

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/023/2021

(Present: A.S. Dasappan)

Dated: 06th September 2021

Appellant : Sri. K.P. Muhammedali Haji
Proprietor,
"Hotel KPM International",
Press Club Road,
Palakkad Dist.

Respondent : 1) Asst. Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Sultanpet, Palakkad Dist.
2) Special Officer (Revenue)
KSEB Ltd., Pattom,
Thiruvananthapuram.

ORDER

Background of the case:

The appellant is a High Tension (HT) consumer of KSEB Ltd. with consumer number LCN/28/4879 having a Contract Demand of 75 kVA. The appellant is running a hotel in the name and style "Hotel KPM International" under the section area of Electrical Section, Sultanpet. The appellant has been paying electricity charge comprising of demand charge for 75% of Contract Demand or maximum demand recorded, whichever is higher in each month and the monthly energy charge. The appellant received an arrear bill in December 2020 for Rs.8,22,974/-. The appellant approached the Consumer Grievance Redressal Forum (CGRF), Northern Region with a petition requesting (1) Rebate as per Board Order may be allowed in the fixed charge (Demand Charge) for the months of April, May and June 2020. (2) Demand Charge may be reduced to 75% in all months where billing demand did not exceed 75% of Contract Demand (3) 24 interest free installments may be allowed to remit the arrears up to December 2020. The CGRF filed the

petition vide OP No.114/2020-21 and the Forum issued order on 20-02-2021 as follows: -

“(a) The relief sought in petition vide (1) and (2) are found devoid of any merits to consider and hence, dismissed (b) The relief noted in item (3) shall be allowed as a special case. The respondent shall collect the arrear amount in 15 equal installments and the installment shall carry interest as per Regulation 131 (2) of Kerala Electricity Supply Code 2014. The appellant need not pay interest for the bill amount for the petition pending period before the Forum.”

Not satisfied with the decision of the Forum, the appellant filed this appeal petition before this Authority.

Arguments of the appellant:

None of the documents submitted by the appellant were taken into consideration by the CGRF and issued one sided, biased and unilateral order, which is not at all on merits. The energy consumption was very low, when compared to the billed demand, during the “Lockdown” is an absolute truthful statement and which was not considered by the Forum. The CGRF has erred in its finding that Regulation 60 of Kerala Electricity Supply Code 2014 is not applicable in the case on hand, owing to the fact that it is applicable to the new service connection. The CGRF also failed to uphold the fact that the “Lockdown” of the establishment was not at the whims and fancies of the appellant rather it was a mandatory constraint imposed by the Government. It is true that the entire establishment was closed down and the appellant had to suffer a huge in the business. The prayer of the appellant before the CGRF was to allow them to pay the electricity charges in 24 interest free monthly installments for the energy consumed and to give relaxation for the non-use owing to ‘COVID 19’ pandemic, which was a forceful “Lockdown” imposed by the Government. A huge amount even running into lakhs of rupees is kept as security deposit in the account of KSEB Ltd. in the name of the appellant and yet they are threatening the appellant with the notice of disconnection. Even the interest of such security deposit will be more than sufficient to meet with the requirement of KSEB Ltd. The appellant has remitted the electricity charges without any default till this day except for the

disputed arrears, which is challenged herein. The respondent started threatening to disconnect the service from the very next day onwards from the date of order of CGRF and the appellant has remitted first installment of the disputed arrear amount under protest. The request of the appellant is to quash the order of CGRF, Northern Region and allow the appeal petition with costs.

Arguments of the respondent:

The argument of the respondent is as follows: -

The appellant is trying to delay the payment of arrears legally entitled by the Licensee by putting forth flimsy and unreasonable arguments. The appellant had approached CGRF, Kozhikode with prayers for allowing 25% rebate on fixed charge for the COVID period, billing only for 75% of the Contract Demand when the demand is below 75% of Contract Demand and to allow 24 numbers interest free installments for remitting the arrear. The Forum found that the first two prayers have already been complied with and hence, the allotted 15 numbers equal installments with interest as specified in Regulation 131 (2) of Kerala Electricity Supply Code 2014 and not to collect interest for the bill amount for the period for which the petition was pending before the Forum.

Since the decision of the Forum was against Regulation 131 (2) of Kerala Electricity Supply Code 2014 and since there is an error apparent on the face of record, the respondent filed a review petition before the Forum to review the decision of allowing installments and excluding interest in the petition pending before the CGRF.

The respondent requested to dismiss the appeal petition.

Analysis and findings:

An online hearing of the case was conducted on 22-07-2021 with prior intimation to both the appellant and the respondent. Sri. Rajan. M. Menon attended the hearing for the appellant and Smt. Mini. P.E., Assistant Executive Engineer, Electrical Subdivision, Sulthanpet and Sri. Pradeep. P., Superintendent, Office of the Special Officer (Revenue), Thiruvananthapuram from the respondent's side attended the hearing.

Decision: -

In the hearing, the respondent confirmed that a review petition in OP No.114/2020-21 filed by the respondent is pending before Consumer Grievance Redressal Forum, Northern Region and hence the appeal petition P-023/2021 filed by the appellant before this Authority is dismissed. If the appellant is not satisfied with the order of CGRF, Northern Region in the Review Petition, the appellant can file another appeal petition with additional information, if any, within 30 days from the date of order of CGRF, Northern Region in Review Petition.

Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/023/2021/_____ dated _____.

Delivered to:

1. Sri. K.P. Muhammedali Haji, Proprietor, "Hotel KPM International", Press Club Road, Palakkad Dist.
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Sultanpet, Palakkad Dist.
3. Special Officer (Revenue), KSEB Ltd., 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, Vydhyuthi Bhavanam, KSE Board Ltd, Gandhi Road, Kozhikode