

STATE ELECTRICITY OMBUDSMAN

Thaanath Building Club Junction Pookkattupadi Road Edappally Toll

KOCHI 682024

www.keralaeo.org

Phone 04842575488 +919447226341 Email : info@keralaeo.org

REPRESENTATION No: P 86/09

Appellants : 1. Sri M.S.MohanKumar
Port Hill Cochin 682022
2. Smt Geetha Suresh
Port Hill Cochin 682022

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division
Kalamassery Ernakulam Dt

ORDER

Sri M.S.MohanKumar and Smt Geetha Suresh ,Port Hill, Cochin 682022
submitted a representation on 11.8.2009 seeking the following relief :
*Change Tariff of Consumer Number 13738 & 14086 Kalamassery Section to
LT I Domestic*

Counter statements of the Respondent was obtained and hearing of both the parties
conducted on 25.9.2009 and 30.9.2009 .
The residential buildings of the Appellants vide number 520/XX and 521/XX near
CUSAT Ernakulam have electrical connections vide number 13738 & 14086 under
Kalamassery Section. The houses had been rented out to the students on monthly basis.
KSEB classified the services under LT VI B applicable to premises rented out to students
who are paying guests . The Appellants protested against this and claimed for LT I
Domestic tariff which was not conceded. The CGRF also upheld the action of the
Respondent.

The representations with the pleas noted above were submitted to the under signed in the
above back ground.

Sri Mohankumar is residing in House no:519/20 near CUSAT with consumer no:14834 and the upstairs of the building with no: 520/20 is rented out to five students with consumer no: 14086.

Smt Geetha Ramesh is residing in House no:28/463 with consumer no:9930 near Thrikkakkara temple . Her building no:521/20 near CUSAT is rented out to another five students with consumer no: 13738.

The Appellants state that the students can not be treated as their paying guests by any stretch of imagination since the students are living in the rented house on their own, they themselves are preparing food, maintaining the houses, had separate electric connection ,paying current charges etc. Hence the tariff LT VI B shall not be applicable to those electric connections. Signed statements of the students, who happened to be from out side the state , have also been produced.

The Appellants had submitted a request to the Respondent to change tariff back to Domestic on 16.3.2009.

The Respondent in the statement dated 17.8.2009 made these points:

1. The tariff of consumer no: 14086 Mohankumar was changed to LT VI B ('semi commercial') from 9/08 and that of consumer no: 13738 Smt Geetha Suresh from 3/07 onwards since the premises was rented out to students.
2. The tariff will be changed to LT I Domestic when the buildings are rented out to family.
3. The consumer had not requested for tariff change. The request submitted on 16.03.2009 was a general request.

The Respondent had no further explanations to offer during the course of hearing . On a review of the 'Schedule of Tariff and Terms And Conditions for Retail Supply by KSEB with effect from 01-12-2007' of KSEB or the Tariff orders of KSEB prior to this I have not come across any stipulation that the houses rented out to students shall not be classified under LT I Domestic as claimed by the Respondent. But under LT VI B tariff the following note is seen:

The above tariff is also applicable to premises rented out for students who are paying guests subject to the following

- a. Board and lodging shall be on paying guest basis*
- b. The students shall occupy the building along with the owners*
- c. LTVI-B tariff shall be levied only for premises rented to students who are accommodated as paying guests.*

The stipulations in the above note are very clear.

The Respondent has not taken pains to ascertain whether the students are staying as paying guests. None of the responsible officials of the KSEB have done any inspection. The Appellants were not given any opportunity to explain the actual position. Even the written requests of the Appellants were not given due consideration. To top up all these arbitrary and unilateral harassing steps the Respondent has stated that the request dated 16.03.2009 was a general request and hence further action was not taken. The petition dated 16.3.2009 of the Appellants to the Respondent specifically requests 'to take action

to change the tariff of their houses to domestic'. How can this be conceived as a general request?

Under the above circumstances and after considering all aspects of the case I have come to the conclusion that the action of the Respondent in changing the tariff of the Appellants connections under question to LT VI B tariff was totally against the rules, regulations and tariff orders in force. The Appellants informed that they would not be able to pass on the benefits of lower tariff to the students who had actually paid higher charges and hence would not press for back effect from the date of change to LT VI B.

Orders:

Under the circumstances explained above and after carefully examining all the evidences, arguments and points furnished by the Appellant and Respondent on the matter, the representation is disposed off with the following orders:

- i. Tariff of Consumer Number 13738 & 14086 Kalamassery Section shall be changed to LT IA Domestic with retrospective effect from 16.03.2009, the date on which the Appellants made written request for rectification of the anomaly.*
- ii. The excess amount collected from the consumers shall be refunded with interest at Twice the bank rate as per clause 24(6) of the Supply Code 2005. The refund may be done by adjustment in the amounts payable by the occupants of the rented houses towards current charges within Six months .*
- iii. No order on costs.*

Dated this the 30th day of September 2009 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 86 /09/359 / dated 5.10.2009

Forwarded to: 1. Sri M.S.MohanKumar
 Port Hill Cochin 682022
 2. Smt Geetha Suresh
 Port Hill Cochin 682022
 3. The Assistant Exe Engineer
 KSEB Subdivision KALAMASSERY

Copy to :

1. The Secretary,
Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram 695010
2. The Secretary ,KSE Board,
VaidyuthiBhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF,KSE Board ,
VaidyuthiBhavanam,Power House Road,
ERNAKULAM 682018