

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/103/2019

(Present: A.S. Dasappan)

Dated: 17<sup>th</sup> February 2020

Appellant : Sri. Jayaprakashan C  
Chalil house, Edakkulam,  
Chuzhali P.O., Kannur

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

### **ORDER**

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

The appellant has availed a temporary electric connection for construction purpose from the Sreekandapuram Electrical Section having consumer number 1166477042794. After completion of the construction, the appellant has submitted application for tariff change and meter replacement on 19-03-2019 and remitted required fees. The meter replaced on 28-03-2019. On 08-06-2019, a current bill for Rs. 1965 was issued for the period from 08-04-2019 to 08-06-2019 for the consumption of 239 units under commercial tariff. Aggrieved by this, appellant approached the Section authorities with request to rectify the wrong tariff fixation and for refund of the excess amount remitted. Since this mistake has not been corrected by the KSEB, in spite of repeated requests, the appellant filed a petition before the CGRF, Kozhikode in petition no. OP 92/2019-20 requesting to award compensation for the sufferings. The CGRF disposed of the petition vide order dated 12-12-2019 that "CGRF has no power or jurisdiction to take action against the staff of the licensee, who had committed dereliction of duty or negligence. The petitioner has the liberty to approach the higher officers of the licensee in this regard. The petition is disposed accordingly." Against the decision of the Forum, the appellant has filed the Appeal petition before this Authority on 23-12-2019.

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

The appellant was given an electric connection for construction purpose with Consumer No. 1166477042794 from Electrical Section, Sreekandapuram on 23-10-2017. After construction an application was given on 19-03-2019 for shifting the meter and changing the tariff and the appellant

remitted a fee for Rs. 720/- on 27-03-2019. The meter was shifted on 29-03-2019. Again, remitted an amount of Rs. 420/- on 08-04-2019. The appellant started residing the house from 10-04-2019. The electricity bill received after is for Rs. 1,964/- and the consumption was only 236 units. On contacting the office, the reply was not in favour of the appellant. The appellant approached the Deputy Chief Engineer for redressing his grievance. But after lodging a number of complaints in various levels, the tariff was changed as requested by the appellant.

The request of the appellant is to compensate the loss incurred by him.

### **Arguments of the respondent:**

The service connection to the appellant, Sri Jayaprakashan C., Chalil House, Edakkulam, Chuzhali was effected on 23-10-2017 for construction purpose and the appellant applied for meter shifting, revising connected load and tariff change on 19-03-2019. The field inspection was conducted on 23-03-2019 and the meter was shifted on 28-03-2019 following the remitting of shifting charge on 27-03-2019. As the building construction was not completed the tariff was not changed, but later changed on 14-06-2019 and connected load was also revised.

As per the complaint of the appellant, the tariff was changed as requested by him and credited Rs. 1,200/- collected in excess, to the account of him. This was intimated to the appellant.

### **Analysis and Findings**

The hearing of the case was conducted on 10-02-2020, in the office of the State Electricity Ombudsman, Edappally, Kochi, and Sri Jayaprakashan C, the appellant and the respondent by Sri. T. Sasi, Assistant Executive Engineer, Sreekandapuram Electrical Sub Division appeared for the hearing and they have argued the case, mainly on the lines stated above.

On examining the Petition and argument notes 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 final decisions thereof.

During the hearing, the respondent has stated that though the tariff change was delayed, but settled by crediting the admissible amount of Rs.1200/- to the account of the appellant. The appellant is aggrieved with the unwanted time waste and sufferings for following up the issue. The request of the appellant is to award compensation as stated in the appeal petition.

The only question arose for consideration is with respect to the awarding of compensation for the alleged delay on the part of the respondent in changing the category and the failure to settle the grievance relating to the disputed bill. This fact is to be decided based on, whether there was any wilful delay or any deliberate deficiency of service from the respondent's side warranting such penalization.

The records produced before this Authority reveals that there is no dispute regarding the date of submission of the application for change of tariff category by the appellant i.e., on 19-03-2019 and field verification conducted by the respondent on 23-03-2019. It is also found that the respondent replaced the meter on 28-03-2019 on request of the appellant after completion of the construction work. The appellant's contention is that he occupied the building on 10-04-2019 and the respondent not objected this contention. The bill dated 08-06-2019 was found issued without changing the category which caused the dispute and unwanted litigation.

Considering the facts and circumstances of the case, this Authority finds that the appellant is entitled to get compensation for the delay, if any, occurred for effecting the change of tariff category. But, as this Authority is not empowered to award compensation in the first instance, it is left open to the appellant to approach the authorities of licensee for compensation as per rules.

### **Decision**

From the analysis done and conclusions arrived at, I take the following decision.'

It is left open to the appellant to approach the authorities of licensee for compensation within a period of 15 days from the date of receipt of this order as per regulation 16 of Kerala State Electricity Regulatory Commission (Standards of Performance of Distribution Licensees) Regulations 2015, if desires so. In the above circumstances the appeal is disposed of as above. The order of CGRF in OP No. 92/2019-20 dated 12-12-2019 is upheld. Having concluded and decided as above, it is ordered accordingly. No order as to costs.

### **ELECTRICITY OMBUDSMAN**

P/103/2019/ \_\_\_\_\_ /Dated: \_\_\_\_\_

1. Sri. Jayaprakashan C, Chalil house, Edakkulam, Chuzhali P.O., Kannur
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Sreekandapuram, Kannur

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, Gandhi Road, Kozhikode.