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Appeal Petition No. P/018/2025 (Present A. Chandrakumaran Nair) Dated: 30-05-2025

Appellant : Dr. Zachariah Paul
Director
M/s. Central Travancore Specialist
Hospital Ltd., Mulakkuzha, Chengannur
Alappuzha (dt)

Respondent : 1. The Deputy Chief Engineer
Electrical Circle,
Harippad, Alappuzha(dt)

2. The Special Officer
Vydyuthi Bhavanam
Pattom, Thiruvananthapuram

ORDER

Background of the case

The petitioner Dr. Zachariah Paul is the Director of M/s. Central Travancore Specialists Hospital Ltd., Mulakkuzha, Chengannur. The said Hospital is a HT consumer with Consumer No. LCN 32/3534 under the Electrical Section Mulakkuzha which is under the Jurisdiction of Electrical Circle, Harippad. The agreement authority the Dy. CE , Electrical Circle, Harippad had issued a demand notice for Rs. 72,24,447/- dated 04/10/2024 including interest upto 12/04/2024. This amount includes a short assessment and the arrear outstanding from 05/2016 to 04/2024. The petitioner approached the Hon'ble High Court at various occasions and filed petitions to CGRF as directed by the Hon'ble Court. The CGRF issued order dated 29/01/2025 stating that the petitioner is liable to pay amount as per the demand notice of the Licensee. The appellant has filed this appeal petition challenging the orders of CGRF.

Arguments of the Appellant

The complainant is submitting this application against the order of the Consumer Grievance Redressal Forum (CGRF) rejecting a challenge to the notice dated 04.10.2024, issued by the Licensee which notified the intent to convert the temporary disconnection into a permanent disconnection, dismantle the High Tension(HT) service connection, and terminate the agreement in accordance with Section 143(3) of the Supply Code. On 23.10.2024, the licensee proceeded with the complete dismantling of the HT service connection. The notice dated 04.10.2024 contained a demand of Rs.63,82,012/-. This demand can be divided into two parts. The first part pertains to a short assessment of bill arrears, which includes a demand for Rs.23,15,304 towards electricity charges, along with interest of Rs.40,66,920.

The complainant had previously approached the CGRF by filing complaint OP No.15/2022-23 in relation to the same matter. The CGRF had set aside the demand for interest and directed the complainant to pay the principal amount of Rs.23,15,304. Additionally, the Forum directed that interest be paid from 15.02.2022 and instructed KSEB to revise the bill accordingly. The revised bill was issued to the complainant much later, with the bill being received on 13.02.2023. Therefore, the contention of the complainant was that, if any interest is to be paid, it should be calculated from 13.02.2023, the date on which the revised bill was received. The second part of the notice dated 04.10.2024 pertains to the fixed monthly charges for the period from June 2022 to April 2024. The principal amount charged was Rs.33,49,320, along with interest of Rs.5,76,681, resulting in a total of Rs.39,26,001/-. The complainant submits that they are not liable to pay this amount, as the hospital was ordered to be taken over by the District Collector and the Chairman, District Disaster Management Authority, Alappuzha, on 23.03.2020. The hospital, along with its entire property, resources, and services, was taken over by the State Government on 26.03.2020. During this period, the hospital remained under the custody of the District Collector. The licensee was a related and executing party to the statutory order issued by the District Collector. The argument that payment of electricity charges is a matter between the consumer and the licensee does not apply in this case, as the hospital was taken over by the Government through a compulsory measure, invoking the provisions of the Epidemic Diseases Act, 1897, the Disaster Management Act, 2005, and the Kerala Epidemic Diseases Ordinance of 2020. The Government of Kerala cannot be considered a tenant in this context. The licensee treated the Government as a consumer, and vice versa, with the understanding that the Government would receive electricity supply, accept part of the electricity charges, and refrain from disconnecting the supply during the period of non-payment from April 2020 to April 2022.

The complainant had informed the licensee multiple times, requesting to downgrade the contract demand, consider a temporary HT disconnection, and switch to LT supply instead of maintaining the HT connection, given the minimal power usage since the Government had closed the hospital. Had these measures been implemented, the complainant submits that such an exorbitant bill would not have arisen. According to Section 60 of the Supply Code, 2014, if the applicant is unable to avail of the supply due to reasons beyond their control, they shall not be liable to pay any charges to the licensee.

The Licensee disconnected the power supply on 13.09.2023 due to unpaid dues. This ultimately led to the dismantling of the connection in April 2024, as the complainant failed to pay the dues within the stipulated 180 days. The amount sought to be recovered from the complainant is exorbitant and unjustifiable under the circumstances. In the matter of payment of the principal amount of Rs. 23,15,304 towards short assessment dues, the complainant requests that the payment be allowed in equal monthly instalments, considering the financial circumstances.

The complainant respectfully requests the complete waiver of the interest portion of the demand. This request is made in light of the fact that the complainant has no resources to settle the bill as no income was generated from the hospital during the period it was in the possession of the Government, from 26th March 2020 until the period covered by the demand. Furthermore, out of the compensation amount sanctioned by the Government Rs. 36,47,413 was adjusted towards the payment of electricity charges for the period the hospital was under government possession. During this time, the responsibility for paying electricity charges lay with the Government. This compensation amount was subsequently paid to the complainant following a favorable order in the appeal filed by the complainant regarding the compensation assessment. Had this amount not been wrongly withheld then, the complainant would have been able to affect the payment towards the principal sum of Rs. 23,15,304/- promptly and also would have avoided the huge liability of interest on delay payments.

In case interest is found payable on the non-payment of short assessment dues, the complainant requests that the interest be calculated from the date of the revised bill issued to the applicant which is 13.02.2023; and that the liability for interest payable by the Complainant be reckoned from after 04 July 2024 the day the amount of Rs. 36,47,413 was returned to the complainant. The interests accrued from 13.02.2023 to 04.07.2024 be paid by the District Disaster Management Authority.

The interest thus calculated to be paid by the Complainant also be allowed in equal monthly instalment. In the matter of fixed monthly charges arrears from June 2022 to April 2024, along with its interest amounting to a total of Rs. 39,26,001, the complainant requests that the amount be paid by the

District Disaster Management Authority, as it was in possession of the hospital by force of statutory laws. These laws severed all the rights and authority of the complainant during the relevant period.

With respect to the fixed monthly charges due from May 2022, the complainant requests that the charges be reckoned based on the minimum contract demand of 30-40 KV as already noted by the Deputy Chief Engineer, Harippad, or according to LT rate, whichever is lower. This is justified by the fact that there was no power consumption during this period, and multiple disconnections occurred first being on 02 May 2022, followed by disconnections on 22 March 2023 and 13 September 2023. The Complainant had made multiple requests to the Licensee, on which no action was taken. Had the Licensee acted on this genuine requests, then the monthly fixed liabilities from May 2022 onwards would have been significantly lower.

In regard to the dismantling date for failure to clear the cause of disconnection within 180 days, when the disconnection occurred on 13 September 2023, the complainant requests that the dismantling date be considered as 11 March 2024 (180 days), rather than 12 April 2024. Therefore, the interest payable should be reckoned only up to 11 March 2024 and not up to 12 April 2024.

Had the licensee disconnected the power supply on 26 March 2020 for non-payment of the dues for February 2020, against demand notice sated 03.03.2020, then this dismantling would have occurred in September 2020. However, the licensee continued to supply power to the hospital as per the orders of the District Collector, Alappuzha, despite non-payment for over two years, until April 2022. Subsequently, the licensee raised an arrears bill to the applicant on 21.01.2022, which led to the first disconnection on 02 May 2022.

The Complainant sought to protect the value of equipment and biomedical assets and therefore sought multiple interventions from the Hon'ble High Court of Kerala. However, when the complainant was allowed to enter the hospital for the first time during the preliminary joint inspection on 18 June 2022, it was horrifying to observe that the biomedical electrical assets had been neglected and possibly damaged while in the custody of the District Administration/DDMA/NHM. At this point, it was evident that there was nothing the complainant could do to salvage or protect the electrical equipment in the hospital. Had the applicant not deposited part of the stay pre-deposit amount or sought an extension of the stay of disconnection, the power supply would have been dismantled again in October 2022. It should be noted that the cause of disconnection, as per the notice dated 21 January 2022 for Rs. 50,73,638 from March 2020 to January 2022, was apparently cleared by NHM/BDO and the applicant by 29 November 2022.

This is reflected in the present notice, which shows dues only from June 2022 to April 2024.

Again, on 22 March 2023, the power supply was Again, disconnected for non-payment of short arrears dues. Therefore, the power supply should have been dismantled on 18 September 2023, in line with the stipulated period for clearing the dues. Thus, in the matter of protecting against spurious billing, since there was no consumption on the part of the applicant, the dismantling should have occurred as early as September 2020 or, at the latest, in September 2023, rather than being delayed until April 2024.

The Complainant could not avail of power supply for reasons beyond his control and made every effort to plead his case to reduce the bill to the minimum contract demand, solely to ensure bare minimum charges despite not consuming any power. However, the licensee neglected the applicant's concerns and failed to ensure fair and just treatment in this matter.

Arguments of the Respondent

M/s. Central Travancore Specialist Hospitals Ltd. Bearing LCN32/3534 is an HTIV Commercial disconnected consumer under the Electrical Section, Mulakkuzha in the Electrical Circle Haripad. The petitioner consumer was given a bill for Rs.23,15,304/- dated 18.04.2012 to compensate the under charged bills on account of under recording of consumption. The petitioner consumer challenged the said bill by filing WP(C) No.10635/2015 before the Honorable High Court of Kerala, which was disposed by directing the consumer to pursue his remedy before the Hon'ble Consumer Grievance Redressal Forum. The Hon'ble CGRF has disposed the matter by quashing the assessed demand. Then WP(C)NO.19153/2015 was filed by KSEBL challenging the order of CGRF. The Hon'ble High Court of Kerala declined to alter the order of CGRF in the subject matter. Again the Board challenged the afore said judgment of Hon'ble Single Judge by filing WA.No.531/2017. The judgment dated 04.10.2021 nullified the order of CGRF as well as the judgment of learned judge and found that the whole issue needs reconsideration by the Board after affording an opportunity of hearing the consumer. The petitioner consumer was then heard by the Executive Engineer, TMR Division, Pallom and vide Proceedings No. DBEETMR/2021-22 revealed that the demand issued by KSEBL is in order.

The officials of the TMR Division, Pallom conducted an inspection at the premises of the petitioner firm on 06.12.2011 following the Assistant Engineer, Electrical Section, Mulakkuzha had noted remarkable drop in consumption of energy by the petitioner at the time of monthly reading. Subsequently as per the downloaded data it was coherently proved that only two third of consumption of energy by the petitioner was recorded in the

meter for the period from 06/2010 to 11/2011 on account of a LT fuse on Right side of the potential transformer (PT) remained open during the above mentioned period.

In the wake of the findings of the officials of TMR Division and the strength of Clause 37 (a) of the "KSEB Terms and Conditions of Supply,2005", the petitioner was served a short assessment bill dated 18.04.2012 for an amount of Rs.23,15,304 (Twenty three Lakh fifteen thousand three hundred and four rupees only). Aggrieved by the bill dated 18.04.2012, the petitioner had filed WP(C)No.10635/2012 and the Hon'ble High Court of Kerala vide judgment dated 07.01.2014 had directed the petitioner to approach the Hon'ble Forum in this regard. Accordingly the petitioner filed O.P. No.82/2014-15 on 21.08.2014 and the Hon'ble Forum had set aside the bill dated 18.04.2012 vide Order No. CGRF-CR/Comp.82/2014-15 dated 26.12.2014.

Challenging the Order dated 26.12.2014, KSEBL filed WP(C)No.19153/2015 and the Hon'ble High Court of Kerala vide judgment dated 01.02.2017 dismissed the said writ petition. Consequently KSEBL filed WA. No. 531/2017 against the judgement dated 01.02.2017 and the Hon'ble High Court of Kerala vide judgment dated 04.10.2021 set aside the judgment dated 01.02.2017 and directed that the Executive Engineer, TMR Division, Pallom, who is authorized to quantify the consumption of electricity by the consumer, should reconsider the whole issue after affording an opportunity of being heard to consumer and supplying the details of materials relied on by KSEBL to find the under charging of consumption of energy.

In compliance with the judgement dated 04.10.2021, the Executive Engineer, TMR Division, Pallom heard Dr. ZachariaPaul Chirakkal and Adv.K.John Mathai who represented the consumer firm on 30.12.2021 after duly issuing the downloaded data along with notice dated 27.11.2021 for hearing as directed by the Hon'ble Court. After examining the deliberation during the hearing and the supplementary statements furnished by the consumer, the Executive Engineer vide proceedings No.DBEETMR/2021-22/837 dated 10.01.2022(Exhibit R1) held the-view that the consumer should pay the short assessment to the tune of Rs 23,15,304 for the period from 06/2010 to 11/2011 in the wake of the data of the energy consumption for the said period downloaded from the meter installed at the premises of the petitioner.

Pursuant to the proceedings dated 10.01.2022, the first respondent served a demand notice dated 30.01.2022 for short assessment to the tune of Rs 23,15,304 along with interest of Rs 40,65,928(Forty Lakh sixty five thousand nine hundred and twenty eight rupees only) on the strength of Clause36 (8) of the "KSEB Terms and Conditions of Supply, 2005" and Schedule-1 to the Kerala Electricity Supply Code, 2014. WP(C) No.15604/2022 was filed by the consumer and the interim order dated 21.10.2022 extended on the condition consumer has to pay current charges

till 27.05.2020. However to evade remittance, the petitioner consumer has preferred IANO. 01/2022, seeking a time extension for compliance with the order dated 21.10.2022. Then the petitioner consumer remitted Rs.1,83,342/-on 29.11.2022 which is the bill amount for February 2020. The petitioner consumer not remitted the invoices of 04/2020,05/2020 and 06/2020.

According to the petitioner consumer, his hospital and its property which were taken over by the State Government on 26/3/2020 are in the possession of the District Collector, Alappuzha when he registered WP(C) No.15604/2022 before the Hon'ble High Court. As per the District program manager, Alappuzha vide proceedings No. DPMU- ALPV /534 /JC (D&C) /2020 dt 27/3/2022, Chengannur Block Development Officer was in charge of Century Hospital (Central Travancore specialist Hospital Ltd) Covid Care Center from 4/10/2021 to 30/4/2022 and that charge was terminated on 30/4/2022. The petitioner again argued that licensee was fully part of the take over process and being a Government functionary was bound to follow the enacted law, but conveniently when time for payment arouse the licensee decided to recover the dues only from the complainant and issued demand notice to the complainant for full payment stating HT service agreement is only between the complainant and licensee hence liabilities on the side of complainant only. But as a part of preventing the spread of Covid 19, Pandemic, it was necessary to take over the existing Government Hospital facilities and Private Hospital systems. Under those circumstances, in exercise of the power vested under section 26 (2) of the Disaster Management Act 2005, District Administration took over the said hospital during that period. As per the proceedings of District Collector and District Disaster Management Authority Chairperson dated 23/03/2020, the Government or District Administration shall not be liable for any kind of arrears or any other liability or court liability till the date of handing over of the hospitals as required by the District Administration.

The National Health Mission made a payment of Rs.36,47,413/-on 30.03.2022 against the bill amount for the period from 08/2020 to 10/2021. The National Health Mission is liable to pay the interest for the belated payment. Demand notice dated 29.06.2022 was issued to Block Development Officer, Chengannur to clear off the arrears during the period 04.10.2021 to 30.04.2022, as BDO Chengannur has confirmed that the hospital premises were under the control of Block Authorities during this period. BDO remitted Rs.309311/-on 02.07.2022 and Rs.11,23,539/-on 07.07.2022, there by cleared Rs. 15,12850/-. WP(C) No. 13988/2023 was filed by the petitioner consumer before the Hon'ble High Court Of Kerala for setting off the short assessment bill dated 18.04.2012 for an amount of Rs23, 15, 304- as the payment made by the National Health Mission. As per interim order dated 13.06.2023, it was directed to effectuate electricity supply.

The service connection to the premises was disconnected on 13.09.2023, 6 months had elapsed and after disconnection and dismantling is pending. The Hon'ble High Court of Kerala delivered judgment dated 02.09.2024 in the combined Writ Petitions WP(C)No.13988/2023 and WP(C)No.15604/2022 disposing both the Writ Petitions by ordering that the Board has nothing to do with the amount of compensation which the petitioner could have claimed from the Government. The Board shall supply the electricity in terms of supply agreement and issued bills for the pending electricity charges. If the petitioner has any claim against the Government, the petitioner should pursue their remedy. However, no direction can be issued to the Board for not realizing the dues of the electricity charges from the petitioner.

Legal opinion No.LAWIII/4019/2022, dated 01.08.2024(ExhibitR2) received from SENIOR LAW OFFICER, KSEBL to the office of the Second Respondent prior to the disposal of both writ petitions. As of now there exist no hindrance to process with dismantling of service connection. It is just a formality, since the judgment dated 02.09.2024 of the Honorable High Court of Kerala (Exhibit-R3) is favourable to KSEBL.. According to the judgment in Exhibit R3, the KSEBL can proceed with the dismantling and revenue recovery action. Since the petitioner's firm was reported disconnected on 13.09.2023 following default in payment of current charges, subsequently the petitioner was issued minimum demand bills for 180 days as per Regulation 143 of Kerala Electricity Supply Code 2014. Further as per Regulation 139(6) in Annexure 18 of Supply Code, 15 days dismantling notice was issued to the petitioner by the Licensee, both procedures are in order.

After this, the petitioner filed OPNO. 94/2024-25 before the Hon'ble CGRF(CR), Kalamassery against the dismantling notice dated 04.10.2024(Exhibit-R4) issued by the Licensee and having examined the petition considering all the facts and circumstances in detail and perusing all the documents of both sides, the Forum comes to the following observations, conclusions and decisions against the contentions that pending arrears of current charges of M/s Central Travancore Specialists Hospital for the period 06/2022 to 04/2024 is Rs.72,24,447/-. Demand notice for the same was issued on 04/10/2024. The petitioner's another contention was a notice from the licensee on 13/02/2023 to pay only the principal amount of First Part of Rs. 23,15,304/- against a prior short assessment due as validated by the forum in OP15/2022-23 dt 06/08/2022, but the Licensee issued a revised bill only much later on 13/02/2023. The Forum understood that the said revised bill has been issued 6 months late but the interest for the said period (till the date-of revision bill) has been exempted. The forum observed that petitioner previously approached the Forum by filing a complaint OPNo.15/2022-23. On that petition, Forum has set aside the total demand and directed the petitioner to pay the principal amount of Rs.23,15,304/- and also directed the licensee that interest may

be charged from 15/02/2022 onward. Since the first part of the total demand is already validated by the Forum, the petitioner is bound to pay the principal amount with interest as specified. In connection with Second part of the total demand, it is understood that fixed monthly charges for the period from June 2022 to April 2024. Rs. 33,49,320/-was charged as principal amount along with interest portion is Rs. 6,61,231/-.The assessment of the Forum was that the bill has been issued in accordance with the existing rule sand regulations. In the mean time as per the Hon'ble High Court of Kerala delivered judgment dated 02/09/2024 in the combined writ petitions WP(C)No.13988/2023 and WP(C) No. 15604/2022 disposing both the writ petition by ordering that the Board has nothing to do with the amount of compensation which the petitioner could have claimed from the Government. The Board shall supply the electricity in terms of supply agreement and issued bills for the pending electricity charges. If the petitioner has any claim against the Government, the petitioner should pursue their remedy. However no direction can be issued to the Board for not realizing the dues of the electricity charges from the petitioner. Based upon the Hon'ble High Court observations, Forum comes to the conclusion that the Demand Notice issued dated04/10/2024 is found to be genuine.

The Forum also observed that since the petitioner's firm was disconnected on 13/09/2023 following default in payment of current charges, subsequently the petitioner was issued minimum demand bills for 180 days as per Regulation 143 of Kerala Electricity Supply Code 2014. Further as per Regulation 139(6) in Annexure 18 of Supply Code, 15days dismantling notice was issued to the petitioner by licensee. It is observed that both procedures were in Order. Since the current charge arrears are pending with the petitioner, the Hon'ble Forum is of the opinion that further grievances raised need not to be considered.

As per Regulation 138 of the Supply Code-2014, the licensee shall disconnect the supply of electricity to any consumer 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, with in the period stipulated there in. As per Section 136 of the Electricity Supply Code-2014, the licensee shall be entitled to recover arrears of charges or any other amount due from the consumer along with interest at the rates applicable for belated payments from the date on which such payments became due. So the consumer can't evade from the payment penal interest.

In the light of the order of the Hon'ble High Court and the Consumer Grievance Redressal Forum, the consumer is liable to pay the arrear bill a mount issued by Kerala State Electricity Board Limited. Hence KSEBL may be allowed to realize the pending short assessment amount and current charge dues with penal interest from the petitioner consumer as per the Dismantling Notice issued by the Licensee on 18.02.2025 based on the aforesaid orders.

Counter Argument of the Appellant

The respondents were an integral and executing party to the statutory order issued by the District Collector. The District Collector/ State Government became the new occupier of the premises and demanded electricity from the Licensee/ respondents for the premises under their occupation for their own use. Thus, accurately becoming the new applicant and the absolute consumer of the power supplied with respect to the premises, as per the Electricity Act, 2003. The Licensee and the District Collector, both operating under the State Government ought to have followed the statutory conditions laid down in the Act, to be able entitled to continue with the petitioner's supply.

The date mentioned as end date/handover being 30.04.2022 is strongly rejected, that being unfounded. Truth said, that the district authorities did not handover the premises back to the petitioner despite multiple petitions, which forced the petitioner to approach the Hon'ble High Court of Kerala on 18 may 2022 praying for supervised inspection, damage assessment, material assessment, and handover. The petition was numbered WP (C)16223/2022. The acceptance for the proper process of handover was initiated thereafter, with the first joint preliminary inspection on 18 June 2022. Finally, the hospital possession was transferred back to the petitioner only on 03.12.2024. From 27.03.2020 to 03.12.2024 the hospital premises and its resources have been under the possession and occupation of the district authorities/DDMA. The fact the district authorities were still in control, is evident in the order of the Hon'ble High Court in WP(C) 26931/2022 dated 29 august 2022 to temporarily handover the property to the petitioner for a specific purpose but despite the direction of the Hon'ble High Court the premise was not handed over to the petitioner, resulting in much revenue loss.

There are grounds for disconnection in accordance with regulation 138 of Kerala Supply Code 2014 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 complainant's electricity supply by default stands disconnected in the month of April 2020, for failure to clear dues for the month of Feb/2020 by 25.03.2020 as per demand notice date 03.03.2020. There was then nonpayment for the subsequent months of march 2020, and according to the Respondents if the takeover was only on 27.05.2020 then for the months of April and may 2020 also continued to be unpaid. The complainant did not pay for over 4 months, and still the Respondents decided not to disconnect the power supply. Had the Respondents done their due diligence properly then the hardship from these demands and disputes would not have arose. The Petitioner did not have control of his property, nor did the District administration allow him to operate any of his healthcare business.

The respondents who found it convenient to declare and calculate the liability of the district authorities only till 30.04.2022, also failed to follow

procedure according to Section 127 of the Supply Code, 2014, It shall be the responsibility of the consumer w to get a special reading taken by the licensee at the time of on change of occupancy of the premises or its falling vacant and 90 to obtain, after paying the dues, a no dues certificate from the licensee. Once the final bill is preferred, the licensee shall not to have any right to recover any charge other than those in the of final bill, for any period prior to the date of such bill. The licensee in shall, on the request of the consumer, disconnect supply to the premises on its falling vacant. Herein the consumer referred to is the occupier that being the District Collector/ DDMA or State Government. No handover took place as stated by the Respondents or any claims of the District authorities/ DDMA in 2022, and it is for the very same reason the Respondents may have decided not to follow any procedure as per the Act.

The negligence or inattention of the respondents is palpable, since the respondents have not made any counter on the reasons why it failed to recognize that the petitioner's genuine submissions that they had no possession and that they were not using the premises to function the hospital or consuming any power. The apparent occupier, the district administration had abandoned the property, thus mandated urgent revisions and downgrading power supply. The Respondents are trying their best to avoid deliberations on the attempts taken by the Petitioner in informing the Respondents several times that the hospital is not operational by the district authorities and so there is no HT consumption, thus requesting to downgrade the contract demand, consider a temporary HT disconnection, and switch to LT supply instead of maintaining the HT connection, given the nil or minimal power requirement since the district authorities/Sate Government appeared to have closed the hospital. As per Section 92 of the Supply Code, 2014 the licensee must reassess the connected load of the consumer at the time of transfer of service connection and realize consequential additional charges if any from the consumer or reclassify the consumer into a different category depending on the connected load. The disputable claim of transfer of possession from the DDMA who was the then occupier consumer back to the petitioner with arrears was a crucial event. The Respondents found it to their convenience to be proactive and disconnect the power supply for nonpayment having raised the entire arrears against the petitioner but conveniently ignored all other applicable regulations as per the Supply Code, 2014.

Analysis and findings

The hearing of the appeal petition was conducted on 08/05/2025 at 11:00 am in the KSEB IB, Paruthippara, Thiruvananthapuram. The hearing was attended by the appellant Dr. Zachariah Paul and his advocate Sri. John Mathai and the 1st respondent Sri..Chandran.M, Dy.CE, Ele.Circle, Hairppad, and the 2nd respondent Sri. Biju.J.C, Senior Superintendent, Office of the SOR, Thiruvananthapuram(DT).

The main challenge of the appellant in this petition is against the demand notice of the Licensee KSEBL for Rs. 72,24,447/- issued on 04/10/2024. This demand note is having two part. (1) Short Assessment for a period from 06/2010 to 11/2011 for Rs. 23,15,304/- issued on 18/04/2012 (2) The monthly electricity charges due from 06/2022 to 04/2024 for Rs. 34,33,870/- The total amount is calculated as follows:-

Sl. No.	Item	Period	Amount	Interest	Total
1	Short Assessment	06/2010 to 11/2011	23,15,304	8,98,592	32,13,896
2	Current Charges	06/2022 to 04/2024	34,33,870	5,76,681	40,10,551
Grand Total					72,24,447

The demand one by one is to be examined.

1) Short Assessment

The officials of the TMR division, Pallom conducted an inspection at the premises of the said Hospital on 06/12/2011 along with Assistant Engineer, Electrical Section, Mulakkuzha. During the inspection it is found that the fuse on right side of the potential transformer remained open during a period from 06/2010 to 11/2011.

Then the power recorded by the energy meter would be 1/3rd less than the actual consumption. The consumer has actually consumed the energy but the meter recorded was less than the actual. Then the meter data was downloaded and had worked out the short assessment amount and issued a demand for Rs. 23,15,304/-. There were different court cases on this amount and court directed the Executive Engineer TMR, Pallom to assess the quantum of energy short recorded by the meter and assess exact amount due from the petitioner. The Executive Engineer, TMR, Pallom has downloaded the data and assessment of Rs. 23,15,304/- has been confirmed. The CGRF order dated 06/08/2022 has ordered that the appellant is liable to pay the short assessment bill of Rs. 23,15,304/- and the Licensee has to charge the interest from 15/02/2022 onwards. The appellant has not made any payment. The Licensee has revised the interest portion and issued on 13/02/2023. The appellant has not remitted the principal amount and then demanding for the interest calculation only with effect from 13/02/2023. This demand is not reasonable. The principal amount would have remitted as per the CGRF order and then the interest part would have remitted later. As such the principal amount of Rs. 23,15,304/- along with interest with effect from 15/02/2022 is payable by the appellant.

2)The power charges with effect from 06/2022 to 04/2024

As per the appellant The District Disaster Management Authority Alappuzha, has been ordered to take over this hospital on 23/03/2020. The National Health Mission have paid the bill amount for the period from 08/2020 to 10/2021. The district programme Manager Alappuzha vide letter dated 27/03/2022, stated the Covid Care Centre was terminated on 30/04/2022. Though the order was issued by the District Collector to take over the hospital on 23/03/2020, the Hospital and premises were taken over only on 27/05/2020. Then the power consumption charges upto 27/05/2022 is payable by the appellant. The Hon'ble High Court of Kerala also ordered that the appellant is liable to pay the power charges upto 27/05/2020. The appellant has paid the power charges only upto 02/2020 and the payment was defaulted after that. The Licensee has not disconnected the power supply due to Covid 19 pandemic . Then the Hospital has been take over by the District Disaster Management Authority with effect from 27/05/2020.

The appellant's version is that - The District Authority then disruptively abandoned the said premises in April-May 2022 without proper notice to hand over. However the appellant has produced a key handing over receipt dated 03/12/2024, which is signed only by the representatives of the appellant and two witnesses. The letter is not signed by the officer who had handed over the keys. The appellant's claim that the hospital is with the District Authorities up to 03/12/2024 is trying to establish in the light of this letter. There are two letters dated 19/11/2024 and 03/12/2024 of District Collector and Block Development Officer respectively have been referred in the letter but the copies of these letters were not attached. As such the claim of this appellant that the Hospital was under the District Authorities upto 03/12/2024 were not acceptable and hence rejected. Then the energy charges since 06/2022 is payable by the appellant.

The Electricity Act 2003, the Section 45 states about the power of Licensee to recover power charges.

Section 45. Power to recover charges

(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.

(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.

(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.

Here the charges are fixed by the Hon'ble KSERC and it includes the fixed charges and charges for energy consumed. If the recorded consumption is even zero, the fixed charges are payable. If the consumer is defaulted in making the payment, the Licensee is authorised to disconnect the power as per regulation 138 of the Kerala State Electricity Supply Code 2014.

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 141 states about the charges payable during period of 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.*

In the case in hand the power was permanently disconnected on 13/09/2023. Then the licensee could charge fixed charges only for 6 months from the date of disconnection is only upto 13/03/2024 ie, for billing month 04/2024. The Licensee has dismantled the power only on 04/10/2024. The fixed charges applicable only upto 09/2024. It is noted that the Licensee has charged the fixed charges only upto 04/2024.

Then another contention of appellant is that he has requested for the reduction of contract demand. The regulation 100 states about the procedure for reduction of contract demand.

100. Reduction of connected load or contract demand.-

(1) Any application for reduction of connected load or contract demand shall be accepted only after six months from the date of original energisation for LT and HT connections and only after one year from the date of original energisation for EHT connections.

(2) Request for reduction of connected load or contract demand shall be entertained only once in six months thereafter.

It is noted that there is no document to show that the appellant has complied with the regulation is submitted. Only copy of certain emails and letters of appellant is attached. Hence this claim is also not justifiable and hence not accepted

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. It is hereby agreed with the decision of CGRF issued dated 29/01/2025.
2. No other costs ordered.

ELECTRICITY OMBUDSMAN

No. P/018/2025/_____ dated: 30/05/2025.

Delivered to:

- 1) Dr. Zachariah Paul, Director, M/s. Central Travancore Specialist Hospital Ltd., Mulakkuzha, Chengannur, Alappuzha (dt)
- 2) The Deputy Chief Engineer, Electrical Circle, Harippad, Alappuzha(dt)
- 3) The Special Officer, Vydyuthi Bhavanam, Pattom, Thiruvananthapuram

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.