

THE ELECTRICITY OMBUDSMAN

Pallikavil Buildings, Mamangalam-Anjumana Temple Road,
Opp: Cochin Corporation Regional Office, Edappally, Pin: 682024
www.keralaeo.org, E-mail: ombudsman.electricity@gmail.com
Phone: 0484 2346488 - Mob: +91 9567414885

Representation No: P/48/2009 & P/57/2009 (Review Petition)

(Present: T P Vivekanandan)

Appellant: M/s KINESCO Power and Utility private Ltd,
Rep: By its Administrator, Kusumagiri P O, Kakkanad, Cochin 30.

Respondent: 1) M/s L& T Tech Park,
Tejomaya, Kusumagiri P O Kakkanad, Cochin -30.
2) M/s U S Technology International Private Ltd, Vismaya,
Kusumagiri P O, Kakkanad, Cochin -30.
3) Kerala State Electricity Board,
Rep: By the Chief Engineer, (Commercial and Tariff), KSEB,
Vydyudi Bhavanam, Pattom, Trivandrum-695004.

ORDER

Back ground of the case:-

The Appellant M/s Kinesco Power and Utility Pvt Ltd is the successor of M/s KEPIP, who was the original Licensee and Respondents 1 and 2 their consumers. Later Kinesco became the Licensee upon the transfer of License by KEPIP.

Due to acute Power shortage looming over the state during the year 2008-09, KSEB filed Petition before Hon: KSERC (Commission) as per Law, requesting sanction to introduce power restriction in the State. The Commission having convinced of the precarious power scenario in the ensuing months, issued the order dated 24.7.2008 imposing power restriction to all HT, deemed HT and EHT consumers of KSEB and other Licensees of the state. It was ordered to restrict the energy consumption of the above consumers to 75% of the average consumption of the previous year which shall be their eligible Quota (i.e. a power cut of 25%) with effect from 25.7.2008. The twelve months period from 1.4.2007 to 31.3.2008 shall be taken as the **base year** for determining the average energy consumption and 75% of that average will be their eligible Quota.

The Hon: KSERC also ordered KSEB, to immediately submit the modalities/ norms for fixing the Quota for existing consumers who do not have adequate power consumption during the base year for approval of the Commission. The KSEB accordingly submitted the modalities for fixing the Quota for such consumers, which was approved by the Hon: Commission vide letter dated 7th August, 2008, addressed to KSEB. This power cut of 25% was later reduced to 20 % with effect from 15.10.2008.

The Respondents 1 and 2 aggrieved on the quantum of power Quota fixed by their Licensee, M/s Kinesco (erstwhile M/s KEPIP), filed complaints before their Hon: CGRF (Consumer Grievances Redressal Forum), which was summarily dismissed. They still being aggrieved by the above decision, filed Appeal Petitions vide No: P/48/2009 and P/57/2009, before this Authority (Ombudsman) pleading among other things, for refixation of Power Quota allotted to them by their Licensee, KEPIP. This Forum (Ombudsman) after hearing both sides issued its Order dated 30.4.2009 deciding their base average consumption as 250 units per KVA of contract load of the consumer and 75% of that as their eligible quota. This Forum took the decision based on the principle devised by the Hon: KSERC (Kerala State Electricity Regulatory Commission) vide

order dated 15.1.2009 for the LT Consumers. In the order of this Forum, it is mentioned as follows; "Hence I feel that principle explained above in the case of LT Consumers shall be made applicable to HT Consumers also". That is to say, if the base average worked out as per KSEB norms applicable to HT Consumers for the year 2007-08 is below the normative figure of 250 units per KVA connected load of consumer used for billing purpose, the norm of 250 units/KVA should be applied and Quota fixed accordingly. Thus respondent No: 1 in this case, became eligible for more quota of energy than fixed earlier. The consumers are required to pay more for energy consumed in excess over their allotted quota, and hence once their quota limit was enhanced they get relief as they need to pay less only.

M/s Kinesco, the Licensee, consequent to this Forum's order dated 30.4.2009; accordingly refixed the power quota of the respondents and the 1st respondent got his quota increased while the 2nd respondent's quota was reduced. In the case of respondents 1, due to increase in their power quota limit, they became eligible for refund of the amount remitted for the excess energy consumption beyond their eligible power quota, fixed earlier by the Licensee.

It is noted that the Licensee, M/s Kinesco, receives power from KSEB and distributes it to their consumers. So, till the order of refixation of quota by Ombudsman, they collected the bill amount from its consumers and remitted it back to the account of KSEB, and then there were no issues. But once the quota was refixed by the Ombudsman and when the refund of amount back to consumer by the Licensee was necessitated, the issue of who will bear the "refund amount" ultimately surfaced. When this amount was demanded by M/s Kinesco from KSEB, they raised the objection that they were not a party in the dispute between a Licensee and its consumers and hence they are not liable to pay any amount consequent to the verdict. When the matter was presented before the Hon: Commission by M/s Kinesco, they directed the Licensee by its order dated 30.9.2009, to comply the order of Ombudsman first and for matters of refund from KSEB, they may take up the issue with the Commission separately. Thus, Kinesco released Rs 9, 97, 916/- to the 1st respondent as refund for the excess quota allotted and then filed the Petition No: DP-76 of 2009 before the Commission, praying to order refund of amount by KSEB. Upon this petition, after hearing the parties it was ordered by the Commission on 10th May 2010, to seek a Review of the order of the Ombudsman, including KSEB also as respondent, in addition to M/s L&T Tech Park and present all the facts of the case before it. Thus Kinesco filed the review petition, against the order of Ombudsman in the Appeal Petitions No's P/48 & P/57 of 2009 filed by the 1st and 2nd respondents respectively, and also including KSEB as the 3rd respondent.

As the Commission has ordered to review the order dated 30th April 2009 of this Authority, including KSEB as respondent in addition to L&T Tech Park, it is decided to hear the above parties once again and reach a conclusion.

Averments of the Review Petitioner, M/sKinesco, the Licensee:-

The main contentions of Kinesco were on the following grounds, namely;

We are an Electric Supply Distribution Licensee and the 1st respondent obtained the HT Service Connection on 23.1.2008 with a contract demand of 2900 kva and the 2nd one, obtained a deemed HT Service Connection in December 2007 for a load of 120 kva, from us. We were following the directives of KSEB in implementing the power cut imposed in 7/2008 in accordance with the Hon: KSERC guide lines. As such, we fixed the power quota of the 1st and 2nd respondents and being aggrieved on the same quota limit, they approached the CGRF and both petitions were summarily dismissed. Against this order, they filed the Appeal Petitions before the Ombudsman who after hearing disposed it on 30.4.2009 as follows;

'The monthly quota shall be refixed taking 250 units per kva of the billing demand (75% of contract demand) as the base average with effect from 1.2.2009.'

M/s KEPIP feel that the Ombudsman issued this order without considering the entire aspects and without hearing the 3rd respondent, KSEB. Hence the review petition is for;

1). KSEB should be included as a party in the above cases and their views also be heard before taking a decision on the eligible quota of the respondents 1 and 2.

2). In the light of the order of Ombudsman dated 30.4.2009, the 1st respondent asked for the refund of Rs 9,97,916/- from us. But we have already paid the amount to KSEB after collecting it from 1st respondent. We in turn asked KSEB to return the said amount and they objected it on the ground that they were not a party in the case before Ombudsman. KSEB also contended that the Ombudsman is overlooking the norms fixed by KSERC's order dated 7.11.2008 and hence they are not liable to refund the said amount. In such a case, we the Licensee has to suffer loss and the 3rd respondent KSEB have illegally enriched itself. The ombudsman has taken a decision to refix the quota for HT Consumers with the reason that equal standards should be applied. But the Ombudsman has no reason to ignore the order of KSERC and arrive at a new formula for fixing the quota for any category when the same function is vested with the Commission only. Further, the Commission observed that, this might have happened because of the guide lines issued by KSERC were not brought to his (Ombudsman's) notice. In such circumstances the order dated 30.4.2009 of Ombudsman, refixing the quota of respondents 1 and 2 may be cancelled and the 1st respondent may be directed to refund the amount of Rs 9,97,916/- already paid to them by virtue of the same order.

3). There is an apparent error in the order dated 30.4.2009 passed by the Ombudsman. This fact is fortified by the observation of KSERC in the order dated 10.5.2010. Hence the order dated 30.4.2009 may be reviewed by hearing the 3rd respondent also in the matter. If not reviewed, the Petitioner will be put to serious prejudice, injustice and hardship and this Forum may be pleased to review the Order.

Argument of the 1st Respondent M/s L&T Tech Park Ltd:-

The Firm was represented by the Company Officials and Sri Shaji Sebastian and submitted the following;

1) The service connection was obtained on 23.01.2008 and the initial six months can be treated only as trial period as any other industry. Practically, no energy consumption pattern can be arrived at, during this trial period. Hence the norm of 250 units per kva is the only available solution.

2) We have taken a contract demand of 2900 kva in initial stage itself because of the difficulties involved for further enhancement and were paying the charges where as our actual consumption was less than 900 kva. There fore M/s Kinesco was getting charges for 75% of 2900 kva i.e. 2175 kva, but they were paying KSEB for the actual kva used by them (say 900 kva) only and thus Kinesco was benefitted much. A consumer who is paying fixed charge as such is eligible to use energy proportional to 2175 kva and hence have a claim for 5.8 lac units.

3) The old Licensee KEPIP did not show interest to fully avail the opportunity given to them by KSEB and they failed to explain the case of L&T who had taken connection on 23.1.2008 and had not stabilized their operations during the initial period of Feb: & Mar: of 2008.

4) The order 10.5-2010 of KSERC in DP-76 of 2009 was without hearing M/s L&T and huge damage has occurred to us. The order issued without hearing the affected party is an infringement of his civil rights. Hence our concern on this issue is to be heard and decided.

5) The Ombudsman has no jurisdiction over the dispute between two Licensees. They have to approach KSERC and then Appellate Tribunal. Hence may direct the Licensees accordingly.

6) The Ombudsman has taken a decision referring similar statutes and even though it is referred back by KSERC, he can take any decision including reconfirming the earlier order. There is no provision for giving guide lines to Ombudsman by KSERC in legal matters.

7) For a consumer, for reducing the grievances, Ombudsman is the last Forum. The civil court has no jurisdiction and there is no provision for Appeal.

Hence Ombudsman may take a fair decision without complying with any compulsion, pressure or guide lines from any Authority. He can also have his own interpretation.

Argument of 2nd respondent M/s US Technologies:-

Even though they have attended the hearing conducted on 5.5.2011, they have not put forward any specific request other than that their power quota already allotted should be protected if not increased. They failed to submit any written argument note to the same effect or any additional point for consideration before this Authority.

Argument of 3rd Respondent KSEB:-

The Hon: KSERC has ordered power restriction to all HT and EHT consumers to 75%, of their average monthly consumption from 1st April 2007 to 31st March 2008. Any consumption over and above the quota fixed shall be charged at actual cost of purchase of power by KSEB from open market. We have asked KEPIP, the Licensee, to share the necessary data to fix their quota, failing which we informed them that we will restrict their share as 75% of the previous year's average consumption. In reply, KEPIP requested KSEB to inform the modality of fixing the quota in the case of their consumers namely, M/s L&T Tech Park and US Technologies, who were just started their operation. The KSEB, upon a direction issued by the KSERC, has evolved a modality of fixing the quota for consumers who do not have adequate consumption during the period from 1.4.2007 to 31.3.2008 and got it approved from the Commission. The above two consumers being aggrieved by the power quota limit fixed by KEPIP, approached Ombudsman by filing petitions viz P/48/2009 and P/57/2009 respectively. Earlier their petitions filed before the Hon: CGRF of KEPIP has been dismissed. The Ombudsman disposed both petitions P/48 & P/57 of 2009, on 30.4.2009, ordering that their monthly quota shall be refixed as 250 units per kva of billing demand with effect from 1.2.2009. Further on a query, the Ombudsman clarified that either the modality fixed by the KSEB and approved by KSERC or the award of Ombudsman as 250 units per kva as the base average which ever is higher shall be applicable from 1.2.2009.

M/s KEPIP have requested the Board to reimburse Rs 997916/- remitted, so as to refund to M/s L&T Techpark and in the case of US Technologies no amount is payable. M/s L&T also requested KSEB to refund. But we refused to refund as we were not a party in the case before the Ombudsman. We relied on KEPIP on the power quota fixed by them to their consumers. KSEB raised demands and KEPIP remitted the same to KSEB.

Now analyzing the consumption of the consumers under KEPIP it is seen that they were liberally using electricity without realizing the real power crisis. The Petitioner has stated that the CGRF of KEPIP has fixed quota of M/s Wipro at the rate of 250 units per kva based on an order of Ombudsman. We have stated as follows before KSERC – 1) KEPIP had not sought approval on quota fixation of their consumers from commission. 2) They have not followed the principles of quota fixation implemented by the Board and as approved by the commission. 3) The methodology applied to fix quota of respondents is not in line with the principles approved by the commission. This has resulted KSEB a loss of Rs 11376400/- and this amount has to be paid by KEPIP to KSEB with 18 % interest till the date of payment.

Further they reported that the dues of Resp: 1&2, as per the data received from KINESCO were as follows;

	<u>L&T Tech Park:</u>	<u>US Technologies:</u>
a) Base average Consumption	=164386 units	=24925units
b) During Power cut 20 % - eligible quota	=131508 units	=19940 units
c) During Power cut 25 % - eligible quota	=123289 units	=18694 units
d) Excess consumption over quota from 7/08 to 4/09	=1811950 units	=79813 units
e) Sum to be realized from KINESCO for excess quota	=Rs 7968046/-	=Rs 395986/-

The Board states that they would be eligible for an additional sum from Kinesco, had they fixed quota as per the norms approved by the Commission in the said Order for all their consumers and demands an amount which is shown above under their argument notes.

Analysis and Findings:-

All the parties were heard on 16.3.2011 and 5.5.2011 in my chamber. I have perused the Petition filed by the Appellant, the counterstatement submitted by the respondent 1 & 3 and their averments contained in their argument notes, and analyzed the following points in detail for reaching a conclusion, and record it as below;

It is a fact that there was Power shortage crisis looming over the state during 2008-09 and Hon: KSERC accorded sanction for the imposition of Power cut of 25% from 25.7.2008 onwards, on all HT, EHT consumers of KSEB as well as other Licensees in the state. This request for power restriction was placed before the Commission by KSEB, who was the major Licensee supplying power to a large section of people of Kerala and also supplying Bulk Power to other small Licensees in the state, for distribution to its consumers. Hence, the other Licensees of the state including KEPIP, also has to impose power cut to its consumers on the same lines as authorized by the Commission. The KSERC's order contained general guide lines of the method of fixing power quota of live consumers who were in operation during the previous year (base year) period of 1.4.2007 to 31.3.2008.

The KSE board, on receipt of Commission's approval for introduction of power cut, issued a Board order dated 24.7.2008 detailing the method of quota fixation for three different types of consumers, namely,

- (1) the existing consumers who have consumption during the base year i.e. from 1.4.2007 to 31.3.2008,
- (2) those who obtained connection during the base year period i.e. from 1.4.2007 to 31.3.2008, and
- (3) those who got connection after the base year i.e. on or after 1.4.2008.

The salient features of the norms for quota fixation as issued by KSEB can be summarized as follows;

A). Nil consumption months of base year will not count for calculating the average. The balance eligible month's consumption of the base year, divided by the number of eligible months, will be taken for calculating the average consumption.

B). Again the eligible months are reworked by eliminating those months in which consumption is less than 70% or more than 130% of the above average energy consumption and then recalculate the base average consumption as per (A) above.

C). The quota shall be 75% of the base average consumption as tabulated under (B) above.

The Board further gave a typical case as example to make clear the intentions of the said order.

But in the case of HT consumers, who got their service connection after the base year period i.e. on or after 1.4.2008, KSEB fixed the base average consumption as 250 units per kva of the Contract demand per month and consequently 75% of that will be their eligible quota.

Further, in the same order dated 24.7.2008, the Commission has directed KSEB that **“for consumers who do not have adequate consumption during the period mentioned above, the modality for fixing the quota shall be furnished immediately by the Board for approval”**.

In short, the Hon: KSERC has issued guide lines on how to fix quota, for the power cut period of 2008-09, through the order dated 24.7.2008. In the same order, the Commission has asked KSEB to fix the modalities or norms for fixing the eligible quota, for those consumers who do not have adequate consumption during the base year period for Commission's approval. The KSEB accordingly submitted the modalities for fixing the Quota of such consumers, which was approved by the Commission and informed KSEB vide letter dated 7th August, 2008.

It is noted that the KSEB's modality proposal, submitted to the Commission and approved by it, does not contain anything new or special in the norms for quota fixation, as envisaged by the Commission for consumers who do not have adequate consumption during the base year. The modality for quota fixation

proposed by KSEB was one and the same as devised for existing consumers of the base year who have adequate consumption. Hence in effect there was no distinction between consumers having adequate or inadequate consumption during the base year period, even though the Commission was eager for better criteria for those who do not have adequate consumption during the base year. Moreover, the power cut started from 25.7.2008 and there was difference in approach in 'quota fixation' for those who got their Electric connection just before and after 1.4.2008. I think this anomaly in quota eligibility was not brought to the attention of the Commission by anybody.

Now, the main averments of KSEB in this case are as follows, namely;

- 1). The petitioner, M/s Kinesco has not got approval from the Hon: Commission on the modality of Power quota fixation for their consumers as per the order dated 24.7.2008.
- 2). On a perusal of the details of power consumption and quota fixed by the petitioner, it is seen that they have not followed the principles of quota fixation implemented by the Board and approved by the commission.
- 3). KEPIP has allowed excess quota to its consumers and they owe huge amount to us and may be ordered.

The first allegation of KSEB is not correct as it was not envisaged in the Commission's order to seek approval from it by other Licensees. Further the Commission expected all other Licensees, to implement the modality proposed by KSEB (and approved by the Commission) for their consumers, who do not have adequate consumption during the base year. The second allegation seems to be true as they (M/s KINESCO) did not followed the modality approved by the Commission strictly but with a minor deviation by taking the base year period of 12 months in a different way than fixed by the Commission. Thirdly this Forum, in this case is confined to 'review' of Appeal Petitions of P/48 and P/57 of 2009 only and not beyond that.

The Modality of quota fixation approved by the Commission is applicable to every Licensee including KEPIP. It is the prime duty of Licensees to enquire and obtain this modality of quota fixation from the Commission and implement it on their consumers. Since this Modality fixation was not disputed by any of the Licensees before the Commission for review or in any Court of Law, it is presumed as final and has to be abided by all the Licensees and fix the quota of their consumers accordingly.

The averment of the petitioner (M/s KEPIP), that they fixed Quota of consumers who do not have adequate consumption during the base year period, by considering the maximum period of 12 months prior to the date of implementation of power restriction as the base year, for the calculation of average consumption is found to be not in order. The Commission has clearly stated the base year as 12 months, from 1.4.2007 to 31.3.2008. M/s KEPIP might have used logic to get the 12 months for the base year, for those who obtained Electric Service connection on the later part of the base year by extending the period up to 7/2008 for fixing the power quota. But this was not the modality approved by the Commission. When there was a clear instruction in the order of Hon : KSERC dated 24.7.2008 that, the base average calculation pertains to the period of one year from 1.4.07 to 31.3.08 only, and as such there is no justification in going for a different period convenient to the Licensee or interpret the period for base average in a different way. There is also lapse on the part of KSEB that they did not go for verification of the quota fixed by the Licensee, even after reporting the details to them as requested. KSEB took it as granted, the quota fixed by the Licensee, Kinesco, and raised the electricity bills accordingly and accepted the amount as such.

In the letter dated 7th August 2008 from the Commission, approving the modality of quota fixation addressed to KSEB, it seen stated that **'in case of variation of consumption by any consumer ,KSEB shall fix quota adopting appropriate formula ensuring that the consumer is allocated his eligible quota based on his average consumption'**. Being so, there was opportunity for all the Licensees to present the cases of consumers who have genuine grievances before the Commission for its redress. It is noted that Respondent (1)

has raised their concern of quota limit allotted by their Licensee citing that they got their service connection at the fag end of the base year and is in the initial trial run period with a lesser consumption and needs revision.

The Commission's modality approval letter dated 7.8.2008 is addressed to KSEB only and not issued 'copy' to other Licensees. The Board also did not inform other Licensees of this Modality approval dated 7.8.2008. Anyway it is binding on the part of other Licensees to enquire and get this modality from Hon: commission, to implement it for their consumers, as the same was implied in the order dated 24.7.2008 of the Commission. While disposing the Petition No: DP-76/ 2009 filed before KSERC by KEPIP, in the matter of refund of excess charges paid by KEPIP to KSEB, it is seen mentioned in the Order that **“Approval for the norms for fixation of Quota submitted by KSEB vide letter dated 24.7.2008 was given by KSERC vide letter dated 7.8.2008. The other Licensees have to follow the order dated 7.8.2008 issued by KSERC on the said matter”**.

All the Distribution Licensees including KEPIP are bound by the Rules, Regulations and Orders issued by the Commission and has to comply it in total if not intervened by a Court of Law. They cannot raise a contention that they interpreted the order in a different way and acted accordingly after informing KSEB, their Bulk Supplier of Electricity. This approach of KEPIP is a violation of the direction issued by the Commission. As such, I come to the following conclusions and decisions;

Decision:-

Earlier, M/s L& T Tech Park and M/s US Technologies, aggrieved by the quota fixation filed Appeal Petitions before this Forum and this Forum after hearing the parties ordered on 30.4.2009, refixing the quota applicable to M/s L&T and US Tech: as 250 KVA of the billing demand. This is because it is found that the consumers who got their service connection towards the end of the base year period and just after that i.e. just before and after 1.4.2008, have a different criteria 'in quota fixation' which appeared as abnormal and hence decided to consider similar nature consumers on equal standards. But in the Order dated 10th May, 2010 of the Commission, in Petition No DP-76 of 2009 filed before it, the Hon: KSERC while allowing the Petitioner, M/s KEPIP (now M/s Kinesco) to file Review Petition before Ombudsman, it has observed that **“But the Ombudsman had no reason to ignore the order issued by the Commission and arrive at a new formula for fixing the quota for any category when the same function is vested with the Commission only”**. This direction of KSERC appears to me as legally binding and more lawful and hence decided to 'review' this Forum's earlier decision dated 30.4.2009.

There is also an argument from M/s L&T side that there is no provision for giving direction by the Commission to Ombudsman in Legal matters. But the Commission is a Statutory Body established by Law and is empowered to make Rules, Regulations and issue Orders, in consistent with the Electricity Act, 2003, and brings in changes after conducting Hearings with General Public and Consumer organizations. The same Commission, has established the Office of Ombudsman for ensuring speedy Justice to consumers, as per the Rules and Regulations framed by it and with its true intentions expounded when submissions are filed before it (Commission). Hence I feel that the Commission is paramount as far as this Forum is concerned.

The argument of M/s L&T that (a) they have a contract demand of 2900 kva and hence eligible for more energy quota and (b) they got connection on 25.1.2008 and used up to 900 kva only during the base year due to initial trial run period with less consumption of energy, are valid reasons and deserve for more quota consideration. But when there exists a specific order regarding how to fix quota for a certain period, issued by an Authority established by Law, it has to be followed, unless the anomaly, if any, is brought to the notice of the Commission for review by the Licensee or consumer organizations and modified by it.

The respondent, M/s L&T's argument that the Ombudsman has no authority to hear this case as it is a dispute between two Licensees and only Commission can entertain is not acceptable. This Forum is actually

'reviewing' the Appeal Petition filed by them as ordered by the Commission which is a case dealing with the complaint on the power quota fixed by their Licensee, which is within the powers of this Forum. The Orders, Rules and Regulations notified through Gazette, by the Hon: Commission has the statutory back up of Indian Electricity Act 2003. As such this Forum is legally binding to follow those Rules and Regulations issued by the Authority fully and take decisions accordingly. Hence the averment of M/s L&T is rejected.

M/s KEPIP shall recalculate the quota of Respondents 1 and 2, as per order dated 24.7.2008 of the Commission and also as per the modality of quota fixation approved by the Commission for those who do not have adequate consumption during the base year, vide letter dated 7.8.2008 addressed to KSEB. Accordingly the Licensee, KEPIP, shall reassess the amount payable by these consumers (respondents 1&2) within 15 days from the date of receipt of this order. They may also refer to B.O.No.1817/2008 (Plg.Com4649/2008/08-09) dated 24.7.2008 of KSEB for better clarity of quota fixation. The consumers are liable to pay the amount as they have consumed electricity with a responsibility to pay the charges thereof, as are due as per Law. If there is an omission or mistake in the calculation of eligible power quota applicable to the consumer and the corresponding amount, it is up to the Licensee to rectify such omissions/mistakes and set it right. If there is any refund to the consumer by this reassessment, that should also happen. No interest is payable by the consumers for the additional amount, if any, payable to the Licensee, KEPIP, consequent to the reassessment, as it was no fault of the consumer, if the payment is made within one month of the reassessed bill date. After that date, interest for belated payment as in force is payable by the consumers, from the bill due date to the day of remittance. The Licensee shall issue installments up to a maximum of, the number of months the reassessment was done, if requested by the consumer for such additional payments, which shall bear interest for the days of delay from the reassessment bill payment due date to the date of remittance. The KSE Board is also not eligible to demand interest from M/s KEPIP for the sum, if any, payable by them based on the reassessment of quota, if the amount is paid within 60 days from the date of receipt of this order. This is because the Board failed to take any steps to verify the quota fixation done by KEPIP, even after obtaining the consumption details of their consumers, as demanded by KSEB vide their letter dated 24.7.2008 (Annex:2 of KSEB stmt). If payment to KSEB is delayed beyond the date fixed as above, M/s KEPIP shall pay interest at the rate in force, approved by the Commission for belated payments. In case, if payment is due to KINESCO by KSEB, it shall also be done within two months. This Forum's earlier order dated 30.4.2009 on the same Appeal Petitions stands revoked. No order on costs.

Dated this the 1st day of August 2011,

Electricity Ombudsman.

No P/ 48/ 2009 & P/ 57/ 2009 (Review Petition)/ 938 / dated 02.08.2011.

Forwarded to: 1): M/S KINESCO Power and Utility Private Ltd

Rep:By its Administrator, Kusumagiri P.O Kakkanad, Kochi-30.

2):M/S L&T Tech Park. Tejomaya, Kusumagiri P.O, Kakkanad, Kochi-30.

3):M/S US Technology International Private Ltd, Vismaya, Kusumagiri P.O,Kakkanad, Kochi-30.

4):The Chief Engineer, (Commercial & Tariff), KSEBoard, Vidyuthibhavanam, Pattom, Thiruvananthapuram-695004.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam, Thiruvananthapuram 695010
2. The Secretary, KSE Board, Vaidyuthi Bhavanam, Pattom, Thiruvananthapuram- 695004.
3. The Chairperson, CGRF, KSEB, Power house Building, Cemetery mukku, Ernakulam.