

THE STATE ELECTRICITY OMBUDSMAN

D.H. Road & Foreshore Road Junction, Near Gandhi Square,
Ernakulam, Kerala-682 016

Ph: 0484 2346488, Mob: 8714356488

Email: ombudsman.electricity@gmail.com

**Appeal Petition No. P/026/2026
(Present A. Chandrakumaran Nair)
Dated: 29-06-2026**

Appellant : Sri.Havildar Sreenivasan A.K
Aloorkaran (H)
Varadiyam, Kavinagar
Avanur P.O
Thrissur (dt) - 680541

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

ORDER

Background of the case

The appellant Shri. Sreenivasan is a retired Havildar residing at Aloorkaran House, Varadium Kavinagar, Avanur, Thrissur Dist. and he had availed an agricultural connections in the year 1997 with consumer number 1156958008472 under the Electrical Section, Mundur. The Electricity charges were regularly paid through Krishi Bhavan, Avanur for about 27 years. The Government of Kerala issued a new order dtd 22/09/2021 stating that Karshaka Samithies are to be formed and the energy charges would be paid through these Samithies formed in each Krishi Bhavans. The remittance of energy charges by Krishi Bhavan have been stopped with effect from 31/03/2022. The appellant have not been enrolled in the Karshaka Samithi and he has been excluded from the eligibility list forwarded by the Krishi Bhavan. As the energy charges was unpaid since 31/03/2022 the notice have been served to him dtd 11/07/2024 to clear the arrear failing which the connection will be disconnected. The Electricity connection was disconnected on 10/06/2025 and was dismantled on 13/01/2026. The appellant had filed the petition to CGRF Central Region under reference no.OP/105/2025-26 and the CGRF had issued the order

dtd 07/04/2026 on completing the procedural formalities. The CGRF order state that the appellant is liable to pay the arrears. Aggrieved by the decision of CGRF this appeal petition is filed to this Authority.

Arguments of the Appellant

The present Appeal is filed challenging the Order dated 07-04-2026 passed by the Consumer Grievance Redressal Forum, Central Region, Ernakulam in OP No.105/2025-26, which upheld the disconnection and dismantling of the Appellant's agricultural electricity service connection and directed payment of arrears. The Appellant is a retired Havildar of the Indian Army who served the Nation for 21 years and is presently a senior citizen engaged in agricultural activities. The Appellant was granted an Agricultural Electricity Service Connection in the year 1997 for his land at Avanur Village, Thrissur District. The agricultural tariff benefit continued uninterrupted for about 27 years, with electricity charges being remitted through Krishi Bhavan up to 31-03-2022. Thereafter, without issuing any prior written notice, show cause notice, or opportunity of personal hearing, the agricultural concession was discontinued and arrears were shown in the bill, eventually leading to disconnection and dismantling of the service connection. The Appellant respectfully submits that the CGRF failed to properly appreciate the material facts and legal principles applicable to the case and passed the impugned order without addressing the fundamental procedural violations committed by the Respondents.

The agricultural benefit enjoyed continuously for 27 years was withdrawn without issuing any show cause notice or granting opportunity of hearing. Issuance of routine electricity bills cannot substitute statutory notice prior to withdrawal of a long-standing concession. The impugned action therefore violates settled principles of natural justice. The Appellant had been enjoying agricultural concession continuously since 1997 through a Government-supported mechanism. Withdrawal of such a long-standing benefit without due process defeats the doctrine of legitimate expectation and is arbitrary in nature.

The discontinuance of concession and dismantling of service connection arose from a technical administrative change and alleged resurvey variation of land extent, which was not attributable to any fault, misrepresentation, or misuse on the part of the Appellant. The action taken is therefore grossly disproportionate. The Respondents failed to produce any proof that the Appellant was informed about:

- (a) discontinuance of payment through Krishi Bhavan
- (b) requirement of enrolment in Karshaka Samithi
- (c) withdrawal of agricultural concession

In the absence of such communication, the Appellant cannot be penalised for non-compliance with revised administrative procedures.

The disconnection and subsequent dismantling of service connection were carried out without establishing service of statutory notice as required under applicable regulations. The CGRF failed to examine whether mandatory procedural safeguards were complied with before dismantling the connection. Even after disconnection, fixed charges and meter rent were continued to be added, resulting in artificial inflation of arrears. This action is arbitrary and inequitable.

The CGRF held that denial of agricultural concession falls within the jurisdiction of Agricultural authorities alone. However, once withdrawal of concession resulted in billing disputes, disconnection, and dismantling of electricity service, the matter squarely falls within electricity consumer grievance jurisdiction and required adjudication by the Forum. The Appellant is a senior citizen and defence veteran who has not committed any fraud, misuse, or violation. The impugned order failed to consider these relevant circumstances while affirming drastic action against the Appellant.

In the above circumstances, it is most respectfully prayed that this Hon'ble Ombudsman may be pleased to:

- (a) set aside the Order dated 07-04-2026 passed by the CGRF, Central Region in OP No.105/2025-26;
- (b) declare the disconnection and dismantling of the Appellant's agricultural electricity service connection as improper and unsustainable;
- (c) direct reconsideration and restoration of agricultural service connection subject to eligibility determination after due notice and hearing;
- (d) quash the arrears, including fixed charges and meter rent imposed after withdrawal of concession;
- (e) grant such other reliefs as this Hon'ble Ombudsman deems fit and proper in the interest of justice.

Arguments of the Respondent

The consumer was granted an agricultural electricity connection in the year 1997 for his land situated at Avanur Village with Consumer Number 1156958008472 under Electrical Section, Mundur. The electricity charges were regularly paid through Krishi Bhavan, Avanur, and the connection continued without any dispute for about 27 years. Subsequently, upon the implementation of a new Government order of the Agriculture Department, new Karshaka Samithies were formed in all Krishi Bhavans. As per the new

arrangement, agricultural concessions were to be given only to members of the newly formed Karshaka Samithi. Thereafter, the remittance of electricity charges by Krishi Bhavan to the electricity board was stopped from 31.03.2022.

The above consumer was not enrolled as a member in the Karshaka Samithi of Avanur Krishi Bhavan. No communication or information was received from the said Krishi Bhavan to the Electrical Section Office, Mundur, regarding the payment of electricity charges for this consumer. All electricity bills issued to the consumer after 31.03.2022 remained unpaid either by the consumer or by the Krishi Bhavan, Consequently, arrears accumulated in the said consumer account. The Section authorities informed the consumer about the pending arrears through several phone calls and requested him to remit the outstanding amount. However, the consumer neither remitted the arrears nor submitted any communication from the Krishi Bhavan regarding payment. Therefore, the electricity connection was disconnected on 10.06.2025.

As per the rules of the Kerala State Electricity Board Limited, after six months of disconnection, a demand notice was issued to the consumer on 22.12.2025 by the Assistant Engineer, Electrical Section, Mundur, informing him that the arrear amount was Rs. 6,705/- and directing him to remit the same within 15 days, failing which the electricity connection would be dismantled without further notice. The notice also informed the consumer that legal proceedings would be initiated to recover the arrears. Since Sri. Sreenivasan failed to remit the arrear amount within the stipulated time, the electricity connection was dismantled on 13.01.2026. All procedures were duly followed in accordance with the rules and regulations of the Kerala State Electricity Board Limited.

Subsequently, Sri. Sreenivasan submitted a complaint to the Thrissur District Collectorate through the President, Akhil Bharatiya Poorva Sainik Seva Parishad, Thrissur. The complaint was forwarded from the Collectorate to this office for a report on 27.01.2026. As stated in the complaint letter, his concession was denied by the Krishi Bhavan, Avanur due to a reduction of half a cent of land in connection with the resurvey. In the letter, he has also stated that he has not sold or transferred any portion of his land. Accordingly, a report explaining the above facts was submitted to the Collectorate on 19.02.2026.

The consumer approached the Consumer Grievance Redressal Forum (CGRF) on 26.02.2026, and a hearing was conducted on 27.03.2026. The Forum subsequently issued an order stating that the complainant is liable to remit the entire outstanding arrears in respect of the service connection. The Forum further observed that the issue relating to the resurvey of land, reduction in extent, and the consequent exclusion from agricultural concession by the Krishi Bhavan falls outside the purview of the CGRF. The

petitioner may, therefore, approach the appropriate agricultural authorities for redressal, if required.

The Forum also directed that eligible instalments be granted as per the applicable regulations. Hence, it is most humbly prayed that this Hon'ble Forum may kindly accept this statement.

Counter Argument of the Appellant

The Appellant denies the allegations, statements and contentions in the "Statement of Facts" filed by the Respondents except those specifically admitted herein. It is true that the Appellant had been enjoying Agricultural Electricity Concession continuously from 1997 onwards for about 27 years through Krishi Bhavan, Avanur without any interruption or dispute whatsoever. The core issue involved in the present case is not mere non-payment of electricity charges, but the illegal and arbitrary withdrawal of long-standing agricultural concession without proper notice, communication, hearing, or due procedure. The Respondents themselves admit in their Statement that the change occurred pursuant to Government Order No.82/2021/Agri dated 22-09-2021 introducing a revised system through Karshaka Samithi.

However, neither KSEB authorities nor Krishi Bhavan authorities ever served any written notice, intimation, direction, or communication upon the Appellant informing:

- (a) that the existing concession scheme was being discontinued;
- (b) that enrolment in Karshaka Samithi had become mandatory;
- (c) that failure to enrol would result in withdrawal of concession;
- (d) that electricity liability would thereafter fall personally upon the consumer.

The Appellant respectfully submits that after enjoying concession continuously for 27 years through a Government-supported mechanism, the authorities were legally and morally bound to issue proper written notice before imposing financial liability and dismantling the service connection. The Respondents are now attempting to justify their action by merely stating that "telephone calls" were made to the consumer regarding arrears. The said contention is false, vague, unsupported, and legally unsustainable because:

- (a) no call details, records, dates, or proof have been produced;
- (b) no acknowledgment from the Appellant has been produced:

- (c) telephone calls cannot substitute statutory notice or written communication affecting valuable civil rights;
- (d) no notice specifically informed the Appellant about withdrawal of concession under Government Order No.82/2021/Agri.

The Government Order itself nowhere authorises KSEB to dismantle long-standing agricultural connections without prior written notice and procedural safeguards. The Respondents have selectively relied upon the Government Order while ignoring principles of natural justice. The Appellant respectfully submits that he never committed any fraud, suppression, misuse, unauthorised extension, or violation of electricity conditions. The alleged issue arose only because of an administrative change introduced between Government Departments and Krishi Bhavan authorities, over which the Appellant had absolutely no control.

Even according to the Respondents, the concession stopped because the Appellant was allegedly not enrolled in Karshaka Samithi. However, no authority ever informed the Appellant that such enrolment was mandatory for continuation of existing concession enjoyed for decades. It is submitted that denial of concession and imposition of arrears without notice violates:

- (a) principles of natural justice,
- (b) doctrine of legitimate expectation,
- (c) fairness in administrative action.

The Appellant further submits that even after disconnection, KSEB continued adding fixed charges and meter rent, thereby artificially inflating arrears. The dismantling of agricultural service connection caused severe hardship to the Appellant, who is:

- (a) a retired Havildar of the Indian Army,
- (b) a senior citizen,
- (c) dependent upon agricultural activity.

The Respondents have failed to establish:

- (a) proper service of statutory notice,
- (b) written communication regarding concession withdrawal,
- (c) lawful compliance with procedural safeguards before dismantling.

Therefore, the action of the Respondents is arbitrary, disproportionate, procedurally illegal, and liable to be interfered with by this Hon'ble Ombudsman.

In the above circumstances, it is most respectfully prayed that this Hon'ble Ombudsman may kindly:

- (a) reject the contentions raised by the Respondents;
- (b) allow the Appeal Petition;
- (c) set aside the impugned order of CGRF;
- (d) declare the dismantling and arrear proceedings improper and unsustainable;
- (e) grant appropriate reliefs in the interest of justice, equity, and fair administrative procedure.

Analysis and findings

The hearing of the appeal petition was conducted on 18/06/2026 at 11:00 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 Sri.Havildar Sreenivasan. A.K and the respondent Smt.Sindhu K.K, Asst. Executive Engineer, Electrical Sub Division, KSE Board Ltd., Kechery, Thrissur(DT).

The petitioner had availed an Agricultural connection under the tariff LT 5 A from the Licensee KSEBL through their Electrical Section, Mundur on 1997. He was having an extend of 30 cents of land in which he was cultivating Coconut, Plantain and other crops. The free electricity applicable to the small scale farmer was extended to him by the Krishi Bhavan, Avanur. The energy charges for the consumption of the appellant was regularly paid by the Krishi Bhavan. Government of Kerala had modified the mode of remittance of Electricity charges for the small scale farmers through a Government order dtd 22/09/21. This order states that Karshaka Samithies are to be formed in each Krishi Bhavan and the energy charges are remitted to the Licensee through this Samithies and not by the Krishi Bhavan. The appellant Shri. Sreenivasan has not joined in the Karshika Samithi. The remittance of energy charges by the Krishi Bhavan had been stopped with effect from 31/03/2022. The Krishi Bhavan had issued the list of excluded farmers from this facility to the KSEB Section office, Mundur on 10/08/2022 itself and has been received in the office on 24/08/2022. The list states that the appellant is not eligible for the free electricity. It is also noted that the Krishi Bhavan have forwarded the notice to be issued to the farmers who are not eligible for this free electricity to the Section office for further necessary action. The Section office of the Licensee have not taken any further action in this regard. The appellant have not been informed about the ineligibility of free electricity either by the Licensee or the Krishi Bhavan. The appellant was under the impression that the electricity charges

would have been paid by the Krishi Bhavan. Though the Krishi Bhavan has communicated this matter to the Section office on 10/08/2022, the letter from the Section office to the appellant have been sent only on 11/07/2024 which after the lapse of almost two years. In this letter the Licensee had informed that the energy charges after 03/2022 have to be paid by the appellant. This is seen to be injustice from the side of the respondent/ Licensee. Then the information about the total arrears and the notice of dismantling was issued on 22/12/2025. This letter states that the connection have been disconnected on 10/06/2025 and the total arrears up to 22/12/2025 is Rs.6,765/-. Then during the hearing the respondent had informed that Krishibhavan had cleared old arrears more than two thousand rupees and then the arrears will be around 4000 to 4500 only. The Licensee was very well aware that the energy charges were unpaid with effect from 04/2022 and the Krishi Bhavan had informed the Licensee on 08/2022 it self that the appellant is not eligible for this facility. Then why the Licensee have not issued the notice to the consumer? or Why the Licensee has not disconnected the power as per regulation 138(a) of Supply Code.

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;

There is no proper justification from the side of Licensee in this regard. Then the Licensee is not supposed to charge the interest or surcharge for the arrears from 01/04/2022 to 11/07/2024. As the Licensee had failed to inform this in time, the appellant is not liable to pay the interest / Surcharge during this period. The appellant informed that the power was not available from 2023 onwards, which is seen to be not correct as the data from the Orumanet shows the consumption.

The appellant had informed that his land area was around 30 cents and the resurvey records shows that it is only 29.5 cents. To get the free electricity as per the Govt order minimum land area required is 30 cents. The appellant states that reductions in the area of land would due to the road widening in front of his property. This matter have to be taken up with appropriate revenue authorities and this Authority is not having the jurisdiction to interfere in this subject.

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 Licensee have to revise the arrear bill excluding the interest or surcharge for a period from 01/04/2022 to 11/07/2024 and also reducing the amount paid by the Krishi Bhavan.
2. Appellant is liable to pay the charges according to the bill revised as per decision (1) above.
3. The Licensee shall grant 12 monthly instalment facility without interest for clearing this dues.
4. All these decision are to be executed within one month time and a compliance report is to be submitted.
5. No other costs ordered.

ELECTRICITY OMBUDSMAN

No. P/026/2026/_____ dated: 29-06-2026 .

Delivered to:

1. Sri.Havildar Sreenivasan A.K,Aloorkaran (H),Varadiyam, Kavinagar
Avanur P.O,Thrissur (dt) - 680541
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board
Ltd, Kecheri, 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.