

STATE ELECTRICITY OMBUDSMAN

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REPRESENTATION No: P 153/10

Appellant : Sri N.Anilkumar , Sumeru,
Sreerangam Canal Road,
Chirakkadavom, KAYAMKULAM 690502

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

ORDER

Sri N.Anilkumar , Kayamkulam submitted a representation on 21.7.2010 seeking the following relief :

Cancel the change of tariff of consumer number 10659 (Chengannur Section) from Domestic to Non Domestic done in April 2002 and refund the excess amount paid with interest.

Counter statements of the Respondent was obtained and hearing conducted on 13.10.2010. The residential building with consumer number 10659 under Chengannur Section belonging to the Appellant has been rented out to students of Engineering College Chengannur. The tariff of the service was changed from Domestic to Non-Domestic (IA to VI B) from April 2002 onwards. The Appellant made a written request to the authorities on 18.12.2009 based on an order of the Electricity Ombudsman on P 86/09 dated 30.9.2009 for change to Domestic tariff. The request was not favorably considered . The Appellant approached the CGRF and obtained an order to change the tariff to domestic from the date of application, that is 18.12.2009. He has submitted this representation for back-effect for the change from April 2002.

The contentions put up by the Appellant is that the change of tariff from Domestic to Non-Domestic (IA to VI B) from April 2002 onwards was against rules and natural justice in light of the order of the Ombudsman cited. He also claims that he had met the Officials concerned in 2002/2003 and informed the protest and requested for restoration of the domestic tariff. Hence he claims that he is eligible for restoration of domestic tariff from 2002 onwards.

The Respondent is of the view that allotment of domestic tariff for the residential buildings occupied by students on rental basis itself not acceptable. According to KSEB LT VII A tariff is the appropriate tariff since the building is used for commercial purposes. There are no applications or other papers wherein the Appellant had applied for

restoration of domestic tariff in 2002 or 2003. As such back effect can not be allowed from April 2002 as claimed by the Appellant.

I do not intend to go again to reasoning behind the order of this office on P 86/09 dated 30.9.2009 where in it was ordered that service connections to residential buildings occupied by students on rental basis and using electricity for domestic purposes shall be eligible for Domestic tariff.

The single issue to be decided in this case is whether the change of tariff to Domestic ordered by the CGRF can be made effective from April 2002 onwards as prayed by the Appellant. The Appellant could not produce any evidence to show that he had actually requested for restoration of domestic tariff to his service connection in 2002 or 2003 and that his request had been denied by the authorities. He could not produce any evidence to show that he had made any request on any occasion after April 2002 except in 12/2009. Whether he had satisfied the conditions for providing domestic tariff from April 2002 onwards could not be verified at this stage. As such I do not feel it would be proper or fair to allow back-effect for the change of tariff beyond the date of application . The order of the CGRF/Ernakulam on Comp.136/2009-10 dated 26.6.2010 is upheld.

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 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 14th day of October 2010,

P.PARAMESWARAN
Electricity Ombudsman

No P 153 /2010/ 680 / dated 14.10.2010

Forwarded to: 1.Sri N.Anilkumar , Sumeru, Sreerangam Canal Road,
Chirakkadavom, KAYAMKULAM 690502

2. The Assistant Executive Engineer
Electrical Sub Division, CHENGANNUR

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 , Power House, Ernakulam

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