

THE STATE ELECTRICITY OMBUDSMAN

Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,
Edappally, Kochi-682 024

www.keralaeo.org Ph: 0484 2346488, Mob: 91 9447576208

Email:ombudsman.electricity@gmail.com

APPEAL PETITION NO. P/023/2016

(Present: V.V. Sathyarajan)

Dated: 22nd July 2016

Appellant : Sri. P. Yoosaf,
S/o Hamsakutty,
Pallath House,
Kulukkalloor P.O.,
Palakkad.

Respondent : The Assistant Executive Engineer,
KSE Board Limited,
Electrical Sub Division,
Pulamanthole, Malappuram.

ORDER**Background of the case:**

The appellant is an industrial consumer having consumer number 6662 under Electrical Section, Pulamanthole in Malappuram District. The appellant has requested enhancement of his connected load to 71 kW and accordingly capacity of existing transformer enhanced to 160 kVA after sanctioning OYEC instalment scheme. He had remitted 10% of the transformer cost amounting to Rs. 43,390.00 and the balance was being levied from him on monthly basis. According to the appellant he had remitted an amount of Rs. 3 lakhs approximately towards the cost of transformer in excess of the actual expenditure incurred for installation of transformer. Hence the appellant preferred a petition before the CGRF with a plea to refund the excess amount remitted which was not allowed by the Forum in its order OP No.106/2015-16 dated 02-03-2016. Against the above order of CGRF, the appellant has filed this appeal petition before this Authority.

Arguments of the appellant:

The appellant has obtained an electric connection on 10-07-1993 with consumer number 6662 under Electrical Section, Pulamanthole for running an oil mill in the name of Siddique Oil Mill. He had applied for enhancement of the connected load in his premises and the respondent enhanced the capacity of existing transformer from 100 kVA to 160 kVA to meet his additional load. The appellant had remitted 10% of the cost of the transformer under OYEC instalment scheme and the balance amount was being levied from the appellant on monthly basis in the regular current bill. It is stated that the transformer was installed in the premises during 2011.

The contention of the appellant is that he had remitted an amount of Rs. 80,000.00 including the current charge and balance amount during these years. Thereafter the usage was limited to 20 kW and the monthly current bills amounting to in between Rs. 2,500.00 and Rs. 3,500.00 were regularly remitted. The appellant is facing revenue recovery proceedings since he failed to remit the loan amount sanctioned from KFC.

The appellant alleges that till date he paid Rs. 3 lakhs approximately towards the cost of transformer in excess of the actual expenditure incurred for installation of transformer. Hence the appellant filed a petition before Hon'ble Chairperson, CGRF Kozhikode and an order issued by the CGRF on 02-03-2016 by rejecting the request to refund the excess amount collected by the respondent. The appellant argued that the facts and evidence in the complaint were not properly appreciated by the CGRF and simply rejected the petition.

Arguments of the respondent:

Sri P Yousaf, Pallath had availed an electric connection vide Con No. 6662 on 10-07-1993 and enhanced the connected load to 71 kW remitting OYEC under instalment scheme and remitted Rs. 37,300.00 while total amount sanctioned was Rs. 43,390.00. Hence a balance amount pending is Rs. 6,630.00. The OYEC sanctioned on 08-07-2009 and work involves enhancement of transformer from 100 kVA to 160 kVA. Presently he had signed a contract agreement on 01-03-2014 and is charging fixed charge according ToD meter reading (Minimum 20 kW)

The appellant already filed a petition before Hon'ble Chairperson, CRRF, Kozhikode and an order issued by the CGRF on 02-03-2016 in which, the petition was not allowed and dismissed. So it is prayed that the plaintiff representation may be cancelled.

Analysis and findings

The hearing of the case was conducted on 12-07-2016 in the Conference Hall, TMR Division Office, Kollappally, Shornur and the appellant's side was represented by Sri. Yoosaf and the respondent's side by Sri M. Kunhimohammed, Assistant Executive Engineer, Electrical Sub Division, Pulamanthole and they have argued the case, mainly on the lines as stated above. On examining the petition 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 decisions thereof.

According to the appellant he had remitted an amount of Rs. 80,000.00 per month towards the monthly current charges and the OYEC installment. But at present he is remitting only an amount between Rs. 2,500.00 and Rs.3,500.00 as per demand based tariff. The respondent's contention is that the connected load of the appellant was enhanced on 10-07-1993 after enhancement of existing 100 kVA transformer to 160 kVA for which an amount of Rs. 43,390.00 was sanctioned towards the OYEC charges. The appellant remitted 10% of the OYEC amount and agreed to remit the balance amount in installments. Accordingly, he had remitted an amount of Rs. 37,300.00 and an amount of Rs. 6,630.00 is still pending. Further, the appellant had signed an agreement on 01-03-2014 in connection with the ToD tariff for LT IV industrial consumers for a connected load of 20 kW.

On a perusal of the documents submitted by both parties it is revealed that the appellant has entered into an agreement on 01-03-2014 in connection with the ToD tariff for LT IV industrial consumers. As per the optional demand based tariff, the respondent is eligible to issue a billing demand equivalent to recorded maximum demand or 75% of the contract demand whichever is higher. It can be presumed that the appellant opted for maximum demand based tariff and the respondent issuing bills accordingly.

Though the appellant claimed that he remitted an amount of Rs. 3,00,000.00 approximately towards the charges for the enhancement of transformer, he failed to produce the remittance details such as copy of monthly bills issued and its remittances or any other documents to prove his arguments. Hence this Authority is not in a position to verify the genuineness of the argument put forward by the appellant. Since the appellant failed to produce any evidence to prove his claim of excess remittance, I do not find any reason to intervene in the matter at this stage.

Decision

In view of the above it can be seen that the appellant submitted the appeal without furnishing any reason or explanation or even without any documents to prove his argument of excess remittances. In this background the appeal petition is

found not sustainable and hence dismissed. The order of CGRF in OP No. 106/2015-16 dated 02-03-2016 is upheld. No order as to costs.

ELECTRICITY OMBUDSMAN

P/023/2016/ /Dated: _____

Delivered to:

1. Sri. P. Yoosaf, S/o Hamsakutty, Pallath House, Kulukkalloor P.O., Palakkad.
2. The Assistant Executive Engineer, KSE Board Limited, Electrical Sub Division, Pulamanthole, Malappuram.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Gandhi Road, Kozhikode