

THE STATE ELECTRICITY OMBUDSMAN

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**Appeal Petition No. P/025/2024
(Present A. Chandrakumaran Nair)
Dated: June-28-2024**

Appellant : Sri. Thomas V.T., Advocate,
Varacheril House, Pala P.O.,
Kottayam Dist.,Pin- 686575

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
Kerala State Electricity Board Ltd.,
Pala, Kottayam District.

ORDER

Background of the case

The appellant Sri. Thomas V.T. is a consumer under the electrical section, Pala of the licensee (KSEBL). The appellant was having two service connection one with consumer no. 1156247000070 having connected load 150 w under the tariff LT 6F. The second connection was with consumer no. 1156240008870 having connected load 1158W under the tariff LT 7A. The land and the buildings there in were acquired by the Government and taken possession 03/02/2020. The petitioner paid bills up to the acquisition and have intimated the licensee about the acquisition. The licensee have not disconnected and dismantled in time which results the accumulation of the power charges mainly the fixed charges. The power connection was disconnected on accumulation of arrears. The appellant was not ready to make the payment beyond 03/02/2020. The petition was filed to the CGRF and CGRF issued the order dated 14/03/2024 stating that the appellant is liable to make the payment as per the demand raised by the licensee. Aggrieved with the decision of the CGRF, this petition was filed to this Authority.

Arguments of the Appellant

The 4.43 Ares of land and the building therein bearing number XXIII/22 in Block No.80, Re. Sy. No. 54/69 of Lalam Village in Meenachil Taluk wherein electricity connections bearing Consumer Nos. 1156247000070 and

1156240008870 were installed has been acquired and taken possession on 03/02/2020 by the Government of Kerala as per the proceeding No. B1-94/10(LAC-1) dated 30-01-2020 by the Special Tahasildar Land Acquisition (General), Kottayam and is in their possession. I had paid all the bills for the consumption of electricity till the date of acquisition by the Government and as I have been dispossessed, I am no longer liable to pay the electricity charges for the above said connections from 03/02/2020 onwards. I had informed this matter in writing to KSEB on 20/03/2020 itself and by registered post on 07/04/2020 but the KSEB has not cared to take any action on my request. Later I received an unnumbered notice dated 25/07/2022 demanding an amount of Rs. 7315/- as arrears of electricity charges with respect to consumer no. 1156240008870 and threatening that steps under the Revenue Recovery Act will be initiated for realizing the said amount. Even though I repeatedly pointed out the facts and highlighted the situation by sending a registered letter dated 30/07/2022, the KSEB is still demanding money in connection with the above mentioned consumer numbers and has again threatened me with coercive actions.

Before the Consumer Grievance Redressal Forum the respondent admitted that the premises have been acquired and taken possession on 03/02/2020 by The Government of Kerala and that the consumer had paid the pending bills on 20/03/2020. But the respondent claimed that a disconnection notice was issued on 25/07/2022 and supply was disconnected on 18/03/2021. The respondent argued that there was energy consumption upto the issuance of disconnection notice at the premises and that even after the acquisition of building by the revenue authorities there was an energy consumption at the premises.

The Consumer Grievance Redressal Forum surprisingly came to the finding that the bill issued is legal without any discussion on the merits of contentions of the petitioner and the respondent. As the respondent admitted that premises housing the electricity connections have been acquired and taken possession on 03/02/2020 by The Government of Kerala, the petitioner cannot be held liable for any energy consumption subsequent to that date. It may be noted that on 20/03/2020 and 07/04/2020 I had intimated the respondent on that the building and the electricity connections were acquired by the Government and that I am no longer liable, the respondent did not respond or cared to take any steps for dismantling the connections immediately.

At any rate I cannot be held liable to pay electricity charges which is alleged have arisen subsequent to the acquisition by the Government as I had paid all the charges till the acquisition and also promptly informed the respondent that the property has been acquired which are admitted by the respondent. The respondent has admitted that no amount was due from me to them till the date of acquisition. I am not liable any electricity charges which are alleged have been incurred subsequent to the acquisition of the premises by the Government of Kerala as I has promptly informed KSEB Ltd

about the said acquisition. But these aspect were not considered by the respondent and the CDRF.

So the finding of the Consumer Grievance Redressal Forum dated 12/03/2024 in OP No. 1/2024 is to be reversed and the attempts of the respondent to realize amounts in respect of electricity connections bearing Consumer Nos. 1156247000070 and 1156240008870 may be quashed. All actions to realize money from me in connection with Consumer Nos. 1156247000070 and 1156240008870 should be dropped with immediate effect and the amounts due to me as security deposits and other deposits may be refunded at the earliest.

Arguments of the Respondent

The petitioner Adv. V T Thomas had two nos. of service connections under Electrical Section Pala as mentioned in his petition. The service connection details of the consumer numbers are as follows;

Consumer Number- 1156247000070
Name of Consumer- VT THOMAS
Connected load- 150 W
Tariff- LT 6 F
Purpose- Advocate's Office
Date of Connection- 01.04.1957
Date of Dismantling- 25.11.2022 (Section initiated - defaulter)
Pending arrear- Rs. 2687/-

Consumer Number- 1156240008870
Name of Consumer- VT THOMAS
Connected load- 1158 W
Tariff- LT 7 A
Purpose- Commercial
Date of Connection- 01.04.1957
Date of Dismantling- 01.12.2021 (Secton initiated - defaulter)
Pending arrear- Rs. 7315/-

Both of the above mentioned consumers bearing Consumer Numbers 1156247000070 and 1156240008870 were located in the building bearing No. XXIII/22 in Block Number 80, Resurvey No. 54/69 as specified in the representation of the consumer as well as the Letter No. B1-94/10(LAC -1) dated 30.01.2020 by the Special Thahasildar Land Acquisition (General), Kottayam. As per this letter, it is mentioned that the 0.0443 Hectares of land with Resurvey No. 54/69 has been acquired by the revenue authorities and handed over to the PWD (Roads) wing. But this letter does not mention about the status of building, its installations, electrical connections nor it mentions about the liabilities made by the occupant/owner of the above said building. Also the letter does not mentions about the liabilities of any

installations in those premises before such installations are dismantled. The petitioner has mentioned that he has paid the bills during the time of acquisition by revenue authorities. The details are as follows;

Consumer Number 1156247000070 - Rs. 810/- - dated 20.03.2020

Consumer Number 1156240008870- Rs. 672/- - dated 20.03.2020

After paying the bills, the consumer has approached the electrical section office to learn the procedure regarding dismantling of the above service connections. He was informed to give the application for dismantling of service connection with the required fees for dismantling. But the consumer has not given any writing application for dismantling of the service connection. Hence the connection was still installed in his premises. He has not adhered to the clause 5 of "Agreement for supply (LT)" as per Supply Code 2014. Even though the property/building was acquired by the revenue department, the building was not demolished during that period. The occupants/office may have functioned for some more time.

The meter readings were recorded by the meter reader of KSEB at his premises in subsequent months also (Certified copies are furnished as Document D5). It clarifies that the installation continued working after the acquisition by revenue authorities. (The date of acquisition by revenue department - 03.02.2020)

The Readings of consumer on February 2020

1) Consumer Number 1156240008870-4218

This premises was in Door locked condition till we obtained further reading on 17.06.2020 and the reading was 4803. It evidently clarifies that energy was being consumed even after the date of acquisition.

2) Consumer Number 1156247000070-140

This premises was in Door locked condition till we obtained further reading on 17.06.2020 and the reading was 140.

Here there was no consumption. But the premises has connection intact. Hence the consumer has incurred fixed charges during this period. During this period, as the connection was live, the consumer was served with bills. Further consumption was recorded in the month of December 2020, then February 2021 and bills were served in this period also.

The consumer Number 1156240008870 had arrears of Rs. 7315/-. So the connection was disconnected on 18.03.2021 and later dismantled on 01.12.2021 after completing all procedures and RR notice was served to the consumer on 25.07.2022. On receiving the RR letter, the consumer has communicated with the section office. As per his letter, his second connection with consumer number 1156247000070 was also dismantled on 25.11.2022 and arrears of Rs. 2687/- was put for RR action. It is evident that the meter installations were there for much longer periods with intermittent consumption. Hence both consumer numbers were dismantled at a later period with pending arrears.

- 1) Consumer Number 1156240008870- Rs. 2687/-
- 2) Consumer Number 1156247000070- Rs. 7315/- respectively.

So RR action to recover the arrears was initiated. During the One Time Settlement Scheme 2023 (OTS-2023), the consumer was approached by KSEB officials by waving of interest as per OTS 2023. But the consumer was not willing to pay the arrears in the OTS Scheme. Then the consumer approached CGRF on 16.08.2023. The Forum viewed that the KSEB has completed all the procedures of disconnection and dismantling as per regulation 138, 144 of The Electricity Supply Code 2014. Hence the bill issued to the petitioner is legal and sustainable and the petitioner is liable to pay the bill. Hence, as a responsible licensee, it is humbly prayed that KSEBL may be permitted to realize the bill from the petitioner. As a matter of fairplay, appropriate installment facility on request may be allowed to the petitioner for remittance of dues disputed.

Counter Arguments of the Appellant

All the averments in the statement of facts filed by the respondent Assistant Executive Engineer, Electrical Sub Division, KSEBL, Pala except those which are specifically admitted hereunder are false and hence denied. Copies of the documents which are mentioned in the statement of facts filed by the respondent are not provided to me and hence I am not in a position to speak on those. It is true that I had two service connections under electrical section Pala bearing consumer numbers 1156247000070 and 1156240008870. But I am unaware of the date of disconnection as no intimation was given to me regarding disconnection. It is false to say that there are pending arrears.

It is It is admitted by the respondent that consumer numbers 1156247000070 and 1156240008870 were located in building number XXIII/22 of Pala Municipality in Block No.80, Re. Sy. No.54/69 and that the said property has been acquired by the revenue authorities and handed over to the PWD (Roads) wing on 03/02/2020. But it is not correct that Letter No. B1-94/10(LAC-1) dated 06/02/2020 (wrongly stated as dated 30/01/2020 in the statement of facts) does not mention about the status of the building. The letter clearly states that the land along with Building No. XXIII/22 has been acquired and handed over to PWD (Roads). So it is evident that I was evicted from the building and the property on 03/02/2020 and that the property as well as the building are in the possession of PWD (Roads) from 03/02/2020. I had informed this matter to the respondent on 20/03/2020 and requested to remove the consumer numbers from my name and informed that I am not liable to pay future electricity charges as I was no longer in possession of the premises and hence unable to use them. As no reply was received I again reminded the respondent by a registered letter dated 07/04/2020 that I have been dispossessed by the Government and that I am no longer using the electricity connections and that I am not liable to pay the electricity charges from 03/02/2020 onwards. I did not receive

any reply. It is false to say that I approached the electrical section office to learn the procedure regarding dismantling of service connections and that I was informed to give the application for dismantling of service connections with the required fees. I was never instructed or directed or advised by the respondent or any officials of KSEBL to file the application for dismantling of service connections. If any such direction was given, I would have immediately followed it. Infact the respondent did not care to respond, let alone reply to my letters. So it is not true that I had not adhered to the Supply Code.

The contention that occupants/office may have functioned for some more time even after acquisition by the revenue authorities is not true as the revenue authorities had locked and sealed the building at the time of acquisition. I am not aware of the meter readings alleged have been recorded in subsequent months. It was not possible to enter the building to record meter readings as the building was locked and sealed by the revenue authorities at the time of acquisition. Even if it is found that energy was consumed after 03/02/2020, I am not liable as I was not in possession of the premises as I was dispossessed by process of law and I had repeatedly intimated the said matter to the respondent in time.

At any rate, I cannot be held liable to pay electricity charges alleged to have been incurred after I was dispossessed from the premises by the Government under the Land Acquisition Act and I had repeatedly intimated the matter to the respondent, informing him that I was not liable to pay the energy charges after 03/02/2020 and requesting him to remove the consumer numbers from my name. It is to be noted that the respondent never cared to respond to my letters.

The bills issued to me are illegal and unsustainable and I am not liable to pay the bills. The revenue recovery proceedings against me for realization of the said bill amounts are ultra vires and liable to be quashed. Hence it is humbly prayed that the statement of facts filed by the respondent may be discarded being false and the appeal may kindly be allowed

Analysis and findings

The hearing of the case was conducted on 20/06/2024 at 12:00 noon in the KSEBL, IB, Pallom, Kottayam District (Bormakkavala). The hearing was attended by the Appellant Sri. Thomas V.T. and the Respondent Sri. Bibin G S, AEE, Electrical Sub Division, Pala.

The appellant have availed two connection one with LT 6F tariff and other with LT 7A tariff for two rooms of his building number XX111/22 in Block number 80. Residency No. 54/69 which was under the Electrical Section, Pala of the Licensee (KSEBL). 4.43 areas of land in the survey number 54/69 have been acquired by the revenue authorities and handed over to the PWD (Roads wing). The letter dated 06/02/2020, written by special

Tahsildar (LA), General to the RDO, Pala states that 0.0443 hectares of land under the block no. XX111/22 have been acquired and handed over to PWD (roads wing) on 03/02/2020. This is very clear that the land and the building have been taken over by PWD on 03/02/2020. Now the question arises, whether this have been intimated to the licensee? The appellant have claimed that he had sent a letter to AE, Pala on 20/03/2020 stating that the land and building were acquired and the consumer numbers of the above building is to be removed from his name which means that the service connection is to be disconnected and dismantled. But there is no proof have been produced to show that the letter have been sent to the section office or acknowledged by the section office. As such the letter cannot be considered. The appellant has again send another letter on 07/04/2020 addressing to the AEE, KSEB, Pala intimating that the land and building were taken over by PWD and the service connections are to be removed. The copy of the letter submitted along with the copy of the postal receipt and copy of the acknowledgement as the proof of acceptance at subdivision office Pala. The date in the postal receipt is on 07/04/2021 and hence the letter is to be considered as dated 07/04/2021 only. The letter would have been received in the office of AEE on or before at least 12/04/2021. It seems no action have been taken on receipt of this letter. Neither replied to the consumer nor dismantled the service connection.

The regulation 140 of the Kerala Electricity Supply Code 2014 states as *“The licensee may disconnect supply to the consumer for such period as requested by the consumer under intimation to him.”*

The procedure for dismantling on the request of the consumer is explained in regulation 145 of the Supply Code.

145(1) *“In case a consumer desires his service to be dismantled and the service connection agreement to be terminated, he shall apply for the same in the format specified in Annexure - 20 to the Code”.*

145(2) *“The licensee shall give a written acknowledgment of receipt of such request, on the spot”.*

145(3) *“The licensee shall, within ten days from receipt of the request, carry out a special reading and prepare a final bill including all arrears up to the date of such billing”.*

145(4) *“The licensee may disconnect the supply of electricity immediately after the special reading is taken”.*

145(5) *“On payment of all dues by the consumer, the licensee shall issue a No Dues Certificate and a receipt for the payment with the words 'Final Bill' stamped on it”.*

145(6) *“Thereafter, the licensee shall not have any right to recover any charge for any period prior to the date of final bill”.*

145(7) *“The licensee shall not raise any bill after dismantling”.*

According to this regulation, the power supply would have dismantled within 10 days of the receipt of the request. The request would have received at least by 12/04/2021. Then the power supply would have been dismantled by 22/04/2021. The licensee is not supposed to raise any bill after the dismantling.

Here the demand date of dismantling of the both the connections have to treated as 22/04/2021. The KSERC(Standard for Performance of Distribution Licensee) Regulation 2015 also strictly mentioned about the adherence of time schedule as per the Kerala State Electricity Supply Code 2014. The regulation 4(13) j of the regulation 2015 is for the disconnection of supply on the request of the consumer. Any charges up to 22/04/2021 is to be paid by the appellant.

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 licensee shall revise the demand notice issued to the appellant considering the date of dismantling as 22/04/2021.
2. The appellant is liable to pay bill amount raised by the licensee as per the decision 1. above.
3. The decisions are to be executed within a period of one month from the date of receipt of this order.
4. No order on cost.

ELECTRICITY OMBUDSMAN

No. P/025/2024/ dated: 28-06-2024.

Delivered to:

1. Sri. Thomas V.T., Advocate, Varacheril House, Pala P.O., Kottayam Dist., Pin- 686575.
2. The Assistant Executive Engineer, Electrical Sub Division, Kerala State Electricity Board Ltd., Pala, Kottayam District.

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, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.