

THE STATE ELECTRICITY OMBUDSMAN  
Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,  
Edappally, Kochi-682 024  
[www.keralaeo.org](http://www.keralaeo.org) Ph: 0484 2346488, Mob: 91 9539913269  
Email:ombudsman.electricity@gmail.com

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APPEAL PETITION No. P/052/2019  
(Present: A.S. Dasappan)  
Dated: 2<sup>nd</sup> September 2019

Appellant : Sri. John Chandy  
Vattakunnel Pulickal,  
Erayilakadavu,  
Kottayam

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd, Kottayam,

### **ORDER**

This appeal has been preferred by the appellant against the orders dated 8th March 2019 issued by CGRF, Southern Region in petitions OP 152/2018 and 153/2018. The appellant has also filed appeal before the Appellate Authority against the assessment issued under Section 126 of the Electricity Act, 2003. The pertinent facts of the case are as follows.

The single phase service connection bearing consumer number 222 under Electrical Section Kottayam East is registered in the name of Sri. Jacob C, Vattakunnel, Erayilkadavu, Kottayam. This Single phase service connection was effected at LT 1 domestic tariff, with a connected load of 250 watts. In the order dated 20.01.2016 in Appeal No. 12/2015, the Kerala State Electricity Appellate Authority ordered to consider the temporary extension of 8 kW found at the premises of the consumer 222 as UAL and billed accordingly at 7 A tariff by the respondent. Based on this order the tariff of the consumer was changed to LT 7 A with effect from 3/2016. The consumer subsequently neither removed nor regularized the additional load.

Another inspection has been conducted at the premises of Cons. No. 222 under Electrical Section, Kottayam East by the APTS Kottayam on 07-07-2018 and detected unauthorized usage of electricity. It is found that total connected load is 8469 W and is used for commercial purpose and thereby connected and using 8219 watts without the sanction of KSE Board Ltd. It was decided to issue provisional assessment for a period from 03/2016 to 07/2018 (28 months) at LT 7A tariff, as per Section 126 of Electricity Act

2003 (Amendment Act of 2007) and the rate applicable is twice the normal rate for fixed charges and at normal rate for proportional current charges.

Provisional bill of Rs. 102774/- was issued to the consumer on 12.07.2018. On issuance of the provisional bill the appellant filed objection dated 27-07-2018 against the provisional bill before the assessing officer. The final assessment order was issued on 13-08-2018, by revising the assessment to Rs.1,04,694/-. The appellant then lodged a complaint before the CGRF, Kottarakkara which was dismissed, vide order no. OP No. 153/2018 dated 08-03-2019. Aggrieved by this, the appellant has submitted Appeal petition before the Appellate Authority in Appeal No. P 62/2019 and the same was disposed by the Appellate Authority vide order dated 17-07-2019.

The appellant was issued another bill for Rs. 195898/- for the regular current charges for the period from 5/2016 to 5/2018 which included the bill amount of previous bill issued. Later on getting an objection from the appellant, a revised bill for Rs. 92778/- was issued on 10-10-2018. The appellant filed OP No. 152/2018 before the CGRF against the bill for Rs.92778/- for the period from 5/2016 to 5/2018 and the ACD for Rs.9237/-. The Forum vide a common order in OP No. 152/2018 and 153/2018 disposed of the petition that "the regular electricity bill issued to the consumer is only for a registered load of 1 kW in VII A tariff and not for 8.469 kW as detected in the inspection on 7-7-2018 in respect of consumer No.222. Hence the regular bill issued in respect of consumer No.222 is legal and sustainable." Still not satisfied, the appellant has filed this appeal petition before this Authority.

The Hearing of the case was conducted on 06-08-2019, in my chamber at Edappally. The appellant, Sri. John Chandy was present during the hearing. Sri Kurian Sebastian, Assistant Executive Engineer, Electrical Sub Division, Kottayam represented the respondent's side. On examining the petition, the argument note filed by the appellant, the statement of facts of the respondent, perusing all 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.

At present, the appellant has raised only one dispute regarding the regular current charge for the period from 5/2016 to 5/2018 for Rs. 92778/-

This is a clear case of unauthorized extension and consumption of electricity on account of unauthorized extension shall be assessed under Section 126 of the Electricity Act, 2003. The appellant has also defaulted payment of regular current charges which caused the disconnection of the service connection. The appellant has not prayed for any specific reliefs in his letter dated 06-08-2019 except direction to execute the order issued by the Appellate Authority in OP No. 62/2019 dated 17-07-2019 and to restore the service connection with immediate effect.

As per Regulation 27(6) of KSERC (CGRF & Electricity Ombudsman) Regulations, 2005, non compliance of awards/orders/direction of the CGRF and Ombudsman by Distribution Licensee shall be considered as non-compliance of the Provisions of Electricity Act, 2003 and the Regulations made there under and KSERC shall proceed accordingly. Hence the only solution to redress the grievance of the appellant is to approach the Hon'ble Commission regarding non-compliance of orders and for further actions under Section 142 of Electricity Act, 2003 against the concerned.

The appellant is bound to remit regular current charges and the respondent shall reconnect the energy supply of the appellant after settling the pending dues.

### **Decision**

For the reasons detailed above, the appeal petition No. P/052/2019, filed by the appellant stands dismissed as it is found having no merits. The order dated 08-03-2019 in OP No. 152/2018 of CGRF, Kottarakkara is upheld. Having concluded and decided as above, it is ordered accordingly. No order on costs.

### **ELECTRICITY OMBUDSMAN**

P/052/2019/\_\_\_\_\_ /Dated:\_\_\_\_\_

Delivered to:

1. Sri. John Chandy, Vattakunnel Pulickal, Erayilkadavu, Kottayam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Kottayam

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, Kottarakkara - 691 506.