

STATE ELECTRICITY OMBUDSMAN

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REPRESENTATION No: P 131/10

Appellant : Sri M.Abdul Quahar,
Chandrathara House,Pada North,
Karunagappally , Kollam Dt

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division, Oachira, Kollam Dt

ORDER

Sri M.Abdul Quahar, Chandrathara House,Karunagappally submitted a representation on 19.4.2010 seeking the following relief :

Set aside the Order dated 20.02.2010 in OP 478/2009 of CGRF Kottarakkara, and the demand notice for Rs 25261/-issued by the Electrical Section Karunagappally

Counter statements of the Respondent was obtained and hearing conducted on 17.6.2010. Both sides submitted argument notes by 17th July 2010.

The Appellant had a service connection No: 1382 under Electrical Section Karunagappally with connected load 475 W which was under domestic tariff . An inspection team of KSEB found on 6.11.2006 that the consumer had been using the connection for running a dental clinic with connected load 6101 W .Subsequently the tariff was changed to LT VI B and a penal bill for Rs 4458/-was issued to the consumer. The monthly demand there after continued to be under LT VI B. The additional load was not regularized by the consumer .KSEB did not follow up with penalization as provided in the statutes.

Later when the audit party pointed out the lapse, the Respondent issued demand for penal charges from 1/2007 to 9/2009 on 29.10.2009 for an amount of Rs 30715/- which was subsequently reduced to Rs 25261/- by the Executive Engineer on appeal. The additional load was regularized on 2.11.2009 by the consumer paying additional CD of Rs 4285/-

etc. The Appellant approached the CGRF Kottarakkara against the demand for Rs 25261/- but got no relief.

The representation with the pleas noted above is submitted to the under signed in the above back ground.

The Appellant has admitted that an inspection had been carried out in his premises by KSEB officials on 6.11.2006. But he raised several contentions against the demand made by the Respondent. These are examined below:

Consequent to the inspection the tariff of the Appellant had raised and the amounts demanded every month there after had been paid by him. Hence he is not liable to pay any excess amounts. The KSEB had not served any notice in 11/2006 for regularizing the additional load as claimed by the Respondent. Copy of the notice produced is a fabricated one. Against this the Respondent says that the notice dated 9.11.2006 was served to the consumer along with the invoice for Rs 6603/- which was subsequently revised for Rs 4458/-. The copy of the notice produced was that available in the office files. It was the failure of the consumer in regularizing the additional load that resulted in the penalization.

On examination of the copy of the notice I have no reasons to believe that it was fabricated one. The document seems to be the carbon copy of the original notice. The argument of the Appellant that if he had obtained the notice in 11/2006 the additional load would have been regularized in time can not be accepted. He would have assumed that the higher charge he is paying was on account of the total load in the premises and the additional load is automatically regularized.

But the lapse on the part of the Respondent is that the penal charges for the additional load were not demanded on a monthly basis from 12/2006 onwards. An audit party had to come in 2009 for pointing out the failure.

The Appellant claimed that they had submitted the necessary papers in 2006 it self for regularizing the load. But they could not produce any evidence for the same. The Respondent also reported that no such papers were available in the office records. As such I am not in a position to accept the statement.

In this case both the Appellant and the Respondent had committed serious errors. The Appellant who had increased the connected load from 475W to 6101W for equipping the house to function a dental clinic had the primary responsibility to approach the KSEB with the necessary documents for regularizing the load and change of purpose of using electricity. He did not care to do it until an inspection revealed the irregularity. Even after the inspection he did not take action to regularize the load until a short assessment bill was thrust upon him.

The Respondent failed in taking the actions specified in the regulations on detecting the additional load either due to carelessness or due to connivance with the consumer. However these lapses on the part of the officials can not be taken as an excuse for setting aside the genuine penal charges due to the Licensee. Hence the plea of the Appellant shall not be accepted.

Orders:

Under the circumstances explained above and after carefully examining all the evidences, arguments and points furnished by the Appellant and Respondent on the matter, the representation is disposed off with the following orders:

1. *The arguments/claims/points raised by the Appellant in support of the reliefs sought for are devoid of merit and hence the reliefs are not allowed and the representation is dismissed*
2. *No order on costs.*

Dated this the 16th day of August 2010 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 131 /2010/ 648 / dated 18.8.2010

Forwarded to: 1.Sri M.Abdul Quahar,
Chandrathara House,Pada North,
Karunagappally , Kollam Dt

2. The Assistant Executive Engineer
Electrical Sub Division, Oachira, Kollam Dt

Copy to :

1. The Secretary,
Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram 695010
2. The Secretary ,KSE Board,
VaidyuthiBhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF,KSE Board , VaidyuthiBhavanam ,
Kottarakkara

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