

STATE ELECTRICITY OMBUDSMAN

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REPRESENTATION No: P 85/09

Appellant : Sri Korah John
Managing Partner,
St Mary's Farm, Pazhanganadu

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division Kizhakkambalam

ORDER

Sri Korah John ,Managing Partner, St Mary's Farm, Pazhanganadu submitted a representation on 27.7.2009 seeking the following relief :
To set aside the order bearing No DB/09-10/799/KBLM dt 9.7.09 and retain the complainants unit in LT IV itself.

Counter statements of the Respondent was obtained and hearing of both the parties conducted on 24.9.2009 and 25.11.2009.

The representation is essentially against placing the consumer under LT VII A tariff as per the Note (e) under LT IV tariff order of 2007. The issues contained in this representation had been examined , discussed and decided on several other representations that came up before the undersigned (P46/09 Pooja Milk Products Ernakulam , P60/09 Peoples Diary Kalady etc). The points raised by the Appellant which are substantially different and additional from the earlier representations shall only be examined here.

1. The Appellant has pointed out that they are manufacturing various milk products such as curd , butter milk, ghee, ice cream etc in addition to processing milk. Since the unit is a manufacturing concern and qualifying the expression 'general purpose industrial loads' only LT IV tariff can be applied.
2. It is not correct to state that the milk processing was included in the LT IV tariff earlier only because milk chilling plant was under LT IV. The categorization was done based on the activity under taken.

3. Major portion of the cooling equipments were installed during 9/2008 and if at all any change of tariff is warranted it can only be from 10/2008 onwards

There is no doubt or dispute that the milk processing plants, milk chilling plants and the related manufacturing activities are qualified to come under LT IV tariff. The tariff order 2007 also provide for this. But the Note (e) under the LT IV tariff insist that their chilling / freezing load shall be less than 20% to place them under LT IV tariff. These aspects had been examined in detail, discussed and decided in the earlier orders on the matter.

But the contention of the Appellant that their chilling/freezing load exceeds 20 % only after the modifications/expansions carried out in 9/2008 deserves closer examination. The Appellant had only 35KW load before 9/2008. Later additional load of 35 KW was connected up in 9/2008. Out of this 70KW compressor and cold storage load was 25.6KW and chilling plant load was 2HP. There is no dispute that the chilling and freezing load was above 20% from 9/2008 onwards.

But the Appellant claims that the load of cooling and chilling plants before 9/2008 was only 5.3KW which would be less than 20% of the total load. The loads listed by them are one chill water pump, and two cold room compressor (1.5KW +3.8KW=5.3KW). But the Respondent states that there had been one 3HP motor present for cooling water pump which was left out by the Appellant in the list. This motor pump was present in the premises right from 3/2002. The Appellant disputed this by stating that pumps used for pumping water may be existing earlier but it can not be reckoned as a 'chilling/freezing/cold storage load'. Even if it may be used to pump water to the cooling systems it can not be taken as 'chilling/freezing/cold storage load'. The water from the pump shall be used for other purposes also. I am inclined to agree with this argument of the Respondent.

From the above discussion I do not feel that the Respondent could establish that the Appellant had chilling/freezing/cold storage load more than 20% prior to 9/2008. Hence the Appellant shall be eligible for LT IV tariff up to 8/2008.

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 Appellant consumer no: 12398 shall be retained under LT IV tariff up to 8/2008 and changed to LT VII A thereafter. The Respondent shall revise the short assessment bill accordingly and issue a new invoice for the arrears.*
2. *No order on costs.*

Dated this the 9th day of December 2009,

P.PARAMESWARAN
Electricity Ombudsman

No P 85/09/ 434/ dated 10.12.2009

- Forwarded to:
1. Sri Korah John
Managing Partner,
St Mary's Farm, Pazhanganadu
Ernakulam Dt
 2. The Assistant Executive Engineer
Electrical Sub Division Kizhakkambalam
Ernakulam Dt

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