

STATE ELECTRICITY OMBUDSMAN

Thaanath Building Club Junction Pookkattupadi Road Edappally Toll

KOCHI 682024

www.keralaeo.org

Phone 04842575488 +919447226341 Email : info@keralaeo.org

REPRESENTATION No: P 132/10

Appellant : Sri Philip Thankachan
Mylanthara House
Malakkunnam(Po)
Changanassery

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

ORDER

Sri Philip Thankachan, Mylanthara House, Changanassery submitted a representation on 28.4.2010 seeking the following relief :

Refund the excess amounts collected in the invoices for 11/08, 12/08 and 1/09 by re-fixing the quota during the power restriction period

Counter statements of the Respondent was obtained and hearing conducted on 20.7.2010. The Appellant had been running an ice plant on lease owned by the Vaikom Municipality with consumer No: 14408 under Vaikom section. The plant, shutdown for renovation and expansion for around two years from June 2006, re started on November 14, 2008.. The KSEB allowed a meager quota of 16 units for the plant as per the norms , even though it was revised later to 656 units based upon revised instructions where as the monthly consumption of the consumer was around 14000 units Hence the consumer had to pay huge amounts as higher rates for consumption in excess of quota. The consumer approached the Government and the Hon: Minister for Electricity directed KSEB on 6.1.2009 to re-fix the quota 'as per consumption during the period when the plant was in operation as per the records'. KSE Board issued formal approval for implementing the directions of the Hon: Minister by a Board Order dated 6.3.2009. The order was implemented by the Respondent with effect from 6.3.2009 since the order did not specify date of effect.

The actual consumption for the months of November 2008 , December 2008 and January 2009 was around 7640 , 14120, and 14800 units on power meter. The consumer did not

get the benefits of the orders of the Hon: Minister for the above periods. He approached the CGRF who held that the revision of invoices for the above months is not possible since the Board Order do not mention the prior periods.

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

This is a case where the consumption for the base period is NIL and hence the Board Order dated 10.10.2008 can not be made applicable. Here the Board Order dated 10.12.2008 has to be applied. As per item 7(1) of the order dated 10.12.2008 'in case where consumption during 2007-08 is nil and has been paying minimum charge regularly and began consumption of power during 2008-09 , average consumption during the period from 01.04.2008 to 30.09.2008 shall be taken as Base average , provided there shall be minimum of three months period of functioning . Other wises 50 units per KW alone can be given'. Hence the Appellant shall be eligible for 50 units per KW per month from November 14, 2008 onwards.

Later the Appellant obtained a direction from the Hon: Minister for Electricity on 6.1.2009 to re-fix the quota as per consumption during the period when the plant was in operation. The Board had concurred and implemented the directions of the Hon: Minister later on 27.2.2009 and issued a formal order on 6.3.2009. It is true that the Board Order do not specify any date from which the order will be effective. But the consumer can not be held responsible and penalized for the official delay in accepting the directions of the Hon: Minister when it is evident that the Board had no intentions to question the directions of the Hon: Minister. As such it would be fair and proper to implement the directives of the Hon: Minister with effect from 6.1.2009.

Orders:

Under the circum stances 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 quota of the Appellant consumer shall be fixed as per Board Order dated 10.12.2008 with 50 units/KW/Month as base average up to 6.1.2009 and as per directions of the Hon: Minister and the Board Order dated 6.3.2009 there after.*
2. *The excess amounts collected from the consumer shall be refunded without interest by adjusting in future bills.*
3. *No order on costs.*

Dated this the 19th day of August 2010 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 132 /2010/ 649 / dated 19.8.2010

Forwarded to: 1. Sri Philip Thankachan
Mylanthara House
Malakkunnam(Po)
Changanassery

2. The Assistant Executive Engineer
Electrical Sub Division, Vaikom , Kottayam 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

Visit the website www.keralaeo.org for forms, procedures and previous orders
