

THE STATE ELECTRICITY OMBUDSMAN

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**Appeal Petition No. P/062/2025
(Present A. Chandrakumaran Nair)
Dated: 18-12-2025**

Appellant : Smt. Nancy Joseph,
Arampilly (H), Melur P.O
Chalakkudy, Thrissur(dt) - 680307

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

ORDER

Background of the case

The appellant Smt. Nancy Joseph is a consumer under the Melur Electrical Section of Licensee KSEBL with consumer no. 1156509009493. The appellant was having an oil mill which was situated in a property jointly owned by herself and her husband. The power supply was availed for the running the oil mill. The appellant had defaulted the payment of electricity charges since 07/2018. The last payment made by the consumer is on 30/06/2018. The power supply was disconnected on 03/01/2019 as the consumer has not paid the current charges. The appellant approached the section with a request to permit for instalment facility of clearing the outstanding payment and the first instalment of Rs. 20,000 had been paid on 04/09/2019 and the power supply reconnected on 10/09/2019. The appellant has again defaulted the installments and hence the power disconnected on 19/10/2019. The service connection was dismantled on 17/12/2021 and issued notice to clear the payment. The Licensee has initiated revenue recovery proceedings to recover the arrears. The property has been sold to Shri. Thomas on 06/11/2020 to clear the bank loan. The revenue authorities initiated revenue recovery proceedings. The appellant is challenging the arrear calculation and filed petition to CGRF which was numbered as OP/34/25-26. The CGRF had released the order on 08/09/2025 on completing the proceedings. Aggrieved with the decision of the CGRF this appeal petition is filed to this authority.

Arguments of the Appellant

The complainant was registered as consumer no. 1156509009493 for the supply of electricity to the oil mill with building no. XIII/342 in 8.09 Ares in Sy. No. 814/1 - 28 in Melur Village in Chalakudy Taluk in Thrissur District which was jointly owned by her husband Joseph and herself. Due to financial difficulties, she could make payment towards the discharge of electricity dues only till June, 2018 and the electricity supply was disconnected in August, 2018 for non- payment of dues from July, 2018 onwards. The complainant had taken loans from the State Bank of India and Joseph stood as the guarantor after mortgaging the aforesaid property. Upon default, the State Bank of India filed O. A. No. 547/2020 before the Debt Recovery Tribunal II, Ernakulam against them and possession was taken and they were compelled to reside in rented premises. In such circumstances, they were constrained to sell the property to A. O. Thomas, the father-in-law of the complainant, vide sale deed no. 1924/2020 dated 06.11.2020 of Chalakudy S. R. O. A compromise was arrived at with the Bank and the Original Application was disposed noting the payment of the compromise amount. The complainant and I her husband earnestly believed that they were fully ridden from debt.

Much to the shock of Thomas, Joseph and the complainant, notice dated 07.10.2024 was issued by the Tahsildar, Taluk Office, Chalakudy stating that the complainant owed an amount of Rs. 3,71,070 to the KSEB and they were directed to appear and show cause for not cancelling the aforesaid sale deed on the ground that the same was executed while arrears were due. Notice dated 07.10.2024 was challenged by Thomas before the High Court vide W. P. (c) No. 41565/2024 however it was dismissed vide judgment dated 25.11.2024 pursuant to which W. A. No. 1964/2024 was filed and it was disposed vide judgment dated 06.12.2024 in terms of which the notice was directed to be construed as a notice under S. 44 (3) of the Revenue Recovery Act which provided for sale and attachment of property and Thomas was directed to show cause before the Tahsildar on 09.12.2024. Letter dated 09.12.2024 was submitted on behalf of Thomas however it was perfunctorily rejected by the Tahsildar vide communication dated 23.12.2024. The communication dated 23.12.2024 was challenged by Thomas before the High Court vide W. P. (c) No. 4390/2025 and all proceedings in furtherance of communication dated 23.12.2024 were stayed vide order dated 06.02.2025. Following applications under the Right to Information Act, 2005, the information below was furnished through various letters from the Chalakudy Electrical Division and Melur Electrical Section of the KSEB. Vide letter dated 26.11.2024 of the Public Information Officer, Electrical Section, Meloor, the complainant was informed that dues commenced from 26.04.2019 and that disconnection was effected on 13.11.2019 at which time an amount of Rs. 49,906 (consisting of fixed

charge of Rs. 46851, surcharge of Rs. 2965 and meter rent of Rs. 90) was due.

Vide letter dated 17.12.2024 of the Public Information Officer, Electrical Division, Chalakudy, dismantling was stated to have been done on 22.12.2021 at which time Rs. 3,49,256 was due (consisting of current charge of Rs. 2,56,871 and surcharge of Rs. 92,385). When revenue recovery measures were initiated on 28.04.2022, additional surcharge of Rs. 21,814 was due and the amount due became Rs. 3,71,070. Requisition dated 28.04.2022 was sent for recovery of Rs. 3,71,070 by the Electrical Division, Chalakudy. The manner in which the demand charge of Rs. 2,56,871 was calculated was detailed vide letter dated 14.03.2025 of Executive Engineer - in - charge, Electrical Division, Irinjalakuda wherein it was stated that the demand charge from April, 2019 till December, 2021 was 50kVA i.e. 75% of the contract demand of 66kVA.

The demand of Rs. 3,71,070 is made by calculating monthly demand charge from April, 2019 onwards. The complainant earnestly believes that the security deposit and interest therefrom along with other rebates and benefits were utilized to pay the monthly demand charges till March, 2019 and part of the monthly demand charges for April, 2019. Monthly demand charges are demanded from April, 2019 for the said reason. The aforesaid facts and circumstances were brought to the attention of the Assistant Engineer, Office of the Assistant Engineer, Electrical Section, Kerala State Electricity Board, Meloor vide complaint dated 02.05.2025. The aforesaid complaint was not accepted when it was attempted to be served personally to the aforesaid office and hence the complainant was constrained to send it by post on 02.05.2025 and it was received by the office of the Assistant Engineer. The complainant filed O. P. No. 34/2025 before the Consumer Grievance Redressal Forum challenging the legality of the claim of the Kerala State Electricity Board for Rs. 3,71,070 and sought refund of the security deposit with interest along with compensation. It was contended that the determination of the amount due constitutes an error in billing and deficiency in service constituting violation of the laws governing the supply of electricity for the following reasons:

In any case, the period of disconnection cannot be deemed to exist till the date of dismantling. The complainant cannot be penalized for the delay in dismantling. Additionally, she is entitled to refund of such portion of the security deposit after adjusting legally recoverable dues.

The Consumer Grievance Redressal Forum, Ernakulam dismissed the grievance vide order dated 08.09.2025 by noting as follows:-

- The subject matter of the grievance is identical to the subject matter in W. P. (c) No. 4390/2025 which is pending before the High Court and a

decision by the Forum would have a bearing on the outcome of W.P. (c) No. 4390/2025.

- The merits of the grievance are not liable to be looked into at this stage.

The aforesaid order was received by post by the complainant on 20.09.2025.

CGRF order dated 08.09.2025 is grossly illegal, arbitrary, erroneous and unreasoned for the following reasons:-

1) The finding of the Forum that the subject matter of the grievance is identical to the subject matter in W. P. (c) No. 4390/2025 is absolutely incorrect. Notably, the copy of the writ petition was not even part of the record before the Forum which proceeded to record such finding solely on the basis of a contention in this regard by the respondent. Rule 19 (1) mandates that the Forum conform to the principles of fair play and natural justice however the aforesaid requirement has been grossly violated through such finding.

2) The pendency of W. P. (c) No. 4390/2025 is not sufficient reason for not considering the grievance. W. P. (c) No. 4390/2025 was not filed by the complainant rather it was filed by Thomas, the father in-law of the complainant who purchased the property from her. The genuine claims of the complainant cannot be curtailed citing a case at the instance of a third party.

3) The subject matter of the aforesaid writ petition is drastically different from the issues sought to be raised in the grievance.

The subject matter of challenge therein, is the rejection of the reason furnished by Thomas for not attaching and selling the property that was purchased by him by taking recourse to Section 44 (3) of the Kerala Revenue Recovery Act, 1968. The primary contention of Thomas was that the entire property not be subjected to revenue recovery purchased by him could proceedings as the defaulter, the complainant herein, was the owner of only half undivided right over the property and as the market value of the entire property exceeded Rs. 1 crore. It was further contended that he was a bonafide purchaser of the property.

For the reasons mentioned above, it is humbly prayed that the Honourable Ombudsman be pleased to:

- a) Set aside Annex. 16 order dated 08.09.2025 of the Consumer Grievance Redressal Forum, Ernakulam and allow the complaint;
- b) Declare that the complainant is not liable to pay Rs. 3,71,070 to the Kerala State Electricity Board and set aside requisition dated 28.04.2022 issued from Electrical Division, Chalakudy and direct necessary correction of Consumer Profile with Bill History and Collection History in this regard;
- c) Declare that the complainant is entitled to refund of balance security deposit of approximately Rs. 50,000 with interest at the rate of 9% from

- the date of disconnection in August, 2018 and direct the Kerala State Electricity Board to pay the same to the complainant;
- d) Declare that the complainant is entitled to compensation of Rs. 20,000 for hardship and inconvenience caused and direct the Kerala State Electricity Board to pay the same to the complainant;
- e) Direct the Kerala State Electricity Board to pay costs to the complainant in relation to these proceedings.

Arguments of the Respondent

The above representation has been submitted by the complainant aggrieved by the dismissal of this petition by the Consumer Grievance Redressal Forum, Ernakulam vide Order dated 08.09.2025 in OP No.34/2025. The complaint has been instituted challenging the Revenue Recovery Action initiated by the respondent Board for realization of an amount of Rs.3,71,070/- on account of the electricity arrears payable by the petitioner. In respect of Consumer No.1156509009493, which was an electric connection given to an Oil Mill jointly owned by the petitioner and her husband. In the petitioner had challenged the arrear demand on several grounds including illegality of building during the disconnection period, limitation, arithmetical arrears and non adjustment of payments and security deposit. The respondent Board on receiving notice had appeared in the matter and filed version disputing the maintainability of the complaint, besides defending the arrear under challenge. It was brought to the notice of the forum that the Board has initiated Revenue Recovery action against the petitioner and the Tahsildar for recovery, have, on 07.10.2024 initiated recovery proceedings which has been bought under challenge before the Hon'ble High Court of Kerala in Writ Petition No.41565/2024 and the same was dismissed by the Single Bench on 25.11.2024 against which a Writ appeal was preferred as W.A No.1964/2024 in which the division bench directed to file objection if any before the Revenue Recovery Authorities and to pass appropriate orders. The Revenue Recovery Authority there after dismissed the objections holding that they are untenable, and the property is liable to be proceeded for realization of the arrears. Challenging the same, another writ petition as Writ Petition No.4390/2025 has been instituted by the father-in-law of the petitioner, to whom the property has been transferred by the petitioner during the pendency of the arrears and is pending consideration before the Hon'ble High Court. The CGRF have on appreciation of the facts and evidence have found that the subject matter is subjudice and is pending before the High Court and therefore have dismissed the complaint as not maintainable.

It is respectfully submitted that there is no bonafides in the complaint preferred by the petitioner and the same is an abuse of process of this Hon'ble Authority. The CGRF was perfectly justified in dismissing the complaint for want of jurisdiction. At the outset, it is submitted that the above complaint is not maintainable before this Authority as the

complainant has no locus standi to prefer an appeal before this Authority owing to the following reasons:

(a) The electricity connection owned by the petitioner as Consumer no. 1156509009493 has been dismantled on 22.12.2021. Hence the complainant has lost the status of consumer since the dismantling of the service connection on 22.12.2021. As per the regulation that was in force, at the time of dismantling, only a person having the status of a consumer can prefer a complaint before this Hon'ble Ombudsman. The applicable law which was in force at the time of dismantling has to be reckoned for deciding the claim raised by the complainant. As a dismantled consumer was not enabled by the statute that prevailed at the time of dismantling to raise a complaint before the CGRF or the Ombudsman, the complainant lacks right to prefer this complaint.

It is submitted that the complainant has ceased to be a consumer after dismantling of the service connection on 22.12.2021 and has, after disconnection sold the premises to another person, her father-in-law. The Board has initiated Revenue Recovery action against the person and premise and the same is pending recovery at the hands of the Revenue Recovery Authorities. Therefore the complainant herein does not come under the definition of a consumer as per the statute to raise a grievance under the statute before the CGRF or the Ombudsman.

As per the Regulation 2(15) of the Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Ombudsman and Electricity Ombudsman) Regulations, 2023, only a consumer can prefer a representation before the Ombudsman. The above said regulation is reproduced hereunder:

"Electricity Ombudsman" means an authority appointed or designated by the Commission, under sub-section (6) of section 42 of the Act, to whom any consumer, who is aggrieved by non-redressal of his grievances by the Forum may make a representation for the redressal of his grievance;

Hence this complaint lacks admissibility before this Hon'ble Authority.

(b) The subject matter of the complaint is against the amount sought for recovery under the Revenue Recovery Act for which appropriate proceedings has been initiated by the Revenue Recovery Authorities. This Hon'ble Authority therefore lacks jurisdiction to interfere and pass any orders deciding the legality of the action initiated by the Board for recovery the arrears. Any dispute with regard to the quantification or determination of the arrears ought to have been raised at the time of issuing disconnection and dismantling notices by the Board. The complainant has transferred the premises of connection having arrears on 06.11.2020 in favour of her father-in-law and the Board has initiated revenue recovery proceedings for realizing the arrears from the premise wherein the connection was given.

The attempt of the complainant is to defeat the said proceedings by disputing the legality of the claim belatedly before this Authority after ceasing to be a consumer. Hence, the above complaint is not maintainable before this Hon'ble Ombudsman on this fact as well.

(c) The legality of the revenue recovery proceedings initiated against the premise wherein the connection was effected is under challenge before the Hon'ble High Court of Kerala in the writ petition no. 4390/2025 filed by the present owner as the revenue authorities issued show cause notice to the present owner (buyer of the premises from this complainant), for canceling the Transfer Deed, as electricity arrears were due on the property. Though the transferee had earlier preferred a writ petition no.41565/2024 against the revenue recovery proceedings, the same was dismissed by the Hon'ble High Court vide Judgment dated 25.11.2024. Thereafter an intra court appeal was preferred before the Division Bench and the same was disposed off vide Judgment dated 06.12.2024 directing the appellant to prefer objection if any before the Revenue Recovery Authorities. It is pertinent to note that neither in the writ petition nor in the writ appeal the Hon'ble High Court has intervened in the amount of revenue recovery. The Revenue Recovery Authorities have turned down the contentions raised against the legality of the revenue recovery. The same has been brought under challenge by filing any writ petition as Writ Petition No.4390/2025 and the same is pending and stands posted to 24.10.2025. As such, this Hon'ble Authority is ousted from entertaining the complaint in any manner.

(d) The complaint is a belated one. The electricity connection was disconnected on 13.11.2019. The complainant was then a consumer but has not preferred any complaint against disconnection before the authorities. Thereafter the connection was dismantled on 22.12.2021 after issuing notice. At that point of time also no complaint was preferred by the complainant. Consequently the matter was taken up for revenue recovery and pre-RR notice was issued on 01.01.2022. At this juncture also there was no complaint from the part of the complainant. Now the complainant has approached this Hon'ble Ombudsman after almost four years of dismantling the service connection. Such a complaint cannot be undertrained by this Authority.

The respondent respectfully submit that this Hon'ble Authority may permit the respondent to raise the issue of maintainability of the above complaint before this Authority as a preliminary issue and the same shall be decided by this Hon'ble Authority at the first place.

It is submitted that on merit, the following facts are submitted for the kind consideration of this Hon'ble Authority.

It is submitted that owing to the Covid Pandemic situation from March, 2020, restrictions with respect to disconnection and other coercive actions

were imposed by the Government. All statutory recoveries were stalled during this period. This has prevented the Board from dismantling the service connection during the pandemic period. Meanwhile all the benefits declared to electricity consumers during the pandemic period were passed on to the above consumer also. The details are submitted hereunder: It is submitted that the averments of the complainant with respect to Regulations 139(6) and 144 of Electricity supply code is a misconceived one.

Recoverable under the provisions of the Revenue Recovery Act, as if they are arrears of public revenue due on land or in such other manner as the Licensee may deem fit. Hence, as per the rules, a pre RR notice was raised against the dismantled consumer and sent. Thereafter revenue recovery requisition was given on 28.04.2022 (RRC No. 2022/5622/08).

The quantification of the amount to be realized through revenue recovery has been done strictly as per the rules. The consumer no. 1156509009493 was in LT-4A Tariff. The monthly minimum amount to be remitted by the above consumer number was Rs.8518/, the following table illustrates the amount to be realized.

It is respectfully submitted that the complaint is a belated, misconceived and is not maintainable before this Authority. The dispute raised herein is a subject matter in the Writ Petition No.4390/2025 pending before the Hon'ble High Court of Kerala filed by the purchaser of the premises of the complainant. The Hon'ble Consumer Grievance Redressal Forum (Central Region), Ernakulam has rightly dismissed the complaint as not maintainable. In the above backdrop, this Hon'ble Authority may kindly accept the contentions raised herein and may be pleased to dismiss the complaint.

Counter Argument of the Appellant

It is false to state that the grievance challenged the revenue recovery which was initiated. The complainant sought for a declaration that he was not liable to pay Rs. 3,71,070 which was calculated as Regular Current Charge in the Bill History and Collection History available in the Consumer Profile of the complainant and for effecting correction to the said effect and for consequentially setting aside the requisition sent in this regard. The complainant also sought refund of security deposit and compensation.

It is false to state the complainant lost her status as a consumer once the electricity connection was dismantled. At the outset, it is submitted that the issue in this representation is confined to the legality of dismissing the grievance on the ground of the pendency of W.P.(c)No.4390/2025. Nevertheless, the aforesaid contention of the licensee is erroneous. Reason (a) is without merit. It is false to state that the rights of the complainant are governed by the Kerala State Electricity Regulatory Commission (Consumer

Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2005 on the ground the law as on the date of dismantling i.e. 22.12.2021 would prevail. The complainant came to know of the demand of Rs. 3,71,070 raised by the licensee when she received notice dated 07.10.2024.

The complainant herein is liable to be considered as "any person who submits the complaint" under Regulation 2 (6) as he had submitted Annex. 12 complaint which was not considered by the licensee.

Reason (c) is without merit. The pendency of W.P. (c) No. 4390/2025 is not a reason to dismiss the grievance of the complainant for the reasons mentioned in the representation and the same is not re-iterated for the sake of brevity. Reason (d) is without merit. The complaint is not belated. It is false to state that the complaint ought to have been filed at the time of disconnection or dismantling as the complainant did not know of the amount intended to be levied till notice dated 07.10.2024 was issued. The complainant was not served with any notice raising the aforesaid claims prior to disconnection or dismantling and disconnection and dismantling was effected all of a sudden in a brazen manner without following any procedural compliance.

It is false to state that the restrictions were imposed on disconnection and dismantling during the corona virus pandemic and that statutory recovery was stalled and that benefits were given to consumers. There was no difficulty in dismantling the connection and in any case, the determination of dues is based on the date of disconnection and not the date of dismantling. No pre - RR notice was sent to the complainant. The determination of the amounts due has been made in complete violation of the regulations governing the same.

Analysis and findings

The hearing of the appeal petition was conducted on 05/12/2025 at 11:30 am in the office of the State Electricity Ombudsman, DH Road & Foreshore Road Junction, near Gandhi Square, Ernakulam south. The hearing was attended by the appellant representative Adv.P.J Joe Paul and the respondent Sri.Ajayan.K.K Asst. Executive Engineer, Electrical Sub Division, KSE Board Ltd., Koratty, Thrissur and Sri.Renjith Kumar.K, Nodal Officer(Litigation), Ele.Circle, Irinjalakkuda, Thrissur (DT).

The appellant had availed an LT 3 phase industrial connection under the tariff LT 4 A for running an oil mill. The mill was situated in the joint property owned by the appellant and her husband. The connected load was 59.494 KW and contract demand was 66.1 kVA. This connection was effected on 04/08/2009 under the Electrical Section, Melur under the jurisdiction of Electrical Sub Division Koratty. The appellant was regularly paying the current charges up to 06/2018. The last payment made was on 30/06/2018. The power supply was disconnected on 03/01/2019 due to the default in payment. The Licensee has issued the dismantling notice on

05/07/2019 stating that if the payment is not made within 15 days the service connection will be dismantled. Then the appellant approached the Melur Section office of the Licensee, requesting for instalment facility to clear the dues and the same has been approved by AE, Melur on 04/09/2019. The total arrears calculated from 07/2018 to 08/2019 was Rs. 1,12,563/-. Then the consumer had paid Rs. 20000/- as the first instalment in counter of the Section office on 04/09/2019. Accordingly the power was reconnected on 19/10/2019. Then again the appellant defaulted the regular bill of 09/2019 as well as the instalment. Power was disconnected on 19/10/2019. As per the Orumanet details the connection was dismantled on 17/12/2021 and the notice to pay the arrears has been issued vide letter dated 01/01/2022. It is also intimated that if the payment is not made within 15 days, the matter would be taken up with District Collector for Revenue Recovery proceedings. The revenue recovery proceeding Form 24 has been filed on 28/04/2022. This reveal that the Licensee has already initiated action for Revenue Recovery by 04/2022 itself.

One of the main contention of the respondent is that this case is not maintainable as the appellant is not a consumer. The Clause 2(8) of the KSERC (CGRF and Ombudsman) Regulation 2023 clearly defined the consumer

Clause 2(8) *“Consumer” means any person who is supplied with electricity for his own use by a licensee and includes any person whose premises are connected for the purpose of receiving electricity with the works of a licensee or a person whose electricity supply is disconnected by a licensee or the person who has applied for connection for receiving electricity from a licensee or a prosumer, as the case may be;*

This definition states that The person whose power supply is disconnected by a Licensee also coming under the consumer category. Then Clause 2(6) describe about the complainant.

(6) *“Complainant” means any person who submits the complaint or grievance or representation as defined in these regulations against the distribution licensee and include the following:-*

(i) *any consumer of electricity supplied by the licensee as defined under clause (15) of section 2 of the Act, including applicants for new connections; or*

(ii) *a voluntary electricity consumer association/ forum or other body corporate or group of electricity consumers; or*

(iii) *the Central Government or State Government - who or which makes the complaint; or*

(iv) *in the case of death of a consumer, his legal heirs or representatives;*

While considering the above regulations, the petition filed by the appellant is maintainable. Then the respondent raised argument about the

WP©/4390/2025 by Shri. Thomas who is the present owner of the land. The prayer is not regarding the matter which is under consideration in this petition and hence the argument is not acceptable. There was other cases WP/4156/2024 and appeal WA/1964/2024; these are regarding revenue recovery from the land of appellant and her husband sold to Shri. Thomas. Shri.Thomas is the petitioner of these cases. The appellant is not challenging the authority of Licensee to recover the arrears, but challenging the period for which the arrear is calculated.

The power of Licensee to recover charges.

45. (1) *Subject to the provisions of this section, the prices to be charged by a distribution licensee for the supply of electricity by him in pursuance of section 43 shall be in accordance with such tariffs fixed from time to time and conditions of his licence.*

45.(2) *The charges for electricity supplied by a distribution licensee shall be -*

- (a) fixed in accordance with the methods and the principles as may be specified by the concerned State Commission ;*
- (b) published in such manner so as to give adequate publicity for such charges and prices.*

45.(3) *The charges for electricity supplied by a distribution licensee may include -*

- (a) a fixed charge in addition to the charge for the actual electricity supplied;*
- (b) a rent or other charges in respect of any electric meter or electrical plant provided by the distribution licensee.*

This mandated that the consumer is liable to pay the energy charges and other charges. Then the Section 56(1) states about the authority of Licensee to disconnect the power if payment is defaulted.

56. (1) *Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:*

Provided that the supply of electricity shall not be cut off if such person deposits , under protest, -

- (a) an amount equal to the sum claimed from him, or*
- (b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.*

The regulation 138 of the Supply Code 2014 also states about the disconnection power when the consumer is defaulted the payments.

138. Grounds for disconnection.-

(1) The licensee shall not disconnect the supply of electricity to any consumer except on any one or more of the following grounds:-

(a) if the consumer defaults in payment of the dues payable to the licensee as per the bill or demand notice or any order issued by a competent authority, within the period stipulated therein;

The regulation 144 of the Supply Code 2014 briefed about the Grounds for dismantling of service.

144. Grounds for dismantling of service.-

(1) The service shall be dismantled on the following grounds:-

(a) on the termination of the agreement;

(b) if the grounds on which the supply was disconnected are not removed or rectified within the notice period.

(2) If the agreement is terminated or if the consumer does not remove or rectify the grounds for disconnection, the licensee shall arrange dismantling of the service connection:

Then this empower the Licensee to disconnect and dismantle the service connection. During disconnection period also the consumer is liable to pay the fixed charges. Then how long the consumer has to pay? The regulation 141 clarifies about the charges payable during disconnection.

141. Charges payable during the period of disconnection.- *The consumer is liable to pay the charges if any as approved by the Commission, during the period of disconnection also: Provided that no charge shall be due to the licensee for the period which is in excess of one hundred and eighty days from the date of disconnection if the connection remains continuously disconnected for one hundred and eighty days except on the request of the consumer.*

The Licensee is authorised to charge the fixed charges only for 180 days from the date of disconnection.

Here in this case the Licensee argue that the power was not disconnected due to Covid 19 Pandemic. The Lock down due to Pandemic was effected only after March 2020. The power have been disconnected on 19/10/2019 and then would have dismantled well before Pandemic shut down. Even though they have disconnected on 12/2021, the fixed charges would have charged only for 180 days after the disconnection.

In this case the power supply was disconnected on 19/10/2019 and dismantled only on 17/12/2021. The Licensee has charged the fixed charges up to 12/2021 that is for almost 27 months. There is no

justification for charging fixed charges for 27 months after the disconnection. There is no legal ground for charging the fixed charges for the 27 month. There is a contention raised by the appellant that the limitation period of two years as per Section 56(2) is applicable as the Licensee has raised revenue recovery proceedings after two years for the amount due on 12/2021. The Licensee has initiated action for revenue recovery proceeding 04/2022 itself and hence this argument won't have any stand and hence rejected.

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 arrear bill raised by the Licensee by notice dated 01/01/2022 is hereby quashed.
2. The Licensee is authorised to charge fixed charges only for 180 days from the date of disconnection that is six months from 19/10/2019 and the arrears bill has to be revised accordingly.
3. The appellant is liable to pay the charges as per the revised bill
4. This order is to be implemented within 45 days from the date of receipt of this order.
5. No other costs ordered.

ELECTRICITY OMBUDSMAN

No. P/062/2025/ dated: 18/12/2025.

Delivered to:

1. Smt. Nancy Joseph, Arampilly House, Melur P.O, Chalakkudy, Thrissur dt - 680307
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Koratty, Thrissur (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, 220 kV Substation Compound, HMT Colony P.O., Kalamassery, Pin- 683503.