

STATE ELECTRICITY OMBUDSMAN

THAANATH BUILDING CLUB JUNCTION POOKKATTUPADI ROAD
EDAPPALLY TOLL KOCHI 682024

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REPRESENTATION No: 19/2008

Appellant : Sri C.K.Razaak S/O Sri C.S.Koya
Cherivelikudy House RAYONPURAM (Po)
Kanjirakkadu Perumbavoor

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Subdivision
PERUMBAVOOR ERNAKULAM Dt

ORDER

Sri C.K.Razaak S/O Sri C.S.Koya Perumbavoor had submitted a representation to the undersigned seeking the following relief :

The RR proceedings initiated against the Appellant for non payment of current charges may be set aside and the amount recovered from him may be refunded.

The Appellant had purchased around 38 Ares of paddy field property in Perumbavoor village in 1992 with a 3HP Motor and Pump set. The service was dismantled on 20.6.2007 and the Respondent issued a registered notice on 30.6.2007 demanding the current charges till 20.6.2007 with interest and cost of meter and service wire. The amount demanded was Rs 26450/-.The meter and wire was still available in the premises. Revenue recovery action was initiated to recover the amount. The CGRF Ernakulam had dismissed his plea to set aside the recovery proceedings vide the order dated 23.6.2008.

- I. The contentions/arguments/points raised by the Appellant in the representation and other documents and during the hearing are summarized below :

The Consumer number 1431 provided by the Respondent is not correct. This number belong neither to him nor to the seller from whom he bought the property.

The meter and wire are available in the premises and hence it is not fair to collect the cost from him.

The Arrear details furnished by the Respondent are not correct. It does not pertain to the connection in the land purchased by him.

II. The contentions/arguments/points raised by the Respondent in the counterstatement and during the hearing are summarized below:

The service connection number 1431/PBR II /3HP/Agricultural was given to Sri Varkey Ouseph, Korakkal House, Perumbavoor on 31.1.1973 . The land where the 3 HP Connection is situated was bought by the Appellant from Sri Pathrose S/o Karipra Devassy and his wife Smt Rosa D/o Korakkal Varkey on 19th August 1992. As such the service connection 1431 belong to Appellant now.

The Appellant has made contradictory statements in the various submissions made to the Ombudsman as well as the CGRF that he wanted to restore the power supply but failed to get it and also that he wanted the service to be dismantled but the Respondent did not heed his request.

The Arrears demanded from the Appellant are:

- Ø Arrears prior to 6/2000 amounting to Rs 4137/-,
- Ø Monthly demand from 8/2000 to 6/2007 Rs 4195/-
- Ø Cost of Meter and wire Rs 2340/-
- Ø Interest up to 30.9.2007 Rs 16111/-
- Ø Total Rs 26783/-

The Respondent has informed that the Meter and wire were received back from the premises of the Appellant on 10.10.2008 as per the decision in the sitting held on 7.10.2008 by the Ombudsman. Hence the cost of the same need not be recovered from him.

III. Discussion and Findings:

The contention of the Appellant that the Consumer number 1431 does not belong to his property shall be examined first. The Respondent has produced the service connection register to establish that the Service connection stands in the name of the father of the person from whom the property was bought by the Appellant .The reading available on the dismantled meter on 10.10.2008 was 11356 and the last reading noted by the reader against consumer number 1431 was 11355 in 2/2007 These readings are also matching. On the contrary the Appellant has not produced any documents in support of his contention. Hence the contention of the Appellant can not be accepted. The Appellant can not escape from the liability on the connection.

The question of the cost of meter and wire has been settled and the same shall not be recovered.

It is seen that energy charges based on average assessment of consumption has been demanded in some months. This needs to be reviewed based upon the actual recorded consumption now available on the meter and in the Meter Reading register.

It is also seen that the Appellant has already paid 3 installments of the dues to avoid RR action.

IV. Orders:

The undersigned upon perusing the above Representation and the Counter affidavit filed by Respondent Board and the connected records relating to the case and upon hearing the arguments of both sides passes the following orders:

1. *The Cost of Energy Meter and Service wire which has subsequently been received by the Respondent shall not be recovered.*
2. *The average energy charges demanded from 8/2000 onwards shall be withdrawn and demands reassessed based upon actual energy consumption only.*

3. *The interest assessed shall be revised based on the principles of the One-Time-Settlements scheme of the KSEB.*
4. *The Respondent shall revise the amounts payable by the Appellant as per the above directions and recover/refund the difference as per rules without delay. A statement showing the detailed calculation shall be furnished to Appellant also.*
5. *No order on costs.*

Dated this the 25th day of November 2008,

P.Parameswaran
Electricity Ombudsman

No P 19/08 / 102/ dated 25.11.2008

Forwarded to:

1. Sri C.K.Razaak S/O Sri C.S.Koya
Cherivelikudy House RAYONPURAM (Po)
Kanjirakkadu PERUMBAVOOR,
ERNAKULAM Dt
2. The Assistant Executive Engineer
Electrical Sub Division KSEB
PERUMBAVOOR, ERNAKULAM Dt

Copy to :

1. The Secretary,
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2. The Secretary ,KSE Board,
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3. The Chairman
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