

STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION NO: P /284 /2012.

(Present: T P Vivekanandan)

APPELLANT : Sri. P.K. Ibrahim,
Pooroolil House,
Vadacode P.O., Kangarappady,
Ernakulam- 21

RESPONDENT : The Assistant Executive Engineer,
Electrical Sub Division, KSEB,
Kalamasserry.

ORDER.

Background of the case: -

An Electric connection, for the purpose of pumping water from the river for commercial use, was provided to Sri. P K Ibrahim , consumer No. 14251, under LT VIIA tariff, from Electrical Section Kalamasserry, on 22.3.2002. While being so, the consumer's premises was inspected by the Asst. Engineer of KSEB on 11/11/2011 and found unauthorized additional load of 14 KW connected and in use there. The consumer was served with a short assessment bill amounting to Rs. 2, 09,186/- on 20/1/2012 for the commitment of the said irregularity of availing unauthorized additional load on the basis of the said inspection. Aggrieved to this short assessment bill, the appellant had filed a petition dated 4/2/2012, before the CGRF, Ernakulam. The connected load of his electric service connection initially, was 5302 watts and later the consumer had regularized his connected load as 6714 watts, which the consumer argues as was done, in addition to the existing load but the KSEB says it, as the new connected load as on 5/2009, which is the main point of contention here. The Forum had issued an interim order on 4.2.2012, directing the respondent not to disconnect the electricity connection of the consumer till the disposal of the petition pending before the Forum on condition of remitting 20% of the total bill amount. The CGRF has dismissed the Petition on finding that the bill issued by the respondent was in order and the petition was found as devoid of any merits, vide its order No. CGRF – CR/ Comp. 74/2011-12 dated 31/3/2012. Aggrieved by the decision of CGRF, the appellant has submitted the Appeal petition before this Authority.

Arguments of the Appellant: -

The arguments of the appellant are based on the brief facts and circumstances of the case that is narrated above. Further, the appellant has adduced the following arguments.

1).The appellant submits that he had regularized the load of 6714 watts in 5/2009 in addition to the existing load, by remitting an amount of Rs. 25000/- as Addl. Cash Deposit. The respondent had mistakenly mentioned his additional load as total load of 6714 W but actually, the regularized was the additional load. The KSEB inspected his premises in 11/2011 and found the UAL of 14 KW and issued the short assessment bill for Rs.2, 09,186/-, which according to the appellant, is totally illegal and unjustifiable and requested to set aside the bill.

On the hearing day the appellant stated that he is ready to pay the charges in excess of the load of (6.714 KW + 5.302 KW) found out during inspection.

Arguments of the Respondent: -

The respondent has denied all the averments and allegations contained in the petition. The respondent submits that the consumer was having a three phase commercial service connection and the connected load was 5302W at the time of availing the connection.

Another contention of the respondent is that on 11/5/2009 the consumer had regularized his connected load as 6714 W and remitted Rs. 25000/- as ACD based on the consumption.

On 30/9/2011 the premises of the consumer was inspected by the AE as per the instruction of AG's audit party and found unauthorized load of 14 KW which resulted issuance of a short assessment bill amounting to Rs. 2,09,186/-.

Further the respondent submits that the current bills were issued to the consumer as per the connected load and consumption regularly and the consumer remitted the bill amount including FC for 7 KW connected load without any objection. The load details were specifically noted in the bill and hence were known to him.

As directed during the hearing, the AEE, Kalamassery, has reported that the connected load to be regularized by the consumer is only 9 KW. The consumer has been remitting the fixed charges for 7 KW since 11/5/2009. The details of connected load furnished by the AEE are as follows;

Existing connected load	= 5302 w
The connected load regularized on 11/5/09	= 6710 w
Total connected load	= 12016 w (12KW)
Present total connected	= 21 KW
Balance to be regularized	= 9 KW

Analysis and Findings: -

On examining the Petition, the argument note filed by the Appellant, the statement of facts of the Respondent, perusing the documents and considering all the facts and circumstances of the case, this Authority comes to the following conclusions and findings leading to the final decisions.

The Hearing of the case was done on 31.10.2012 in my chamber at Edappally and Sri Ubaid M I, S/o P.K. Ibrahim represented the Appellant's side and Sri. Anver A.A. Asst. Exe. Engineer, Electrical Sub Division, Kalamassery, represented the Respondent's side.

The consumer has approached the CGRF with the request to set aside the short assessment bill dated 20.1.2012 for Rs. 2, 09,186/- issued for the unauthorized load of 14 KW availed by him. The main contention of the appellant is that he had remitted the ACD for Rs. 25000/- for regularizing the additional load of 6714 W in 5/2009, thereby making his total load as 12.016 KW.

On a perusal of the consumer's 'Wiring completion report' submitted to the respondent in 5/2009, for connecting the additional load of 6714 watts (produced as document), for regularizing 6714 watts load, it is seen to be written as 'additional load' for regularizing and signed by the Sub Engineer having been convinced of the same. Also a fee of Rs 25000/ was also seen collected as ACD. These suggest me that the consumer has connected a load of 6714 watts on 11.5.2009 as additional load with the existing load and as such, his sanctioned load from that date has become $(6.714 \text{ KW} + 5.302 \text{ KW}) = 12016 \text{ Watts}$, say rounded to 13 KW.

Accordingly, I feel that the load mentioned as 7 KW, in the bills issued to the consumer from 5/2009 onwards, was a mistake from the respondent's side and as such, the consumer has to be billed for the sanctioned load of 13 KW, from that date. The appellant submits that it was the responsibility of the Sub Engineer to mention the existing load and additional load requested in the appropriate column of the application form of the service connection when he submitted the papers for regularization appears as correct. A verification of the relevant document substantiated this statement of the appellant. The officer concerned has not filled up the details of the existing load, if it was omitted from the consumer's side, but left it blank, which caused the confusion.

Later, the Asst. Engineer inspected the consumer's premises on 11.11.2011 and found the total load connected as 20202 Watts (21KW). The appellant does not dispute this fact. His contention is that he is ready to pay the legitimate charges based on his sanctioned load as on that date. Hence It is concluded that the consumer has availed an unauthorized additional load of $(21 - 13) = 8 \text{ KW}$ load and needs to be penalized for this quantum of load only.

DECISION :-

From the analysis done and the conclusions arrived at, I take the following decisions.

Since the appellant has expressed his willingness to remit the balance charges as mentioned above and to regularize the additional UAL, it is decided that the penal bill dated 20.01.2012 for Rs. 2, 09, 186/-, issued to the consumer, shall be revised for an Unauthorized Additional Load (UAL) of 8 KW only instead of 14 KW. But the consumer is liable to pay the fixed charges for 13 KW from 5/2009 onwards instead of 7 KW at normal rate. The respondent shall revise and issue the bill with 30 days time given for payment. No interest need be payable by the consumer till the 'due date' of the revised bill as per this order.

The consumer may be allowed up to six installments, if requested for, but has to pay interest at the rates as per rules, for the installments from the due date of the bill to the day of payment.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant stands disposed of with the decisions ordered as above. No order on costs.

Dated the 26th of February, 2013.

Electricity Ombudsman.

Ref No. P/ 284/2012/ 1592/ Dated 26.02.2013.

Forwarded to 1). Sri.P.K. Ibrahim,
 Pooroolil House,
 Vadacode P.O., Kangarappady, Ernakulam- 21

2).The Assistant Executive Engineer,
Electrical Sub Division, KSEB,
Kalamasserry.

Copy to

1. The Secretary, Kerala State Electricity Regulatory Commission,
KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSEB,
Vydhuthi Bhavanam, Pattom, Thiruvananthapuram-4
3. The Chairperson, Consumer Grievance Redressal Forum (KSEB),
Power House Buildings, Ernakulam-682018.