

## **THE STATE ELECTRICITY OMBUDSMAN**

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### **Appeal Petition No. P/068/2025 (Present A. Chandrakumaran Nair) Dated: 08-01-2026**

Appellant : Fr.Sibandhu Devasia,  
Director of Sanjos Bala Bhavan,  
Elangulam, Koorali P.O  
Ponkunnam, Kottayam (dt) - 686522

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division, KSE Board Ltd,  
Ponkunnam, Kottayam (dt)

### **ORDER**

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

The appellant Fr.Sibandhu Devasia is the Director of Sanjos Bala Bhavan situated at Elangulam, Koorali, Ponkunnam, Kottayam (Dist.). The service connection with consumer no. 1156338005019 was availed for the functioning of Sanjos Bala Bhavan which was established as an orphanage during 1984. The service connection is an LT, three phase connection with a connected load of 5 KW. The APTs wing of KSEB has conducted a surprise inspection on 07/04/2025 and found out two discrepancies in this service connection. (1) Wrong tariff application (2) Unauthorised additional connected load. The tariff applicable for the orphanage is LT 6 D which was extended to this connection. During the inspection it is found that the said premises is not functioning as an Orphanage in turn it is serving as a boys Hostel. Then the tariff applicable is LT 7C. They also found that the total connected load is 10.681 KW which is higher than the sanctioned connected load of 5 KW. The Licensee has issued the demand notice to the appellant for Rs. 6,43,636/- as per Section 126 of the Electricity Act 2003. The appellant had filed petition to CGRF, Southern region which was numbered

as 24/25-26. The CGRF issued order on 13/10/2025 stating that as the assessment is under Section 126, the appellant can approach appropriate Authority. Aggrieved with the order of CGRF, this appeal petition is filed to this Authority. The unauthorised connection of additional load is to be assessed as per Section 126, and the same is to be heard by the appropriate Authority and Electricity Ombudsman is not having the jurisdiction. The wrong tariff application is to be treated as per the regulation 152 and hence this authority is considering the short assessment for the wrong tariff application alone.

## **Arguments of the Appellant**

The institute Sanjos Bala Bhavan, Elamgulam, Koorali bearing consumer number: 1156338005019 is a charitable institution run under the social works department of Kanjirappally diocese. The diocese of Kanjirappally is registered as nonprofit making charitable trust under section 12A of Income tax Act 1961. The institute Sanjos Bala Bhavan is a unit run under Kanjirappally dioceses and the income tax return of the institute is also filed in the same PAN number of the diocese. The Institute Sanjos Bala Bhavan was established in 1984 and with the purpose to provide shelter to poor boys those who not have financial capacity and physical amenities to continue their school educations. The boys from very poor families and their parents have no capacity to provide educations to their children and also children from socially and economically marginalized families are admitted here. The expenses for the food, cloth, medicine, study aids etc. are met by the donations from the other units under different department of diocese and the donations from the well wishers. This is not a profit making institutions or not run by the fees collected from the inmates of the Bala Bhavan. From the beginning itself the same activities is continued in the institution and there is no change is operational modalities. As per the earlier tariff orders as per the prevailing present tariff order in the Kerala Gazette dated 5.12.2024 the tariff applicable based on the purpose of use of Electricity and it is 6D.

The Officials of Electrical Section, Ponkunnam and APTS Squad Kottayam was conducted an inspection on 7-4-2025 Vide letter No. DB No.63/ESD-Pnkm/ Proceeding-Pnkm/2025-26/33/6- 5-2025 a provisional assessment bill amounting Rs 6,43,636/- and a notice was served and intimated that the tariff of the institutions was changed from LT VI D to LT 7A and LT 7C commercial tariff based on the inspection. Then 28-4-2025 objections were filed against the provisional assessment bill. It is totally incorrect and not true since there is no commercial activities is going on is this institute. It is not a Boarding house for boys which is run by collecting fees from the inmates. The bill for the month of 4/2025 was issued is LT VIIC tariff immediately after issuing provisional bill without providing facility for filing objections/ hearing. This Action is illegal and against the natural justice.

The following points are pointed out in the objection filed and in statement given during personal hearing held on 7-4-2025 before the Assessing officer. The provisional assessment bill was issued merely based on the statement taken from the caretaker at the time of inspection. The caretaker was unaware of the financial management, accounting, tax filing, etc. Further the caretaker was posted here recently. The inspecting authorities had misled the caretaker and recorded statement cleverly and it is against the procedure of site inspection and preparing site mahazer. All the assessment was done based on the statement of the caretaker that now the institute having no valid registration from Juvenile Justice Board and an amount of Rs 500/- collected from the inmates. The statements unlawfully taken from the caretaker is disowned and denied. As per the earlier tariff orders as per the prevailing present tariff order in the Kerala Gazette dated 5.12.2024 the tariff applicable based on the purpose of use of Electricity and it is not necessary to submit any certificate to fix the tariff. Based on the use of Electricity the tariff applicable to the institute is LT 6D. As per the present rate the minimum hostel fee would be collected for running a boys hostel is Rs. 6000/- to Rs 10000/- per head per month. The argument that Rs 500/- is collected as hostel fee for the month is not justifiable. Hence it was requested to cancel the provisional assessment bill and also requested to allow to continue in the eligible tariff 6D. The above arguments submitted before the assessing officer but had not taken into account. Vide proceeding No.DB 63/ESD-Pnkm/Proceeding-Pnkm/2025-26/33/6-5-2025, the Assessing officer had issued final bill confirming the assessed amount as Rs6,43,636/-. Aggrieved on the final Order of the Assessing Officer the following facts are submitted Petition before the Hon'ble Consumer Grievance Forum, Kottarakkara vide OP No.24/2025-26. The following facts are submitted for the kind consideration and for a favorable order before the Hon'ble Consumer Grievance Forum.

The Institute Sanjos Bala Bhavan was established in 1984 and with the purpose to provide shelter to poor boys those who not have financial capacity and physical amenities to continue their school educations. The boys from very poor families and their parents have no capacity to provide educations to their children and also children from socially and economically marginalized families are admitted here. The expenses for the food, cloth, medicine, study aids etc. are met by the donations from the other units under different department of diocese and the donations from the well wishers. This is not a profit making institutions or not run by the fees collected from the inmates of the Bala Bhavan. From the beginning itself the same activities is continued in the institution and there is no change in operational modalities. It is learned that statements has been taken from the supervisors/ caretakers of the institute at the time of preparing mahazar during inspections. The statements were taken by misreading them and were recorded without their concurrence. It is against the rules prevails to be followed while preparing site mahazar during inspection, further the present caretaker was posted recently and not

completed even one year service in the institute. The caretaker is unaware of the registration, fund flow, accounts, income tax return etc. It is clear from the statement that the monthly fee for the accommodation, food and other expense is only Rs. 500/-. It is very clear that as per the present rate the minimum hostel fee would be collected for running a boys hostel is Rs. 6000/- to Rs 10000/- per head per month. Further it is noticed that Kerala government and KSEB had noticed that there is no need for submitting any type of registration or certificate for determining the tariff. The tariff is decided based on the purpose of use of electricity. Hence all the statement recorded in the site mahazar is disowned and denied. Moreover nothing is recorded in the site mahazar to establish that the institute is running as private hostel with commercial tariff. The officials from the section office being regularly visiting the premises for taking meter reading and they are aware of the activities going on in the institute. There is no enquiry or notice issued from the section to clarify the activities of the institute. No intimation was given about any re classification of tariff. There is no change in the activities or functioning of the institute for the years since it established. Then how assessed that the tariff was changed from LT VI D to LT VII commercial 2019 onwards. Similarly how found that there is a tariff misuse by changing purpose of use of electricity. Hence the provisional assessment bill amounting Rs 643636/- issued under section 126 of electricity act 2003 is illegal and against the law.

The requirement like additional refrigerator - 95 W, additional water pump - 1492 W, Induction Cooker 1900 W, Immersion water heater 2000 W and flood light of 220W were installed very recently and steps have been already taken to regularize the additional load. The consumers under LT VI D tariff have no fixed charge based on the connected load. So, there is no loss sustained to licensee. In the Order of Hon'ble Consumer Grievance Forum, Kottarakkara dated 13-10-2025 in OP No.24/2025-26 the Hon'ble Forum has observed the following. As per the direction of the Forum in the hearing conducted on 18-9-2025, the Assistant Executive Engineer, Electrical Sub Division, Ponkunnam had inspected the premises on 26-9-2025 and had submitted another report. The Assessing Officer has stated that the children staying in Sanjose Bala Bhavan are from extremely poor families. Some of them have only father or mother and some from broken families. The food, clothing and other expenses of the children are all done with help of others. Retired teachers in the parish and educated young people help the children in their studies. The students accommodating there are from poor families and they are eligible for such a support system. Then further Hon'ble Forum observed that since the assessment issued under Section 126 of Electricity Act 2003 so approach Electricity Appellate authority as per Section 127 of Electricity Act 2003. So the Petition is disposed accordingly.

The Petition filed before the Hon'ble Consumer Grievance Forum, Kottarakkara against the illegal and unjustifiable tariff change had effected to the charitable institute Sanjos Bala Bhavan, Elamgulam, Koorali bearing

consumer number: 1156338005019 run to help the poor students in their studies from LT VID to LT VIIA commercial tariff and to cancel the bill assessed based on the tariff change. It is observed by the Hon'ble Forum that the institute is as a charitable institute but To help poor students. All the situation for giving the LT VID tariff for charitable purpose but nothing is mentioned about the tariff change to LT VIIA commercial. Hence aggrieved in the order of the Order of Hon'ble Consumer Grievance Forum, Kottarakkara dated 13-10-2025 in OP No.24/2025 and Appeal Petition is filed before this Hon'ble Electricity Ombudsman for favorable consideration and order.

Hence the tariff applicable as per the tariff Gazette No. 427/D (T)/2023/KSERC dated Thiruvananthapuram 5th December 2024 is LT 6D. The illegal tariff change from LT 6D to LT 7A & C commercial is against the rules and regulations. There is no activity change in the purpose of use of electricity for attracting tariff misuse. Hence the tariff change effected is against the law and it is illegal. Hence it is humbly preyed to cancel the illegal tariff change from LT 6D to LT VII A commercial and to cancel assessed bill amount of Rs. 643,636/- based on the tariff change and also allow to continue in the tariff in LT VI D itself.

Not to disconnect the electric supply to the institute Sanjos Bala Bhavan, Elamgulam, Koorali bearing consumer number: 1156338005019 till the disposal the Appeal Petition for non- payment of assessed bill based on the tariff change. It is humbly prayed that the payment of assessed amount may be stayed till the disposal the Petition. Allow to continue the tariff of the Institution in LT VI D till the disposal the petition.

Cancel the illegal Tariff change from LT VI D tariff for Charitable Institution to LTVII C Commercial (Paid Hostel). Refund the energy charged collected in LT VIIA tariff. Allow to continue in the tariff of the institute in LT VI D itself. Humbly prayed to quash the assessed bill of Rs 643636/- based on the illegal tariff change from LT VID to LT VIIA.

## **Arguments of the Respondent**

A complaint against an assessment issued under Section 126 of the Electricity Act, 2003 is not maintainable before the CGRF or the Electricity Ombudsman. The consumer must avail the statutory remedy of filing an Appeal under Section 127 before the Appellate Authority, with a mandatory 50% pre-deposit of the assessed amount.

The APTS Kottayam wing of KSEB Ltd conducted a surprise inspection in the premises of the petitioner Consumer No 1156338005019 under Electrical Section, Ponkunnam on 07.04.2025. The service connection bearing the consumer number 1156338005019 is registered in the name FR

Jose, Director Sanjos Bala Bhavan, Ponkunnam, Koorali, effected in three phase connection with a registered connected load of 5000 watts under LT 6D tariff. During the inspection on 07.04.2025 by APTS wing of KSEB Ltd following serious discrepancies which required actions invoking Section 126 of Indian Electricity Act 2003 were noticed as detailed below. The tariff for which the service connection was availed by the petitioner is LT VI D, highly subsidized tariff applicable for orphanages etc as per the tariff notification issued by the Hon'ble Kerala State Electricity Regulatory Commission. But during the inspection no evidence of an orphanage functioning in the premises was noticed. The inmates of the hostels are having parents and hence they are not orphans. The petitioner was neither able to produce the details of inmates accommodated in the premises nor any other proof or certificates mandatory with the functioning of the orphanages in LT 6 D tariff.

It was established during the inspection that the service connection availed under the highly subsidized tariff of LT VI D stands misused for private Hostel purposes for which tariff under LT 7A up-to 04.12.2024 and LT 7 C from 05.12.2024, with higher rate is applicable. Further the service connection in the premises of Consumer No. 1156338005019 was availed with the authorized load of 5000 watts. But during the inspection it was ascertained that the petitioner connected and put to use the unauthorized load of 10681 watts over and above the sanctioned load of 5000 watts. Therefore, there is a clear case of misuse of tariff resulting in unauthorized use of electricity took place in the subject premises which calls for initiating of proper procedures under Section 126 of Indian Electricity Act 2003.

Section 126: (Assessment) 6(b)

(b) "unauthorised use of electricity" means the usage of electricity -

- (i) by any artificial means; or
- (ii) by a means not authorised by the concerned person or authority or licensee; or
- (iii) through a tampered meter; or
- (iv) for the purpose other than for which the usage of electricity was authorised; or
- (v) for the premises or areas other than those for which the

(a) supply of electricity was authorized.

The period for the unauthorized act has been taken from February 2019 to February 2025 based on the statements given by the Sister Superior Deena SMC before the inspecting authority and the same has been recorded in the site mahazar. Sister Superior Deena SMC has given the statement that the

connection has been running with purpose of Orphanage with the approval of Social Justice Board up-to February 2019. Due to the difficulties in fulfilling the conditions of Juvenile Justice Act 2015, the functioning of the orphanage has been stopped since February 2019. From February 2019 onwards, the connection has been used as Boy's Hostel for boy students studying in St Mary's High School and St Mary's LP School Elanulam. During the inspection students were not present, since the school has been closed for summer vacation. Sister Superior Deena SMC has reported that the total number of boys accommodated in the boy's hostel is 30 students and Rs 500/- has been collected from each student monthly for food and accommodation. Following this a detailed site mahassar was prepared and the same was acknowledged by the petitioner on fully convinced about the findings of the inspection.

*As per Section 126[(5)- If the assessing officer reaches to the conclusion that unauthorised use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorised use of electricity has taken place cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection.*

*(6) The assessment under this section shall be made at a rate equal to[twice] the tariff rates applicable for the relevant category of services specified in sub-section (5).*

Hence provisional assessment under Section 126 of Indian Electricity Act was served to the petitioner for Rs.643636/-(Rupees Six Lakh Forty Three Thousand Six Hundred and Thirty Six Only) on 15/04/2025. After conducting personal hearing on 31.04.2025. Final Assessment order was passed by the Assessing officer.

Consumer filed OP 24/2025-26 before the Hon'ble Consumer Grievance Redressal Forum, Southern Region and the forum disposed the petition as -

*The assessment is under the purview of Section 126. the petitioner can approach the appropriate authority. This Forum has no jurisdiction for the cases under Section 126 of Kerala Electricity Supply Code 2014. The Forum closed the petition and disposed the case accordingly*

As per the oral direction from the Hon'ble Chairperson CGRF forum, Southern Region a hearing was conducted on 18.09.2025 and an inspection has been conducted at the premises of Sanjos Balabhavan on 26.09.2025. Documents produced by the petitioner are Building certificate with type indicated as Buildings exempted from tax and sub tax.

The assessment made for the period from February 2019 to February 2025, at twice the applicable tariff, is fully in accordance with Section 126(5) and (6). The petitioner has failed to produce any valid evidence to substantiate eligibility for LT VI D tariff or to rebut the findings recorded in the inspection mahazar. Accordingly, the final order of assessment issued under Section 126 is legal, proper, and fully sustainable, and the petitioner is liable to remit the assessed amount of Rs.6,43,636/- without further delay.

## **Counter Argument of the Appellant**

The Appeal Petition is regarding the Tariff misclassification to consumer number: 1156338005019 under Electrical Section, Ponkunnam and against the order of Hon'ble Consumer Grievance Forum in classifying the tariff of the consumer. The following grievance against the Order of Hon'ble Consumer Grievance Forum, Kottarakkara dated 13-10-2024 in OP No.24/2025-26. The institute Sanjos Bala Bhavan, Elamgulam, Koorali bearing consumer number: 1156338005019 is a charitable institution run under the social works department of Kanjirappally diocese. The diocese of Kanjirappally is registered as nonprofit making charitable trust under section 12A of Income tax Act 1961. The institute Sanjos Bala Bhavan is a unit run under Kanjirappally Diocese and the income tax return of the institute is also filed in the same PAN number of the Diocese.

As per the earlier tariff orders as per the prevailing present tariff order in the Kerala Gazette dated 5.12.2024 the tariff applicable based on the purpose of use of electricity and it is not necessary to submit any certificate to fix the tariff. Based on the use of Electricity the tariff applicable to the institute is LT 6D. Hence it was requested to cancel the provisional assessment bill based on the illegal tariff change and also requested to allow to continue in the eligible tariff 6D. The above arguments submitted before the assessing officer but had not taken into account. Vide proceeding No. DB 63/ESD-Pnkm/Proceeding-Pnkm/2025-26/33/6-5-2025, the Assessing officer had issued final bill confirming the assessed amount as Rs6,43,636/-.

To support our arguments the following documentary evidence are produced before this Honorable Forum along with the Appeal Petition. It is humbly submitted that as per the registration, operation, income tax registration etc., the institute Sanjos Bala Bhavan is a charitable institution to provide shelter to boys from poor and socially and economically marginalized families to continue their school education. It is run by the donation from good people. No fee is collected from any inmates and only donations according their capacities. The details of receipts issued to these type of donations are submitted herewith. The institute Sanjos Bala Bhavan, Elamgulam, Koorali is a charitable institution run under the social works department of Kanjirappally diocese. The diocese of Kanjirappally is registered as nonprofit making charitable trust under section 12A of Income tax Act 1961. The institute Sanjos Bala Bhavan is being assessed for income tax under PAN of Kanjirappally Diocese (AABTD9588R) with Unique



Registration No. AABTD9588RE1977301. Hence It is acknowledged by the Government as a Charitable Institution and eligible for exemption from tax. Further as per the Building Certificate issued by the Elikkulam Grama Panchayath the building with Door No.185 of Ward 13, Koorali, recognized as Balabhavan and exempted from tax and sub tax.

Hence the tariff applicable as per the tariff Gazette No. 427/D (T)/2023/KSERC dated Thiruvananthapuram 5th December 2024 is LT 6D. The illegal tariff change from LT 6D to LT 7A & C commercial is against the rules and regulations. There is no activity change in the purpose of use of electricity for attracting tariff misuse. Hence the tariff change effected is against the law and it is illegal. Hence it is humbly preyed to cancel the illegal tariff change from LT 6D to LT VII A commercial and to cancel assessed bill amount of Rs. 6,43,636/- based on the illegal tariff change and also allow to continue in the tariff in LT VID itself.

## **Analysis and findings**

The hearing of the appeal petition was conducted on 30/12/2025 at 11:00 am in the O/o State Electricity Ombudsman, D.H Road, Ernakulam. The hearing was attended by the appellant's representative Sri. P.Gopalakrishnan Nair and the respondent Smt. Anusmitha K.Sadanandan, Asst. Executive Engineer, Electrical Sub Division, KSE Board Ltd.,Ponkunnam, Kottayam (DT).

The power supply from the Licensee through their Electrical Section, Ponkunnam has been availed for the functioning of Balabhavan. The Bala Bhavan at Ponkunnam was established on 1984 by the Kanjirappally diocese as an Orphanage. This was functioning as an orphanage upto February 2019. Due to the difficulties in fulfilling the conditions of Juvenile Justice Act 2015, the functioning of Orphanage has been stopped since 02/2019. Then this Balabhavan premises is using as the Boys Hostel accommodating the boy students studying in St. Mary's High School and St. Mary's LP School. According to the tariff order issued by the Hon'ble Kerala State Electricity Regulatory Commission, the tariff LT 6 D is applicable only for Orphanage and not for Hostels. The tariff LT 6 D is a highly subsidised tariff extended to Orphanage which looks after the Orphan children as a social commitment. The tariff applicable for private Hostels are LT 7A upto 04/12/2024 and then LT 7C.

The APTs team of the Licensee conducted an inspection on 07/04/2025 and found out two irregularities with this service connection. (1) Wrong tariff application (2) Unauthorised connection of additional load.

This institution was stopped functioning as Orphanage since 02/2019 and was functioning as a private boys Hostel. This is providing the Hostel facility for the boys studying in the schools. When this is stopped functioning as

orphanage then the institution is not eligible for getting the tariff LT 6D. The applicable tariff would be 7 A and 7C.

The inspection team also identified the unauthorised additional load connected to this service connection. Unauthorised use of additional load is to be treated as per the Section 126 of the Electricity Act 2003. Here there was additional load connected to this connection without any authorisation. Hence the short assessment served as per the Section 126.

**Section 126.(1)** *If on an inspection of any place or premises or after inspection of the equipments, gadgets, machines, devices found connected or used, or after inspection of records maintained by any person, the assessing officer comes to the conclusion that such person is indulging in unauthorized use of electricity, he shall provisionally assess to the best of his judgement the electricity charges payable by such person or by any other person benefited by such use.*

**(5)** *If the assessing officer reaches to the conclusion that unauthorised use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorised use of electricity has taken place cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection.*

**(6)** *The assessment under this section shall be made at a rate equal to 1[twice] the tariff rates applicable for the relevant category of services specified in sub-section (5). Explanation.- For the purposes of this section,-*

**(a)** *“assessing officer” means an officer of a State Government or Board or licensee, as the case may be, designated as such by the State Government;*

**(b)** *“unauthorised use of electricity” means the usage of electricity –*

**(i)** *by any artificial means; or*

**(ii)** *by a means not authorised by the concerned person or authority or licensee; or*

**(iii)** *through a tampered meter; or*

**(iv)** *for the purpose other than for which the usage of electricity was authorized; or*

**(v)** *for the premises or areas other than those for which the supply of electricity was authorized.*

The case of short assessment as per Section 126 is not under the Jurisdiction of Electricity Ombudsman.

The wrong tariff application was also noticed during the inspection. The appellant was enjoying the facility of tariff LT 6 D. The Orphanage was stopped functioning since 02/2019 and was functioning as a private Hostel. The tariff applicable for the private Hostel is LT 7 A up to 04/12/2024 and 7C afterwards, The representative of the institution informed that the

Orphanage was stopped since 02/2019, then why the Licensee has not been noticed till the inspection date. This was functioning as Boys Hostel for six years the Licensee used to take monthly reading regularly but failed to notice this wrong tariff application. The regulation 113(6) of the Kerala Electricity Supply Code 2014 states that the Licensee has to conduct periodical inspection of connection /meters etc.

**113.(6)***The licensee shall conduct periodical inspection or testing or both of the meters as per the following schedule:-*

<i>single phase meters</i>	<i>once in every five years</i>
<i>LT 3-phase meters</i>	<i>once in every three years</i>
<i>HT or EHT meters including maximum demand indicator (MDI)</i>	<i>once in every year</i>

As this connection is an LT, three phase connection the Licensee would have inspected once in three years. There is no records of periodical inspection and hence this regulation is not complied. This periodical inspections are mandated in the regulations only to detect this type discrepancies very early and thus to reduce the impact of revenue leakage.

The regulation 97 of the Supply Code 2014, specifies about the Suo-motu reclassification of consumer category.

**97. Suo motu reclassification of consumer category by the licensee.-**

**(1)** *If it is found that a consumer has been wrongly classified in a particular category or the purpose of supply as mentioned in the agreement has changed or the consumption of power has exceeded the limit of that category as per the tariff order of the Commission or the category has changed consequent to a revision of tariff order, the licensee may suo motu reclassify the consumer under appropriate category.*

**(2)** *The consumer shall be informed of the proposed reclassification through a notice with a notice period of thirty days to file objections, if any.*

**(3)** *The licensee after due consideration of the reply of the consumer, if any, may reclassify the consumer appropriately.*

**(4)** *Arrear or excess charges shall be determined based on the actual period of reclassification or a period of twelve months whichever is lesser.*

This regulation gives authority to the Licensee to reclassify or change the tariff, while noticing the discrepancy during the inspection. This regulation also not seen to be exercised by the Licensee. Here in this case, though the purpose of use of electricity is not altered, but the tariff applied was not correct. The regulation 152 deals with anomalies attributable to the Licensee which are detected during inspection.

**152. Anomalies attributable to the licensee which are detected at the premises of the consumer.-**

*(1) Anomalies attributable to the licensee which are detected on inspection at the premises of the consumer, such as wrong application of multiplication factor, incorrect application of tariff by the licensee even while there is no change in the purpose of use of electricity by the consumer and inaccuracies in metering shall not attract provisions of Section 126 of the Act or of Section 135 of the Act.*

*(2) In such cases, the amount of electricity charges short collected by the licensee, if any, shall only be realised from the consumer under normal tariff applicable to the period during which such anomalies persisted.*

*(3) The amount of electricity charges short collected for the entire period during which such anomalies persisted, may be realised by the licensee without any interest:*

*Provided that, if the period of such short collection due to the anomalies is not known or cannot be reliably assessed, the period of assessment of such short collection of electricity charges shall be limited to twelve months:*

*Provided further that while assessing the period of such short collection the factors as specified in sub regulation (8) of regulation 155 shall be considered:*

*Provided also that realisation of electricity charges short collected shall be limited for a maximum period of twenty four months, even if the period during which such anomaly persisted is found to be more than twenty four months.*

This case is the incorrect application of tariff and hence this regulation is seen to be apt to this situation. The Licensee had failed to apply the correct tariff in time and hence this attributable to the Licensee and this was detected at the premises of the consumer during inspection. The appellant argue that this facility is functioning similar to that of Orphanage. This is accommodating the boys from the poor families those who are studying in the schools. The document to prove this institution is functioning as Orphanage is not produced by the appellant. During the hearing the appellant requested to grant time to produce the documents either from local body or from Revenue Authorities showing that this functioning as the Orphanage. The appellant also shows the document stating the building tax exemption certificate issued by Elangulam Grama Panchayath and this doesn't state that this an Orphanage. The representative of appellant directly attend in person on 06/01/2026 and states that they are not in a position to produce any certificate to show that this is an Orphanage.

The regulation 152, states that the short assessment is to be limited for two years eventhough the anomaly reliably assessed is more than two years. The anomaly occurred since 02/2019 and it is upto 04/2025. However this is to be limited for 24 months as per regulation 152(3).

## **Decision**

On verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken.

1. The assessment on use of unauthorised load is as per Section 126 of the Electricity Act 2003, and hence appellant has to approach Appellate Authority to address the grievance.
2. In the case of wrong tariff application, the Licensee has to charge the difference in tariff for 2 years as per regulation 152(3).
3. The Licensee has to issue revised assessment for the wrong tariff application for 24 months.
4. No other costs ordered.

## **ELECTRICITY OMBUDSMAN**

No. P/068/2025/ dated: 08-01-2026.

### **Delivered to:**

1. Fr. Sibandhu Devasia, Director of Sanjos Bala Bhavan, Elangulam, Koorali P.O, Ponkunnam, Kottayam (Dt) - 686522.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Ponkunnam, Kottayam (dt)

### **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, Vydhyuthibhavanam, KSEBL, Kottarakkara - 691506