subsidy in the manner the State Commission may direct, as a condition for the licence or any other person concerned to implement the subsidy provided for by the State Government:*

Provided that no such direction of the State Government shall be operative if the payment is not made in accordance with the provisions contained in this Section and the tariff fixed by the State Commission shall be applicable from the date of issue of orders by the Commission in this regard.”

As per the Government Order Dated 13/02/2014, the average consumption for all life support equipments is given free of cost to these patients. The total average consumption is to be assessed by the AE of the concerned Section. Out of the total consumption up to 100 units are to be borne by KSEB and units above 100 units per month was ordered to be compensated by the Government. This is the good gesture of Government provided to the very critical patients who can't service without these equipments and also as the social responsibility.

In the case in hand the appellant was getting this concession from 12/2021 onwards. The appellant has installed solar panel of capacity 3.44 kw and this was connected to the grid on 13/06/2022. Then the next bill onwards the eligible concession was withdrawn stating that there is no provision in the Orumanet to enter this data.

The total consumption of the consumer = Generated power + Imported power- Exported power.

The chargeable consumption = Imported from the Grid – Exported to the Grid.

Here the exported power is more than the imported power, and hence there is no chargeable consumption and extra exported is credited to his account as the banked power for which the payment is to be released every year as per the rate fixed by the Regulatory Commission.

Now the question is whether the consumer is eligible for the concession, if he had installed the solar panel and there is no net consumption? Really the solar panel installation is not a criteria for extending the concession declared by the Govt. as per the social responsibility and also to extend necessary support to the critically suffering patients. Neither the Govt. order or the order of KSEB doesn't spell about this issue. Whether they have the provision of self-generation or not the patients are eligible for this concession.

Then the problem raised by the respondent is that there is no provision in the Orumanet to enter the data of concession. The data of import & export of energy to entered for generating the bill.

The net import of energy = Import units recorded by the meter – units of concession applicable. However, if the import of energy is less than the units of concession, the net import is to be considered as zero.

If the Orumanet is not having this provision, the AE of the concerned Section is to be authorised to enter this data on correcting as mentioned above, till necessary correction is made in the Orumanet.

The concession granted by the Government is without any condition

and hence the appellant is eligible to get the Concession throughout. The concession is extended by the Government on a humanitarian consideration for allowing these critical patients survive as far as possible.

Decision

On verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken.

1. The appellant is eligible to get the concession as per the Government order.
2. The licensee may authorise the Section Engineer to enter the data on making necessary correction of concession or any other suitable mechanism to get this concession.
3. The licensee shall make necessary correction in the Orumanet if required to extend this concession to the eligible patients.
4. No order on cost.

ELECTRICITY OMBUDSMAN

No. P/030/2023/_____ dated: 08/08/2023.

Delivered to:

1. Sri. Suresh George Thomas, Vinovihar, 70/1002, LFC Road, Kaloor, Kochi, Ernakulam.
2. The Assistant Executive Engineer, Electrical Sub Division, Kerala State Electricity Board Limited, Palarivattom, Ernakulam (Dist.)

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.

3. The Chairperson, Consumer Grievance Redressal Forum, 220 kV Substation Compound, HMT Colony P.O., Kalamassery, Pin- 683503