

THE STATE ELECTRICITY OMBUDSMAN
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REVIEW PETITION 03/2018 IN APPEAL PETITION No. P/110/2017
(Present: A.S. Dasappan)
Dated: 29th June 2018

Review Appellant : Sri. Madhusudhan. R
NIIT, Ottapalam Centre,
2nd Floor, Ottapalam Shopping Complex,
Main Road, Ottapalam, Palakkad

Review Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd., Shornur,
Palakkad

ORDER

The appellant is conducting various Computer Training Courses under the franchisee of 'NIIT'; a Computer oriented Institution, and has availed an Electric Service Connection for the said purpose, with consumer No. 19268 under Electrical Section Ottapalam. The three phase service connection was given for general purpose under LT VIIA tariff with a connected load 5880 watts for running a private computer training Institute. The appellant has preferred an appeal petition requesting to set aside a short assessment bill, amounting to Rs. 1,12,637/-, related to the period of 01-05-13 to 06-01-2017 for the misclassification of tariff raised by the review respondent. Aggrieved by the aforesaid demand, the appellant filed a complaint before the CGRF (North), Kozhikode in OP No.39/2017-18 which was disposed vide order dated 20-09-2017 by limiting the period of short assessment 24 months prior to the date of issuing of bill in correct tariff and to allow installment facility to the petitioner to maximum 12 numbers. The appeal has been disposed of with direction to revise the bill for the entire period from the date of functioning the premises as a 'computer oriented institution' to 06-01-2017 for appropriate tariff and generate bill for arrear or excess charges based on the actual period of wrong classification with details of calculation for his information, as per the provision of Regulation 97(4) of Kerala Electricity Supply Code, 2014. Accordingly the respondent has issued a revised short assessment invoice amounting to Rs. 66,153/- limiting the period to 24 months to the review petitioner along with the calculation statement. Still aggrieved by the short assessment invoice and calculation, the review appellant has submitted this review petition.

The appellant's complaint is that the verdict/order of the Ombudsman has not been applied and to instruct the Licensee to comply the orders accordingly. As per the review appellant, if the respondent had to enhance the rate of tariff then and there, the burden of remittance could have been avoided. Now the institution is running at financial loss, the review appellant requests to consider the minimization of amount as ordered by CGRF, Kozhikode.

The hearing of the case was conducted on 19-06-2018 in my office at Edappally. The appellant informed his inconvenience to attend the hearing on 19-06-2018 and requested another date for personal hearing on the review petition. Sri. Valsakumar M.S., Assistant Executive Engineer, Electrical Sub Division, Shornur and Sri. Unnikrishnan K.K., Nodal Officer (L), Electrical Circle, Shornur represented the respondent's side. The review appellant appeared for the hearing on 22-06-2018. On examining the Appeal Petition, the counter statement of the Respondent, perusing the documents attached and the arguments in the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions thereof.

In this regard, the respondent has averred that as per service connection register a three phase service connection was given to the consumer No. 19268 on 16-08-1999 for general purpose under LT VII A tariff with a connected load of 5880 watts for running a private Computer Training Institute. As per tariff revision 08/2001 vide B.O No 1700/2001(Plg.com 4304) dated 07-08-2001 [(Kerala Gazette Extra Ordinary Notification), the computer training institute comes under LT 6B category with effect from 07-08-2001. There have been no change of tariff since 2002 to 2012, which lead to the conclusion that the consumer No. 19268 have been retained, in the same tariff i.e.; LT VI B from 01-08-2001 onwards.

As per tariff revision 5/2013 (Kerala Gazette Extraordinary Notification No. 2652 dated 09-09-2013) the tariff of the computer training institute was changed to LT VIII tariff category w.e.f. 01-05-13. Similarly as per tariff revision 8/2014 the consumer was supposed to be billed under LT VI F tariff w.e.f 16-08-2014. The tariff assigned to the appellant was found incorrect with regard to the activities and purpose of energy used in the premises. On a perusal of the short assessment it can be seen that the respondent reclassified the appellant under appropriate tariff and assessment was made from 01-05-2013 to 06-01-2017 for a period of 44 months. The CGRF while disposing the petition on 20-09-2017 directed the respondent to limit the period of assessment to 24 months based on the Regulation 152 of Kerala Electricity Supply Code, 2014.

The respondent have applied the appropriate tariff assigned for computer training institute, which was LT 6B and have been collecting current charges as per the appropriate tariff and no higher tariff was collected from the consumer for the period from 01-08-2001 to 01-05-2013. But erroneously it was stated previously by the respondent that tariff of consumer no 19268 was changed from

LT 7A to 6B on 01-07-2012. It is now reported by the respondent that there is no mistake on the part of the respondent in previous billing.

The original period of assessment for misclassification of tariff was from 01-05-2013 to 06-01-2017. In the order issued by this Authority it was observed that, if the appellant is liable to remit such amount, and which exceeds the period limited as per the order of CGRF Northern Region in OP No. 39/2017-18, the respondent shall limit it in accordance with the order of CGRF. Accordingly the revised short assessment invoice amounting to Rs. 66,153/- limiting the period to 24 months issued by the respondent to the review appellant along with the calculation statement is confirmed.

The consumer shall be provided up to 12 installments, if requested by him, for paying the bill. The consumer is given 30 days time, for making the payment (due date for payment) in full or the 1st installment, from the date of receipt of this order. The subsequent installments will bear interest as per rules. The review appellant shall remit the 1st installment or full amount within 30 days from the receipt of the order. No interest is payable by the consumer during the petition pending period before the CGRF and this Authority up to the due date as ordered now. There is no other modification in the said order dated 08-02-2018.

In view of the above discussions, I hold that review petition is not maintainable as there is no cause or sufficient reason established by the review appellant, for the review of the order already issued. Hence the review petition is dismissed and disposed of accordingly.

Having concluded and decided as above, it is ordered accordingly.

ELECTRICITY OMBUDSMAN

REVIEW PETITION 03/2018 / _____ /Dated: _____

Delivered to:

1. Sri. Madhusudhan. R, NIIT, Ottapalam Centre, 2nd Floor, Ottapalam Shopping Complex, Main Road, Ottapalam, Palakkad
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Shornur, Palakkad.

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