

STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION NO. P/340/2013.

(Present: T.P. Vivekanandan)

APPELLANT : Smt. Leela K
ThattavazhiVeedu, Eruva East P.O.
Kayamkulam, Alappuzha Dt.

RESPONDENT : The Assistant Executive Engineer,
Electrical Sub Division, KSE Board,
Kayamkulam P O.

ORDER.

Background of the case: -

The appellant has raised disputes over two numbers of her Electric connections (out of total five) given to her 5 shop rooms, under Electrical Section, Kayamkulam, with Consumer Nos. as; (i) Cons. No. 11828 and Cons. No. 13935 and are assigned LT VII B tariff. These are adjacent shops, where one is used as a Ration shop and the other for running a telephone booth in the staircase room. The appellant was paying the electricity charges for the ration shop, which she believed to be is having Cons. No. 13935. While so, during the month of 10/2012, the appellant has paid the electricity charges only for Consumer No. 13935 and defaulted for the other Cons. No. 11828, that she thought belongs to the Booth. Since there were electricity dues, the respondent disconnected the service connection of the defaulted Cons. No. 11828 on 07. 11.2012, which actually belonged to the Ration shop.

The appellant has sought clarification from the respondent for disconnecting her supply but was not satisfied by its reply. Also, the energy meter of Consumer No. 11828 was faulty for quiet some time and the same was replaced by the respondent only on 07.11.2012, i.e. after a gap of

one year and the disconnection was done after changing the meter. No satisfactory explanation could be received from the respondent. Being aggrieved, the appellant had filed petition before the CGRF, Ernakulum on 08.11.2012 and being not satisfied by its decision in Petition No. CGRF-CR/Comp.97 (a)/12-13 dated 07.01.2013; the appellant has filed this Appeal petition.

Arguments of the Appellant:

(1). The complainant owns six shop rooms and a stair case room on the side of the Kayakulam-Thattaruparambiam road side at Thattavazhi junction. One room is used as a ration shop and the adjacent stair case room and they have got connection with Consumer Nos. 13935 and 11828 respectively, issued from KSEB, Kayamkulam. The stair room was rented out to one Mr.Vasudevan of Neelethu house and he was conducting a STD booth therein. He remitted one year full amount in Consumer no.11828 and later he wind up his business and now that room is vacant.

(2). The appellant was regularly paying the current charge of the ration shop in Cons. No.13935. While so on 07.11.2012, at around 2.00 PM, 3 officials of the licensee trespassed into the ration shop room and stair room and changed the electric meter of the ration shop with the one brought by them. Further, they changed the Consumer Nos. of the shop rooms written on the meter board of each other. On seeing this, she questioned them, about the same and it was told that she is a defaulter with regard to the ration shop and the amount that is remitted is that of the stair room. But the complainant has no need for paying the current charge of stair case room, as it was lying vacant. Then the consumer sought time for remittance of the electricity charges, if there was any mistake happened from either side. But the officials of the licensee threatened the complainant that they would disconnect the connection if the amount is not instantly paid. The party sought some breathing time for the same. Then they humiliated, insulted, harassed and behaved like a quotation team before her husband and two sons. They forcefully disconnected the supply of the replaced meter and went away. The respondent didn't comply with the statutory procedure while acting in their official capacity and has superseded their powers.

(3). The attitude of the officials caused much hardship and mental agony to the complainant and her family. The said facts were informed to the Assistant Engineer and Assistant Exe. Engineer, Kayakulam East. But there were no response from the side of the higher officials. So the consumer filed formal complaint before the Executive Engineer, Haripad. But she also turned a deaf ear to the complaint and didn't comply with even the rules of natural justice. So the complainant filed this compliant for the following reliefs.

Relief sought for: -

- a) To direct the licensee to restore the complainant's electric connection.

- b) To allow compensation from the licensee for the hardship and mental pain caused to the complainant and her family, the Hon Forum deems fit.
- c) To take appropriate action against the 3 officials as they have acted against law.

Arguments of the Respondent:

- (1). The consumer Nos.13935 and 11828 are owned by Smt.Leela, Thattavazhi, Puthen veedu, Eruva, Kayamkulam and were assigned LT- VII-B commercial tariff. The claim of the consumer that the current charge of the consumer number 11828 was paid for one year is absolutely wrong. The consumer 11828 has not paid the current charges from the month of 10/2012 in time.
- (2). The statement that the “complainant was regularly remitting current charge in respect of the consumer No.13935” is a correct one. The energy meter to the consumer 11828 was a faulty one and the same was replaced on 07.11.2012. More over the very same service connection was disconnected on 07.11.2012 itself due to non payment of current charges.
- (3). The consumer’s husband and two other persons entered into the office of the Asst Engineer, Electrical Section, Kayamkulam East and enquired about the disconnection of Cons. No. 11828 and the facts was explained. But they uttered abusive words and threatened the staffs present at that time in the office. The staffs have not lodged any compliant in this regard.
- (4). On verification of meter reading register with current charges invoice, it can clearly convinced that the Cons. No. 11828 is attached to ration shop and current charge for 10/2012 is not paid by the consumer in time. So the service connection to consumer number 11828 was disconnected on 07.11.2012 and since the meter was faulty, it was changed by another one the same day itself. Also it is clear from the meter reading register one of the disputed connections is not using energy and it is Cons. No is 13935 and not the Cons. No. 11828.
- (5). During 4/2012 the final reading of Cons. No. 13935 was 91 and the reading in the meter as on 10/12 was 91 itself, which establishes that the service connection to the ration shops is 11828. Neither the Cons. Nos. 11828 nor 13935 has paid the energy charges in advance for one year. On 01.01.2013 the consumer cleared the dues and reconnection was effected on the same day itself.

Analysis and Findings: -

The hearing of the Case was done on 21.08.2013, in my Chamber at Edappally, Kochi, and the appellant was represented by Sri. Santhosh, and the respondent by Sri. Harikumar C, the Asst. Exe. Engineer, Electrical Sub division, Kayamkulam and they have argued the case, mainly on the lines stated above. On examining the Appeal Petition, the statement of facts of the Respondent and the documents filed and considering all the facts and circumstances of the case, this Authority comes to the following conclusions and findings leading to the final decisions there of.

1.0 The consumer has filed this Appeal petition against the disconnection of her electric service connection given to her ration shop. The appellant argues that the Cons. No 13935, belongs to her ration shop and no electricity dues or arrears exist on it, whereas the Respondent argues that the said electric Connection belongs to the Stair case room (Booth). Moreover, KSEB argue that the Ration shop is having dues of previous month's bill due in 10/2012. From the above, it is sure that the consumer is paying the electricity charges of one Connection and has defaulted payment in the other connection.

1.1 The respondent's version is that consumer no. 13935 is not attached to the ration shop but to the Booth. The Cons. No. 11828, which the party failed to pay the electricity charges in 10/2012 is given to her ration shop and hence they disconnected the supply for non payment of charges.

1.2. The consumer details of Cons. Nos. 13935 and 11828 is as follows; furnished below.

	<u>Consumer No. 13935</u>	<u>Consumer No.11828</u>
Tariff	LT VII B	LT VII B
Load	860 watts	600 watts
Security Deposit	300.00	400.00

1.3. As per the statement of meter reading of consumer no. 11828, furnished by the respondent, the Meter was noted as 'SF' (suspected faulty) from 4/2010 onwards, till it was replaced with a new meter on 7.11.2012. Similarly in the case of Cons. No. 13935, the Meter was noted as 'MF' (Meter faulty) for the period of 8/2008 to 12/ 2009, when it was replaced on 5.12.2009. During this period the reading was not furnished, but simply noted as 'D/L' (Door locked).

1.4. In both cases, the Meter was faulty for more than two years and one year respectively. The respondent has failed to take action in time, to replace the faulty meter, where as per Regulation 19 (2) of Electricity Supply Code, 2005, the faulty meter has to be changed with in a month. In the case of 'Door locked' conditions, as per the same Regulation 19(5) & (6), notice has to be issued to the consumer and even then, if the consumer fails to keep open the premises for taking the meter readings, the Licensee can resort to disconnection of supply.

DECISION :-

From the analysis done and the findings and conclusions arrived at, which are detailed above, I take the following decision.

(i). The consumer is reported to have paid all the electricity bills issued to both connections, i.e. Ration shop and Telephone booth, till 10/2012. The appellant has defaulted, payment of one electric connection's bi-monthly bill, preferred in 10/2012. The appellant was of the belief that she is using Cons. No. 13935 for her Ration shop and paid the electricity bill accordingly in time. But, since the Booth (Stair case room) was not rented out or was unoccupied, its electricity bills were remained unpaid. The appellant's view is that she is default only for the 'Telephone booth' connection and Board can disconnect that supply, but is entitled to receive supply to her Ration shop, as there were no dues. But the KSEB's finding is that Consumer No.11828 belongs to the Ration shop and has dues and hence eligible for disconnection.

(ii). The averments of KSEB also suggest that, they were also having the impression earlier that the Cons. No of Ration shop is 13935, till the replacement of its Faulty meter on 7.11.2012, when they realized that the actual Consumer numbers of Ration shop (Cons. No 11828) and Booth (Cons. No. 13935) were mistakenly mutually interchanged. Hence, the respondent took step to rectify the mistake on that day and accordingly marked the specific Cons. Nos. on each Meters for clarity. The CGRF, Ernakulum, have also under the Caption, 'Analysis and Findings', also arrived at the same conclusion and recorded as; "Respondent's officials replaced the meter of Cons. No. 13935 on 07.11.12 and changed its Cons. No to 11828 and vice versa". This suggests me that there was confusion, for both consumer and the respondent, over the real Cons. No. allotted to the Electric connection of the Ration shop and the Booth. Actually, the Consumer Nos were lying mutually interchanged by mistake for quiet some time, till the dispute arose. In such a case, it was reasonable to give some more time to the Consumer to pay the bi-monthly bill issued, when the Board has rectified the mistake only on 7.11.2012. The Respondent should have avoided a drastic step of disconnecting the electric supply, when there was sufficient ground for giving extension.

(iii). More over, the Regulation 25 (1) (g) of Electricity Supply Code, 2005, clearly specifies to issue notice to the Consumer before disconnection of supply, in case of non-payment of electricity charges. The customary notice given along with the regular monthly bills is an intimation of the consequence of non payment of electricity charges. But it is expected to issue a specific fifteen clear days notice to the consumer before effecting the disconnection of supply to the Consumer.

(iv). Therefore, I am of the view that the action of the respondent in disconnecting the Electric connection to the Ration shop of the appellant, is not in order or justifiable, when both sides have confusion over the real Cons. No. of the disputed Electric connection, which was established only on the date of disconnection. In such a case, the notice under Regulation 25 (1) (g) of Electricity Supply Code, 2005, is inevitable.

(v). From the above, I am convinced that the Respondent or his sub-ordinate officers in this case have indulged in abuse of power in disconnecting the electric connection of the Consumer No. 11828, violating the rules in force. The KSE Board authorities have to decide on the matter of appropriate action against the delinquents, as they are its employees.

(vi). I also feel that the appellant could have remitted the defaulted amount of Rs. 167.00 under 'Protest' (as per Regulation 25 (2) of Electricity Supply Code, 2005), on the same day and obtained the Reconnection and then gone for filing the Petition for redressing her grievances. Since the consumer has obtained reconnection, the plea for that matter has become infructuous.

(vii). The respondent shall pay Rs 250/- (Two hundred fifty only) as litigation cost to the appellant with in 90 days of this order.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the consumer is found having some merits and is allowed to the extent as decided above and the Petition stands disposed of accordingly. The related CGRF order vide No. CGRF-CR/Comp.97(a) /2012-13 dated 07.01.2013 of the CGRF, Ernakulum is set aside.

Dated the 3rd of December, 2013.

Electricity Ombudsman.

Ref. No. P / 340 / 2013 / 2071/ Dated 03.12.2013.

Forwarded to : (1). Smt. Leela K,
ThattavazhiVeedu, Eruva east P.O.
Kayamkulam, Alappuzha Dt.

(2). The Assistant Executive Engineer,
Electrical Sub Division, KSE Board,
Kayamkulam

Copy to : 1). The Secretary,
Kerala State Electricity Regulatory Commission,
KPFChavanam, Vellayambalam, Thiruvananthapuram-10.
2). The Secretary, KSEB,
Vydyhibhavanam, Pattom, Thiruvananthapuram-4
3). The Chairperson, Consumer Grievance Redressal Forum, KSEB,
Power House Buildings, Ernakulam- 682018.