

STATE ELECTRICITY OMBUDSMAN

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REPRESENTATION No: P 97/09

Appellant : Smt Kamalam Varma
Uttara , Kunnamkulangara ,
THRIPPUNITHURA 682301 , Ernakulam Dt

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

ORDER

Smt Kamalam Varma , Thrippunithura submitted a representation on 15.9.2009 seeking the following relief :
Change the Tariff of Consumer Number 7700 College Section Ernakulam to Domestic with effect from 1.9.2008

Counter statements of the Respondent was obtained and hearing conducted on 29.10.2009. The Appellant did not appear for hearing due to old age disabilities but sent an argument note explaining her points.

The Cons: No: 7700 is the ground floor of a 3 storied flat named Rajkamal (Palakath) Apartments , Nettippadam Road, Ernakulam. The 3 floors have independent LT connections and are self contained residential apartments. The above connection was put under LT VIIA Commercial tariff based on occupancy by the KSEB. The occupants vacated and the house was waiting for new occupants from 1.9.2008. The Appellant submitted request on 1.11.2008 for change of tariff to domestic with effect from 1.9.2008. The Respondent, even though convinced that there was no commercial activity at that time, did not change the tariff on the reason that no domestic activity was going on there. Instead they continued to charge the Fixed charge under LT VII A tariff (8KW*Rs 100/-*2 per bi-month) for the vacant house.

Later when the house was occupied by some body else the tariff was changed to domestic from 15.6.2009 .The Appellant had been agitating for the application of the domestic tariff and consequent minimum payment for the vacant house for the period from 1.9.2008 to 14.6.2008 .The petitions submitted to Dy CE and CGRF could not redress her grievances.

The representation with the pleas noted above is submitted to the under signed in the above back ground.

The 3 floors of the building are basically designed and constructed as residential apartments. The building had been occupied by the Appellant for about 5 years from 1997 and the tariff applied originally was domestic. Later due to change in occupancy tariff was changed to LT VII A Commercial. It is only fair to change the tariff back to domestic once that particular occupancy ends, especially when the owner makes a request for it with a firm commitment that '*any change in occupation shall be intimated to you without delay*'. The Respondent has no valid and reasonable explanation to continue commercial tariff for the vacant residential house. The reason given by the Respondent that change of tariff was not effected since 'no domestic activity was going on there' can not be accepted.

Under the circumstances explained above I feel it would be fair to apply domestic tariff for the Consumer Number 7700 once the reason for the change to LT VII A commercial tariff do not exist. The change shall be made effective from 1.11.2008, the date on which the Appellant made formal request for the same.

Orders:

Under the circum stances 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:

1. *The Tariff of Consumer Number 7700 College Section Ernakulam shall be changed to Domestic with effect from 1.11.2008 and the excess amounts collected shall be adjusted in future bills of the consumer in Six installments.*
2. *No order on costs.*

Dated this the 30th day of October 2009 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 97 /09/ 391 / dated 30.10.2009

- Forwarded to:
1. Smt Kamalam Varma
Uttara , Kunnamkulangara ,
THRIPPUNITHURA 682301 , Ernakulam Dt
 2. The Assistant Executive Engineer
Electrical Sub Division , College, Ernakulam

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 ,
Power House Road ERNAKULAM 682018