

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/088/2019  
(Present: A.S. Dasappan)  
Dated: 31<sup>st</sup> December 2019

Appellant : Sri. T.S. Ashish  
TC No. 39/1595 (1), Aparna,  
Manakkad P.O., Killipalam,  
Thiruvananthapuram

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

### **ORDER**

#### **Background of the case:**

The appellant is running a footwear shop by name, "Steps" in KSRTC shopping complex at Kizhakkekotta, Thiruvananthapuram with Consumer No. 11739 of Fort Electrical Section and the registered consumer is Managing Director, KSRTC. The KSEBL disconnected the supply on 03-07-2019 following non-remittance of the bill for Rs. 131/-. The appellant requests to pay compensation to the loss occurred due to the disconnection of service connection without notice as per clause 139 (1) of the Kerala Electricity Supply Code 2014. The appellant had approached the CGRF (SR) Kottarakkara by filing a petition in OP No. 96/2019 and the Forum in its order dated 28/10/19 rejected the request of compensation and allowed refund of the remitted reconnection fee of Rs.30/- to the appellant. Aggrieved against this, the appellant has submitted this appeal petition before this Authority on 13-11-2019.

#### **Arguments of the appellant:**

The appellant is running a footwear shop by name, "Steps" in KSRTC shopping complex at Kizhakkekotta, Thiruvananthapuram with Consumer No. 11739 of Fort Electrical Section and the consumer is Managing Director, KSRTC. The appellant is using energy and paying electricity bill. The KSEB employees disconnected the supply on 03-07-2019 without giving any notice following non-remittance of the bill for Rs. 131/-. The appellant has not been in the shop in certain days in June 2019 due to health problems and the bill was not received.

As per Section 56(1) of Electricity Act, 2003 and Regulation 139 (1) of Kerala Electricity Supply Code there is no provision to disconnect the supply without giving 15 days prior notice to the consumer who defaults the payment. The appellant could not run the shop on the date of disconnection and suffered a loss of Rs. 10,000/- and the respondent is responsible for the loss occurred to him. The appellant remitted Rs. 131/- on 28-07-2019 and the supply was restored on the same day. Later, the appellant got an SMS in his mobile phone demanding Rs. 137/- for remittance in which Rs. 30/- is seen as Reconnection Fee. This amount of Rs. 30/- is not sustainable as the supply was disconnected without giving notice as per rules.

The appellant filed a petition before the Consumer Grievance Redressal Forum, Kottarakkara vide OP No. 96/2019 requesting compensation for Rs. 60,000/- and to cancel the bill for Rs. 30/- towards the reconnection fee. The Forum, in the order dated 28-10-2019, directed the respondent to refund Rs. 30/-, reconnection fee, but denied the claim for compensation of Rs. 60,000/-. The CGRF found that the disconnection of supply without notice is against rules.

The request of the appellant is:

1. to direct the respondent to pay compensation for Rs. 60,000/- (Rs. 10,000/- for the loss sustained to him due to the non-running of the shop on the date of disconnection and Rs. 50,000/- for the time loss and mental agony) for the disconnection of supply without giving any prior notice as per rules.
2. to avoid disconnection pertaining to the bill for Rs. 137/- till the disposal of the petition filed before the Ombudsman.

**Arguments of the respondent:**

The appellant is a tenant of KSRTC owned shop bearing consumer No. 11739 under Electrical Section, Fort. The connection is in LT 7 B tariff having connected load of 960 watts. Consumer was served with demand cum disconnection notice as per regulations 122 and 123 of KESC 2014 bi monthly.

For the month of 4 and 5 of 2019 appellant was served demand cum disconnection notice amounting Rs 130/- with bill dated on 6-6-2019, due date on 17/6/2019 and DC date on 2/7/2019. Since consumer defaulted the amount disconnection was effected on 3/7/2019. Whenever a bill was generated consumer was given intimation as SMS via registered mobile number and 2<sup>nd</sup> SMS is given 2 days before the disconnection date. Also consumer will be intimated the disconnection over registered mobile number by the revenue staff before effecting physical disconnection. In this case also the same procedure was followed and accordingly intimation of disconnection over registered mobile number of this consumer was intimated through mobile no (9020505317).

The supply to consumer no 11739 was disconnected on 3/7/2019. After disconnection consumer had cleared the entire dues on 28/07/2019 through online payment method and service was re-effected on the same day itself. The appellant was not regular on paying current charges. After effecting physical disconnection only, the current charges were remitted. Statement from Orumanet is submitting for reference.

The consumption of this shop is zero for a long period and the pattern shows that the shop was not opened regularly.

Month	Consumption in units
4/2018	0
6/2018	0
8/2018	0
10/2018	0
12/2018	0
2/2019	1
4/2019	0
6/2019	6
8/2019	0
10/2019	0

Regulation 122(10) of Kerala Electricity Supply Code 2014 stipulates that the due date of payment is fixed as the 10<sup>th</sup> day from the date of meter reading or any day thereafter. In this case the bill date was on 6/6/2019 and due date falls on 17/6/2019. Regulation 123(a) of KESC 2014 provides information of due date of payment to be provided in the bill and the bill issued to the consumer informs the due date of payment which is as mentioned above 17/6/2019.

As per regulation 139(1) of KESC 2014 where it is mandated to issue a disconnection notice with a notice period not less than 15 clear days intimating the consumer regarding disconnection. KSEBL in its bill issued to the consumer clearly mentions the due date as well as the DC date (02/07/2019) in the bill. Thus, the consumer was intimated regarding disconnection before 25 days and thus the averment of consumer that he was not intimated regarding DC is baseless.

As per the orders of CGRF to refund the reconnection fee of Rs 30.00, the same had been credited to appellant's account on 1/11/2019. Also, direction had been issued to section office to issue DC notice before effecting disconnection. The complaint of appellant is fully denied as there is no loss of any kind sustained to him as the shop is not functioning for a long period as can be seen from the table that this is zero consumption for the month of 8/2019 and 10/2019 even though service connection was re effected on 28/7/2019. The service was disconnected for only 25 days where ever the data from Orumanet shows that there was no consumption from 4/2018 to 4/2019. Only 6 units consumption for 2 months (5/2019 and 6/2019) and again zero consumption during 8/2019 and 10/2019. Even though there is

no consumption for more than 1 year and 4 months only 6 units for 2 months the claim for compensation for Rs. 60,000/- is mal-intentional and if allowed will result in misuse of public money.

The appellant himself has admitted that the shop was not working regularly and also of the fact that a petition on similar issue is pending before Hon'ble High Court regarding serving of disconnection notice mandated in KSEC 2014.

### **Analysis and Findings:**

The hearing of the case was conducted on 19-12-2019 in the chamber of Electricity Ombudsman at Edappally, Kochi. The appellant was absent and not requested for another date for hearing. Sri. S Ajaya kumar, Assistant Executive Engineer, Electrical Sub Division, Fort has appeared for the respondent's side. On examining the petition, the counter statement of the respondent, the documents attached and the arguments made during 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.

The main issue raised by the appellant before this Authority was whether there was deficiency on the part of the Electricity Board in disconnecting his electricity supply and the appellant is eligible for any compensation.

The service connection of the appellant was disconnected on 03-07-2019 due to default of regular current charge bill dated 06-06-2019. The appellant's grievance is that the disconnection of the premises was done by the respondent without giving disconnection notice under Section 139(1) of the Kerala Electricity Supply Code, 2014 and sufficient time for remittance. According to the appellant, the service connection disconnected without serving any notice while the shop was functioning and the unexpected disconnection caused irrecoverable losses to the appellant by the way of time loss and mental agony. Hence the appellant has requested in the petition filed before the CGRF to award Rs.60000/- as compensation due to the illegal disconnection of supply.

In this regard, the respondent has averred that the regular monthly energy bill was issued to the appellant on 06-06-2019 and the due date of remittance without surcharge, with surcharge, the date of disconnection etc. were specified in this demand cum disconnection bill. The date of disconnection specified in the bill is 02-07-2019. The respondent further stated that the appellant was properly intimated through SMS to remit this regular current bill.

Every consumer is expected to make the payment of his dues by the "due date". In case he fails to discharge the liability, his premises will be liable for disconnection under [Section 56](#) of the Electricity Act, 2003 and Regulation 138 (1) (a) of the Supply Code 2014. Under the provisions of [Section 56](#) of the Electricity Act, 2003 and Regulation 139 (1) of the Supply Code, 2014, a clear

fifteen days notice in writing is required to be given to such consumer before disconnecting the supply. As per the respondent, the notice of disconnection of supply in the event of non-payment of bill is printed on the bill itself, as such, if the payment of bill is not received within 15 days after expiry of grace period (i.e. before expiry of notice period), the premises of consumer should be disconnected by the Licensee without further notice or loss of time. The consumer is bound to pay the energy bill within the period stipulated for the energy consumed. Regarding serving of disconnection notice mandated in KSEC 2014, a case is pending before Hon'ble High Court for final decision.

The appellant has not submitted any evidence to prove the loss caused to him. On examining the consumption details, it is found that the appellant's shop is not functioning regularly. As per regulation 122 (12) of Kerala Electricity Supply Code, 2014, no-receipt of the bill shall not entitle the consumer to delay payment beyond the due date stipulated in the original bill. It is the obligation of the consumer to remit the regular current bills in time and regularly and non-receipt of the bill if any for a particular month/bi-month is not an excuse for the delayed payment.

### **Decision**

For the reasons detailed above, the appeal petition filed by the appellant stands dismissed as it is found having no merits. The request for compensation is rejected. The order dated 28-10-2019 in OP No.96/2019 of CGRF, Kottarakkara is upheld. Having concluded and decided as above, it is ordered accordingly. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/088/2019/ \_\_\_\_\_ /Dated: \_\_\_\_\_

Delivered to:

1. Sri. T.S. Ashish, TC No. 39/1595 (1), Aparna, Manakkad P.O., Killipalam, Thiruvananthapuram
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Fort, Thiruvananthapuram

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Kottarakkara - 691 506.