

**THE STATE ELECTRICITY OMBUDSMAN**

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**Appeal Petition No. P/074/2025  
(Present A. Chandrakumaran Nair)  
Dated: 30-01-2026**

Appellant : Sri. Rajasekharan Nair S  
R.R. Laundry, TC 34/757 (2)  
Shanghumugham,  
Thiruvananthapuram (DT), 695527

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division, KSE Board Ltd,  
Beach, Thiruvananthapuram (DT)

**ORDER**

**Background of the case**

The appellant Shri. Rajasekharan Nair is the owner of the R.R. Laundry situated at Shanghumugham and also the LT Consumer of the Beach, Electrical Section of the Licensee, KSEBL. The consumer number of this three phase connection is 1145132018105 under the tariff LT IV. The appellant is also having an HT connection under commercial tariff. The R.R. Laundry is placed in the compound of Hotel Uday Suites. The HT connection and the LT connections are existing in the same premises. APTS along with the officials of the Section conducted an Inspection on 23/9/2024 and prepared a site Mahazar. Their finding is that the Laundry would have been fed from the HT Service Connection and not from a separate LT Connection. The Licensee have prepared a short assessment bill for Rs. 54,63,959/- and served to the appellant. The appellant has challenged the demand stating that the building of Laundry is a separate building and hence it is a separate premises and also the tariff applicable for power Laundry is LT IV. The petition is filed to CGRF, Kottarakkara which numbered as OP/20/2025-26. The CGRF issued Order on 17/11/2025 stating that the petitioner is liable to pay the short assessment bill. Aggrieved with the decision of the CGRF, this appeal petition is filed to this Authority.

## **Arguments of the Appellant**

The complainant is the occupier and registered consumer of the premises with consumer No. 1145132018105 of the Kerala State Electricity Board Ltd. (in short, KSEB). Electrical Section, Beach under LT IV A industrial. Tariff The date of connection was 10/1/2012 The supply was effected from the very beginning for running a laundry unit, which comes under LT IV A industrial tariff. Ever since from the date of connection from 10/1/2012, supply was used only for running the power laundry, for which bills were issued monthly. The complainant promptly remitted all those bills issued from the KSEBL, without any default and no bill has fallen in arrears.

It is submitted that the premises, R. R. Laundry, is situated in the compound of a Hotel Uday Suits. In 2011, after completion of the electrical installations of the building, the complainant applied for electricity connection, to the Electrical Section, Beach, for running a power laundry. Along with the application, the complainant produced all the required documents, including the SSI registration of the Industries department. Thereafter the engineers of the KSEB inspected the premises and verified the electrical installations and equipment for the use of the power laundry in the unit and also the connected documents. After having satisfied all the requirements for giving electricity connection for running the power laundry, they effected supply under the correct tariff, LT IV A, which is applicable to power laundry as per the tariff notification of the KSERC. The KSEB officials also correctly endorsed the tariff applicable as industrial LT IV, in the application itself.

Thereafter, all along the petitioner was conducting the laundry work under LT IV A industrial Tariff, and bills were also issued by the KSEB under the same Tariff. The officer of the KSEB who inspected the premises every month for meter reading is well convinced of the usage of electricity under LT IV A tariff, quantity consumed etc. etc. There was no misuse of electricity, unauthorized use theft or tampering of meter or other equipment, as contemplated under Section 126 of 135 of the Electricity Act. The petitioner has been using electricity in the premises for running the power laundry as permitted by the licensee and the tariff category for the premises is also correctly fixed by the licensee under LT IV A tariff, for which the petitioner has no role. Laundry work is undertaken to a number of customers and also for some nearest Hotels, including Uday suits. Thus all along the complainant was conducting the laundry work under LT IV A industrial Tariff, and bills were also issued under the same Tariff. The officer of the KSEB who inspected the premises every month for meter reading is well convinced of the usage of electricity under LT IV A tariff, quantity consumed etc.

It is to be noted that that in large hotel complex buildings, other activities are going on in a number of other rooms of the building under different tariff,

according to the usage of electricity such as, offices of chartered accountant and advocates (under LT VI B), ATM counters (LT VI C). Computerized Colour Photo Printing (LT IVA) power laundries (LT IV) cellular mobile tower (LT VIF) Bakeries having manufacturing (LT IVA), DTP Centre (LTIV B) etc. and those are categorized in the appropriate tariff and not on the tariff applicable to the common area of the hotel. Similarly in this case also, supply to the complainant's power laundry was correctly effected by the KSEB, under LT IV tariff, after thorough verification, as per the tariff notification of the KSEB. While so, the Sub Engineer of the Electrical Section, Beach, inspected the premises on 23/9/2024 and prepared a site mahazar. In the mahazar, inter-alia, it is stated that laundry work is done only for the hotel. Uday Suits and no work is undertaken for outsiders and also that the laundry is functioning in the common facility area of the Hotel and therefore the connection should be changed to LT VII A Commercial Tariff.

It is submitted that the statements narrated in the Mahazar is absolutely false and baseless RR Laundry is not functioning in the common facility area. It is also not using the energy supplied to the common facilities The premises, R.R Laundry is an independent unit with separate electricity connection, situated within the compound of the Hotel, with separate entrance and exit, connecting the road, and doing only laundry work using power, for its various customers. The activity in the premises is laundry work alone, done for the customers. under LT IV A tariff as fixed by the KSEB. The very same Sub Engineer who visits the premises each month is well aware of all these facts. It appears, that he prepared a wrong Mahazar, even without examining the relevant documents regarding the usage of electricity in the premises, at the instance of the APTS just to please them. On the basis a of the above Mahazar, the Assistant Engineer simply reclassified the tariff to that of LT VII A and issued an arrear bill dated 28/11/2024, for Rs. 54,63,959/ on the plea of short assessment for the period right from 10/1/2012 to 31/10/2024, deducting the amount already paid under LT IV A Tariff.

It is noteworthy that the Assistant Engineer did not visit the premises before issuing the arrear bill to ascertain whether the allegations drawn in the mahazar is correct or not. He simply relied on the incorrect Mahazar prepared by the Sub Engineer and issued the short assessment bill, along with a letter dated 28/11/2024. In the above letter it is stated that the short assessment bill is issued on the basis of the Site Mahazar and General Condition 9 (a) of the Tariff order 2/11/2023. But the above Tariff Order is for the period from 1/11/2023 to 30/6/2024, as held by the KSERC in the Tariff Order itself. As per the short assessment bill the period of assessment is from 10/1/2012 to 31/10/2024, prior to the above tariff order which is dated 2/11/2023. The Assistant Engineer failed to appreciate the above condition, before issuing the impugned bill. Hence the bill based on the general condition is erroneous and unsustainable.

It is noteworthy that in Mahazar two irregularities are alleged- (1) that the power laundry is functioning in the common facility area (ii) the tariff applicable is LT VII A commercial and not LT IV. It is simply based on the above statement in the mahazar that the Assistant Engineer arbitrarily and suo- motu reclassified the power laundry unit of the complainant under LT VII A tariff, without any notice to the consumer. It is the specific case of the complainant that the Assistant Engineer has no authority to change the Tariff of power laundry fixed by the Regulatory Commission (KSERC) under LT IV industrial tariff to that of LT VII A commercial tariff. If the Assistant Engineer or the KSEB finds any irregularity or impropriety in the tariff fixed by the regulatory Commission, it is up to them to seek remedy by filing necessary petition before the Regulatory Commission. In the mahazar it is also stated that the power laundry is functioning to cater the needs of the nearby Hotel alone, and hence the same is functioning in the common area under the commercial LT VII A tariff But the power laundry unit of the complainant is not at all functioning in the common area of the nearby Hotel Complex, but it is an independent unit functioning in an independent building with separate door number of the TVPM Corporation This evident from application for service connection, wherein the KSEB correctly endorsed the applicable tariff to be 11 IV industrial, after inspection of the premises and other documents. The complainant's laundry has no common facilities and he never shares any common facilities in the nearby hotel functioning in the compound. The above General Condition 9(a) as stated in the impugned bill by the AE is not applicable in this case. Hence the impugned bill issued on the basis of the above General Condition 9 (a) is illegal unsustainable.

It is also stated in the mahazar that the service of the power laundry is not functioning for the public and hence the tariff is LT VII A It is seen that the impugned bill is issued by the A E, on the wrong presumption that the consumer operating a power laundry, in order to enjoy LT IV Tariff, shall do the laundry work for so many customers. Such a condition is not at all stipulated in the tariff orders. Laundry work using electricity, whether it is for self use, or for any other persons, are to be billed under LT IV industrial as correctly done by the KSEB from the initial connection from January, 2012 onwards. In all the tariff orders power laundry is categorized under LT IV industrial tariff and nowhere in the tariff orders, it is provided that to attract industrial tariff its service should be extended to public also Thus even though the complainant undertakes laundry work for public, it is not necessary to do so, to attract LT IV tariff, provided laundry work is done using the electricity. This is very clear from the tariff under LT IV (now LTIV A) itself where the specific entry is "power laundries" without any condition. There is no separate tariff categorization for power laundries for the use of single customer or public as in the case of bakeries. If the KSEB finds that this is an impropriety or irregularity or anomaly in the tariff order, it is up to them to file appropriate petition before the KSERC and get necessary amendment Without doing so, the KSEB cannot make any modification in

the tariff categorization or add any additional conditions arbitrarily. The KSEB has no powers to do so. Only the KSERC is empowered to do either *suo motu* or upon the petition of the KSEB.

The CGRF, without addressing all the specific case of the petitioner put forth by the complainant, passed an order dated 14/11/2025, holding that the petitioner is liable to remit the short assessment bill. It is submitted that the above two decisions relied on by the CGRF is not at all applicable to the instant case. The Honourable High Court of Kerala in a very similar case. Assistant Executive Engineer Vs State Electricity Ombudsman -2024 (6) KHC 262, held that the decision in Rahumathulla Khan case is not applicable in the case of wrong tariff classification by the licensee. The other case. Civil Appeal No. 7235 of 2009, it is to be noted that, the short assessment was due to a mistake in the calculation of the charges, by wrongly taking the Multiplication Factor of the CT. In this case there occurred no error in computing the electricity charges, resulting in any undercharge so as to attract Reg. 134 of the supply code. Hence the above decision relied by the CGRF is not at all applicable to the instant case. In this case the tariff was correctly assigned as LT IV industrial tariff and bills were correctly issued under the same tariff from 2012 onwards, which were duly paid by the consumer.

Thus in the above regulations it is made clear that the CGRF is bound by the regulations and orders of the Commission and it shall not interpret the rule beyond the applicable regulations. The CGRF has no authority to overrule Regulation 97 or 152 of the supply code, holding that the order of the Honourable Supreme court will supersede the Supply Code, that too relying on two decisions which are not applicable to the case on hand in so far as a regulation is in the statute book, the CGRF is bound to follow the same, unless it is amended by the commission or set aside by competent courts. If at all any regulation is inconsistent or unconstitutional or invalid, it is up to the commission to take steps rectify the same, either *suo motu* or otherwise or on the basis of the binding judgments of the higher courts or authorities. The CGRF in its order, categorically found that there is anomalies and tariff misclassifications which the officials of the KSEB did not notice until the inspection date. The CGRF found it as a serious lapse and recommended the licensee to take disciplinary proceedings against such officials for their lapses. Thus when the CGRF itself categorically found anomalies in applying the tariff to the complainant's power laundry, it ought to have ordered for reclassification of the tariff and recovery of charges as provided under Regulation 97 of the Supply Code. The CGRF also did not address the specific case of the complainant that all along, power laundry is classified under LT IV industrial tariff, as per the tariff notification of the KSERC. In any view of the matter, the order of the CGRF rejecting the complaint holding that the consumer is liable to remit the bill amount is per-se erroneous and unsustainable and liable to be set aside.

The CGRF, without addressing all the specific case of the petitioner put forth by the complainant, passed order holding that the petitioner is liable to remit the short assessment bill. The CGRF relied on two decisions of the Honourable Supreme Court which were not at all applicable in the instant case. The CGRF is bound by the express provisions of the supply code and other applicable regulations, unless those are amended or set aside by high court or supreme court.

Further under the Reg 19 (13) and (14) of the CGRF and Electricity Ombudsman Regulations, 2023, it is made clear that the CGRF is bound by the regulations and orders of the Commission and it shall not interpret the rule beyond the applicable regulations. The CGRF has no authority to overrule Regulation 97 or 152 of the supply code, holding that the order of the Honourable Supreme court will supersede the Supply Code, that too relying on two decisions which are not applicable to the case on hand. In so far there is a regulation in the statute book, the CGRF is bound to follow the same if at all any regulation is inconsistent or unconstitutional or invalid, it is up to the commission to take steps to rectify the same, either *suo motu* or otherwise or on the basis of the binding judgments of the higher courts or authorities. Though the CGRF in its order rightly found that there are anomalies and tariff misclassifications for which the officials of the KSEB are responsible and recommended the licensee to take disciplinary proceedings against such officials for their lapses. Thus when the CGRF itself categorically found anomalies in applying the tariff to the complainant's power laundry, it ought to have ordered for reclassification of the tariff and recovery of charges as provided under Regulation 97 of the Supply Code. The CGRF also did not address the specific case of the complainant that all along, power laundry is classified under LT IV industrial tariff, as per the tariff notification of the KSERC. In any view of the matter, the order of the CGRF rejecting the complaint holding that the consumer is erroneous, unsustainable and liable to be set aside.

## **Arguments of the Respondent**

The Petitioner is a registered consumer in the name of Sri. Rajasekharan Nair S, RR Laundry, TC 34/757(2), Shanghumugham bearing consumer number 1145132018105 in LT IV A tariff under Electrical Section Beach. R.R. Laundry is situated in the compound of Hotel Uday suites which has one HT service connection with HT VII A tariff. R.R Laundry is a power laundry operating in the same compound for the purpose of Hotel Uday suites only. R.R. Laundry is situated in the compound of Hotel Uday Suites. The competent officer of the KSEBL who visits the premises of the consumer once in a month is authorized to take the energy meter reading only. He/She is not authorized to enter inside the consumer's operational area without proper reasons. The demand is made only the short assessment and not based on Section 126 of Electricity Act.

The petitioner claimed that the laundry work is undertaken to a number of customers and also for some nearest Hotels. Petitioner submitted 18 numbers of slips ranging from date of 08/03/2018 to 14/01/2024. Petitioner claimed that these are the true copy of the bills issued to the customers from R.R. Laundry. The bills produced by the petitioner trying to prove laundry service to outside firms do not seem genuine, as they lack required details like GST numbers/Registration. They cannot be considered as evidence. The firm RR Laundry is not possessing registration as it is working as part of Uday Suites. During the hearing before Sub division level IGRC, the consumer argued that their firm has an annual turnover less than 20 Lakh rupees but the electricity bill history shows that the firm is paying about 12 Lakh rupees/year as electricity charges. This proves that the petitioner's turnover if the premises has been used for industrial purpose will be at least four times greater than the electricity charges. From this also it is clearly understood that the premises has been used not for industrial purpose but for the sole purpose of Hotel Uday suites only.

On 23/09/2024 the APTS along with Sub Engineer Sri. Fazilul Rahman A., inspected the energy meter and connected equipments of consumer number 1145132018105 and prepared a site mahazar. A short assessment bill of Rs 54,63,959/- is served by the Assistant Engineer, Electrical Section, Beach since the consumer is undercharged due to wrong application of tariff. The demand is made as per regulation 134(1) of Kerala Electricity Supply Code 2014. Copy of the relevant page of regulation 134 is attached. The demand is as per rule in force. It is only the amount of electricity charges short collected by the licensee, under normal tariff applicable to the period during which the anomaly persisted. *Section 134. Under charged bills and over charged bills: (1) "if the licensee establishes either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill."* As per the above said regulation the licensee have the right to recover the undercharged/escaped amount. The mere fact that there was an oversight on the part of licensee does not entitle the petitioner to avoid payment of the undercharged amount. Hence the bill is sustainable. The conjoint reading of aforesaid regulations clearly states that the amount short collected shall be limited for a maximum period of 24 months. Though Regulation 152 of the supply code 2014 limits short assessment to 24 months, the Honourable Supreme court in Civil Appeal No. 1672 of 2020 (Assistant Engineer, Ajmer Vidyut Vitran Nigam Ltd, Vs Rahamathulla Khan) and Civil Appeal No., 7235 of 2009 (Judgement dated 05.10.2021) held that when electricity is actually consumed by the consumer but undercharged due to a mistake of the licensee, the consumer is bound to pay for the entire period of undercharge. In this context, the verdict of honourable Supreme Court supersedes the supply code. So the short assessment bill issued is valid. Though the service connection was issued to Sri. Rajasekharan Nair S in LI IV A tariff, the service connection belongs to the building of the same

premises of Hotel Uday Suites (UDS), which has another HT service connection in HT VII A Tariff Not only that the premises of consumer number 1145132018105 is being used for the laundry purpose of Hotel Uday Suites only and they are not providing service to any other institutions or to the public, and so the premises of consumer number 1145132018105 can only be treated as a premises of Hotel Uday Suites (UDS). Laundry work is done only for Hotel Uday suites and no work is undertaken for outsiders Also note that the laundry is functioning in the same premises of Hotel Uday suites which has HT service connection with HT VII A tariff.

The site mahazar was prepared on 23/09/2024 by Sri. Fazilul Rahman, Sub Engineer, Electrical Section, Beach. The Assistant Executive Engineer, APTS, Assistant Engineer, APTS, and Sri. Siva Ramakrishnan, Electrical Engineer of Uday suites were present at the premises during whole procedure of inspection and drafting of the mahazar Only facts are written in the site mahazar. During the inspection, it was clearly understood that the premises of consumer number 1145132018105 is being used for the laundry purpose of Hotel Uday Suites only and they are not providing service to any other institutions or to the public.

At the time of inspection by the APTS it was enquired and found that the premises of consumer number 1145132018105 is being used for the laundry purpose of Hotel Uday Suites only and they are not providing service to any other institutions or to the public, and so, the premises of consumer number 1145132018105 can only be treated as a premises of common facility with that of the Hotel Uday Suites (UDS). From the site mahazar, it is clearly understood that the aforesaid premises is being used for the laundry purpose of Hotel Uday suites only and they are not providing service to any other institutions or to the public. So the above said service of laundry is to be included in the common facility of the Hotel Uday suites.

As per General condition 9 of different tariff orders Power supply to common facilities such as water supply, common lighting, lifts etc., in the multi-stored building with non domestic/commercial occupation only shall be charged under the appropriate LT-VI or LT-VII tariff. When there is a combination of occupation of different categories of consumers, common facilities shall be charged at the highest LT-VI or LT-VII tariff applicable among such categories power supply to the common facilities shall be charged as respective tariffs for such categories. *Here there is no combination of occupation or multiple service connection.* The anomaly is that there is one service connection with LT IV A tariff is operating on the A same premises of Hotel Uday suites for the sole purpose of Hotel Uday Suites which is possessing HT service connection with HT VII A Tariff. Providing energy to Industrial LT 4 A tariff for the services of a commercial HT VII A tariff premises causes great loss to the KSEB Ltd towards electricity charges. The power supply to the laundry service for the same Hotel is to be taken from the HT service connection of Hotel Uday suites like all other common

facilities (pumping, lighting, security systems etc). So the LT service connection with LT IV A is to be dismantled and the supply to the laundry is to be availed from the existing HT service connection of Hotel Uday suites.

Though, as per the request of the consumer, the service connection was provided under LT IV A tariff, the service connection belongs to the building of the same premises of Hotel Uday Suites (UDS), which has another service connection in HT VII A Tariff. It may be noted that the premises of consumer number 1145132018105 is being used for the laundry purpose of Hotel Uday Suites only and they are not providing service to any other institutions or to the public and so the premises of consumer number 1145132018105 can only be treated as a premises of common facility with that of the Hotel Uday Suites (UDS). As per General condition in tariff orders power supply to the common facilities shall be charged as the respective tariffs for such categories. And hence consumer number 1145132018105 may be treated and billed in VII A Tariff.

The short assessment bill issued to the consumer is correct and is assessed as per the rules and norms of the General Condition 9(a) of Tariff order dated 02.11.2023. General Condition 9 of the Tariff order dated 02.11.2023 only defines the tariff structure of a premises having common facility with another service connection. It doesn't mention the period of short assessment to be done. The referred tariff order is the interim order (Latest) in the matter of 'Schedule of Tariff And Terms And Conditions For Retail Supply Of Electricity With Effect From 01.11.2023 To 30.06.2024. In this context, it is worth mentioning that the general condition 9(a) stipulated in the said tariff order is not a new insertion as it formed part and parsed of every tariff order from the year 2007 onwards. I am submitting herewith the copies of the relevant pages of tariff orders with effect from 01.12.2007, 01.07.2012 to 31.03.2013, 01.05.2013 to 31.03.2014, 16.08.2014 to 31.03.2015, 18.04.2017 to 31.03.2018, 08.07.2019 to 31.03.2020, 26.06.2022 to 31.03.2023, 01.11.2023 to 30.06.2024 & 05.12.2024 to 31.03.2027 as abundant proof of this contention. In the instant case, the premises is known to be used for the laundry purpose of Hotel Uday Suites only from the date of connection and they are not providing service to any other institutions or to the public. Hence consumer number 1145132018105 may be treated and billed in VII A Tariff.

As per these orders, Power supply for common facilities such as fire control, common lighting, lifts, water pumping, sewage treatment, waste disposal etc in the high rise buildings, for the occupation by consumers in LT-VI or in LT-VII categories shall be charged at the respective tariffs for such categories. In the case of combination of occupation of different categories of consumers, common facilities shall be charged at the highest of LT VI or LT VII tariff applicable to such categories. Though the service connection was provided to Sri. Rajasekharan Nair 5 in LT IV A tariff, the service connection belongs to the building of the same premises of Hotel Uday Suites (UDS), which has

another service connection in HT VII A Tariff. The premises of consumer number 1145132018105 is being used for the laundry purpose of Hotel Uday Suites only and they are not providing service to any other institutions or to the public, and so, the premises of consumer number 1145132018105 can only be treated as a premises of common facility with that of the Hotel Uday Suites (UDS) i.e., the tariff to be charged is VII A. Hence the bill is legal and sustainable. The petitioner argued that Laundry has no common facilities. There is no such claim from Licensee. Here Hotel Uday Suites (UDS), has service connection in HT metering with HT VII A Tariff (not HT/LT metering). So a connection to any other purpose inside the premises is to be availed from the HT connection only RR laundry is possessing a LT service connection under the tariff LT IV A which is situated in the same premises of Hotel Uday Suites and is operating for the sole purpose of Hotel Uday suites which is provided with HT service connection under HT VII A tariff. It is not admissible.

The anomaly detected is not regarding the tariff order or the tariff of power laundries. The petitioner argued to limit the short assessment to maximum period of 24 months under 3 proviso to reg. 152(3). The petitioner further claimed that the rest of the arrears are barred by limitation, Since the limitation prescribed in the case of recovery of arrears of the electricity charges is two years. Kerala State Electricity Regulatory Commission while hearing the review petition No RP 3/2021 filed by KSEBI against the order dated 08/07/21 in OP 21/2021 filed by M/s Bennet Coleman & Co. Ltd, after referring judgement of the Honourable Supreme Court of India in Civil Appeal No. 1672 of 2020 dated 18/02/2020 and judgement of the Honourable Supreme Court of India dated 05/10/2021 in Civil Appeal No 7235/2009 ordered that the restriction of two years under section 56(2) of the Electricity Supply Act 2003, does not preclude the licensee from raising and recovering an amount genuinely due, even for periods prior to two years and declared the arrear bill issued by KSEBL for the period of 66 months as in order.

The demand is as per rules in force. It is only with respect to the amount of electricity charges short collected by the Licensee, under normal tariff applicable to the period during which the anomaly persisted. The demand is only the short assessment and not based on Section 126 of Electricity Act. Also regarding "First Due" the Hon'ble Supreme Court Order in Civil Appeal No 1672 of 2020 (Assistant Engineer (D1), Ajmer Vidyut, Vitran Nigan Limited & Anr. Versus Rahamatullah Khan alias Rahamjulla) has made certain observations.

The phrase in the tariff order, etc., includes any kind of such disparities of tariff as in the case of Consumer number 1145132018105. Though, the service connection was given under LT IV A tariff, the service connection belongs to the building of the same premises of Hotel Uday Suites (UDS), which has another service connection in HT VII A Tariff. The 2nd and 3d

proviso to Reg. 152 clearly states that the short assessment shall be made to the entire period during which the anomalies persisted. Here in the case of Consumer number 1145132018105, it is clearly understood during the inspection that the premises is being used for the laundry purpose of Hotel Uday Suites only from the date of connection and they are not providing service to any other institutions or to the public. And hence consumer number 1145132018105 may be treated and billed in VII A Tariff. Providing energy to Industrial LT IV A tariff in a commercial HT VII A tariff premises causes huge loss to the KSEB Ltd towards electricity charges. The Sub Division level IGRC examined the petition in detail and found that the petitioner is liable to remit the short assessment bill amounting to Rs. 54,63,959/- (Copy of the order of Sub Division Level IGRC is attached).

The consumer approached the Circle level IGRC Circle level IGRC directed Assistant Executive Engineer, Electrical Sub Division, Beach to submit the Service connection application of consumer no 1145132018105. Circle level IGRC examined the documents and the petition in detail and confirmed the demand of Rs 54,63,959/- issued by Assistant Engineer, Electrical Section, Beach. (Copy of the order of Circle Level IGRC attached). The consumer approached Consumer Grievance Redressal Forum. CGRF examined the documents and the petition in detail and confirmed the demand of Rs 54,63,959/- issued by Assistant Engineer, Electrical Section, Beach (Copy of the order of CGRF is attached). Arrangements have been made not to disconnect the consumer in connection with non payment of the short assessment bill only. In view of the above mentioned facts, This honourable forum may be pleased to dismiss the appeal preferred by the petitioner.

### **Counter Argument of the Appellant**

It is submitted that the premises, R.R. Laundry is an independent unit with separate electricity connection, situated within the compound of the Hotel, with separate entrance and exit, connecting the road, and doing only laundry work for its various customers, including the nearby hotel. True copy of the documents showing the laundry work to some of the customers are produced

The premises R R. Laundry is functioning in a separate building with separate door number assigned by the Thiruvananthapuram Corporation having separate exit and entrance. Supply is also given from separate transformer. That is why separate connection and consumer number was assigned to the laundry under LT IV A tariff by the KSEB. Therefore the connection is to be continued under LT IV A tariff.

Without prejudice to the above contentions, it is submitted that, If for any reason, on inspection of the premises by this Honourable Ombudsman finds that the R. R. Laundry cannot be considered as a separate premises but an integral part of the Hotel, the connection to the laundry wrongly given by the KSEB may be ordered to be dismantled and then linked with the HT Supply

given to the Hotel, for which there is sufficient capacity to bear the load of the Laundry also. The consumer is willing to submit necessary application for the same to the KSEB, if required by the KSEB.

Even assuming, without admitting, that the KSEB wrongly classified the connection of R R Laundry under LT IV A, instead of LTVII A, the charges may be limited to a maximum period or one year as provided under Regulation 97 of the Supply Code. It is further submitted that the maximum period of electricity charges payable under Reg. 152 (2) is 24 months only.

Hence it is most humbly prayed that this Honourable Ombudsman may be pleased to allow the representation and thus justice be rendered.

## **Analysis and findings**

The hearing of the appeal petition was conducted on 22/01/2026 at 03:30 pm in the KSEB IB, Paruthippara. The hearing was attended by the appellant representative Sri. N Sasidharan Unnithan and the respondent Sri. Vinod P., Asst. Executive Engineer, Electrical Sub Division, KSEB Board Ltd., Beach, Thiruvananthapuram and Sri. Ashok Kumar G.L. Nodal Officer (Litigation) Electrical Circle, Tvpm.

The appellant Sri. Rajasekharan Nair is in the Hospitality Industry having Hotels under the brand Uday Hotels. The Uday Suites situated at Shangumugham is one of the Hotel owned by him. The Uday suites is an HT Consumer of the Licensee, KSEBL. He is also having a power Laundry named as R.R. Laundry in the same Compound of Uday suites and have availed LT, three phase connection for the Laundry Services. The tariff applicable for the Hotel is HT Commercial (HT IV B) and that of power laundry is LT IV A. The LT power connections of the power laundry was effected on 10/01/2012. The application for the power supply to the power laundry was submitted in 2011 and the LT Connection after installing a transformer was given by the Licensee after due inspection. While sanctioning the LT connection there exists an HT Connection.

The regulation 77 of the Kerala Electricity Supply Code-2014, states that the licensee has to inspect the premises before sanctioning the new connection.

**77. Inspection of the premises of the applicant by the licensee.-**

**(1) The licensee shall, at the time of receipt of application form with the application fee, stipulate a date for inspection of the premises of the applicant in consultation with the applicant, under written acknowledgment.**

**(4) On the appointed date for inspection, the licensee shall inspect and test, in the presence of the applicant or his authorised representative and the concerned licensed electrical contractor, the installation of the applicant and shall maintain a record of test results in the format given in the Annexure - 6 as required of him under the provisions of the Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010, as amended from time to time.**

**(5) During the inspection, the licensee shall:-**

- (a) fix, in consultation with the consumer, the point of supply and the place where the meter and the associated equipment shall be installed in such a manner that they are protected from sun, rain etc. and are easily accessible, without getting the premises unlocked or opened for the purposes such as inspection, meter reading and maintenance;**
- (b) align the service line along an accessible route up to the entry point of the premises;**
- (c) determine and record the connected load of the consumer in accordance with the method given in Annexure - 7 to the Code;**
- (d) verify and record the correct full address of the premises and note down landmarks near the property and the number of the pole or the details of the distribution pillar from where service connection is proposed to be given; and**
- (e) verify all other particulars mentioned in the application form, as required.**

Why the officials have not noticed the existence of an HT connections in the same premises? The regulations 52 of the supply code 2014 states that the power is to be given only at one point for the same purpose.

**52. Supply of electricity to be given only at one point for same purpose at the same voltage level in a single premises.** - Supply shall be given only at one point for same purpose at the same voltage level in a single premises.

The APTS and section officials conducted inspection on 23/09/2024 had noticed that the same consumer had availed two connection at two different tariffs for the same purpose. Here purposes are one is operation of the Hotel business and the other is power laundry. The tariff order issued by the KSERC states that the tariff applicable for power laundry is LT IV A. This order doesn't mention that the power laundry is for purpose of own use or public use. The argument of the licensee is that the laundry is for the washing of the cloths of the Hotel Uday Suites and not serving for other customers. The appellant had produced certain slips showing that the laundry services is extended to other customers. Those slips are before 2020 and they also agreed that at present, the laundry services is exclusively for the hotel Uday Suites. On inspection of the premises it is noticed that the Laundry is within the compound of the Hotel buildings and very close to that. Though there is an entry gate provided in other side, this is not exclusive for the laundry. That gate is commonly used for flight kitchen, Hotel and Laundry and hence the laundry is considered to be in the same premises. Then purpose of use of electricity is to be examine. This laundry at present only serving for the Hotel Uday Suites. The washing of clothes for a Hotel is part of the Hotel business and then purpose is same. Then this irregularity has not been identified by the licensee at the time of sanctioning the connection and also during the periodical inspection. The regulation

113(2) and 113(6) specify about the periodical inspection and the frequency of inspection.

### **113. Testing of meter.-**

**(2)** The licensee shall also conduct periodical inspection or testing or both and calibration of the meters, as specified in the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time.

**(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 years</i>

It is mandatory that the licensee have to inspect the HT installations every year and LT, three phase connections once in every three years. Here in this case either the licensee would have not complied with the regulation or would have not noticed this discrepancy. The Asst. Engineer of the section would have not abide the regulations which is considered to be a serious matter. The procedure of inspection is described in the regulation 173 of Supply Code 2014.

### **173. General provisions relating to inspection.-**

**(1)** Every inspection conducted by the licensee shall be transparent, fair and free of prejudice.

**(5)** Every inspection shall be complete in all respects and the officer authorised to conduct inspection shall inspect thoroughly, all relevant aspects of the installation including the load connected, purpose for which electricity is being used, condition of the metering installation etc., without limiting the scope of inspection to one or two aspects.

**(6)** The officer who prepares the mahazar or the inspection report shall obtain the signature of inspecting officers, officers of the licensee at site and of independent witnesses.

**(7)** The consumer or his employee or his representative or the occupier or his representative present at the premises shall be allowed to read the mahazar and to affix his signature in it.

Here it is presumed that for the last 12 years no inspection was carried out. If the inspection would have done, this would have been identified much earlier. During the inspection if the Licensee observed that the tariff applied to the appellant is wrong and accordingly the short assessment is prepared. The regulation 152, the supply code deals with such type of anomalies.

**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.*

**(4)** *The consumer may be given installment facility by the licensee for a maximum period of twelve months without interest for the remittance of such amount of short collection.*

The regulation is very clear that the realization of electricity charges short collected shall be limited to 24 months even if the period of such anomaly is found to be more than 24 months. The Licensee argue that the tariff applicable would LT 7A instead of the tariff LT IV A. The LT 7A is applicable only when the LT supply is considered to be regularized. Then this will be the violation of the regulation 52 of the supply code. If the Licensee would have detected this anomaly much before, the power to the Laundry also would have connected to the existing power system which is under HT IV B tariff. There is an HT service connection for the Hotel and the transformer and the down stream electrical distributions system is having capacity to cater the additional load of the Laundry. Then the tariff applicable would HT commercial/HT IV B. The short assessment should be the difference of HT IV B and that LT IV A. This short assessment should be for a period of 24 months only. The appellant had agreed to connect the Laundry also to the existing power system (HT service connection).

The licensee has argued referring the order of supreme court in the case of civil appeal 7235/2009 between M/s Prem Cottex and the Uttar Haryana Bijli Vitran Nigam Ltd and also civil appeal between Ajmer Vidyuth Vitran Nigam Ltd and Rahamathalla Khan. In this cases the Hon'ble Supreme Court had defined the term "First due" in section 56(2). Further the order doesn't specify about the regulations of the supply code or any such regulations. This case is occurred during 2009, then concerned states would have not formulated any regulations. Here Kerala Electricity Supply Code

2014 regulation very clearly stated that the short assessment is to be limited for two years. The term when such sum become 'first due' is not mentioned in this regulation and as such this order could not be applied in this case.

Further when the Licensee is at fault in complying with the regulation and ample opportunity available for the licensee to detect this anomaly was not availed, then passing of the huge Liability to the consumer is not acceptable as per natural justice.

## **Decision**

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

1. The short assessment bill issued by the licensee for Rs. 54,63,959 is quashed here with.
2. The appellant has to connect the power laundry also to the HT service connection. Licensee has to accord sanction for extending the power supply to this additional load as the existing power system is having capacity.
3. The tariff applicable for the power laundry is HT IV B, as the purpose of use and premises is same as that of Hotel.
4. The revised short assessment is to be prepared and served to the appellant for a maximum period of 24 months only.
5. The short assessment to be prepared for the difference between the tariffs HT IV B and LT IV A for a period of two years.
6. The appellant is liable to pay the amount as per the revised short assessment bill.
7. The licensee shall grant 12 monthly installments for remitting this short assessment bill, if the appellant opt for the same.
8. The above decisions are to be implemented within 2 months from the date of receipt of this order. A compliance report is to be submitted to the Ombudsman.
9. No other costs ordered.

**ELECTRICITY OMBUDSMAN**

**Delivered to:**

1. Sri. Rajasekharan Nair S, R.R. Laundry, TC 34/757(2), Shanghumugham, Thiruvananthapuram (DT), 695527
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Beach, Thiruvananthapuram (DT)

**Copy to:**

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydyuthi Bhavanam, KSEBL, Kottarakkara-691506.