

THE STATE ELECTRICITY OMBUDSMAN

Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana
Road,

Edappally, Kochi-682 024

www.keralaeo.org Ph: 0484 2346488, Mob: 91 9447576208

Email:ombudsman.electricity@gmail.com

APPEAL PETITION NO.P/062/2014

(Present: Sri. V.V. Sathyarajan)

Dated: 16th March 2015

Appellant : Sri. Khader Kunji A.
M/S. Sea Side Ice Plant,
Puthiyangadi,
Madai,
Kannur- 670 304.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSEBoard Ltd,
Pazhayangadi,
Kannur (Dt)

ORDER

It was found during an APTS inspection that the actual energy consumed by the appellant had been not recorded correctly due to the interchanging of the R and B phases CT connections. Hence a short assessment bill amounting to Rs. 2,96,919/- was issued to the appellant on 09/11/2012. The respondent's argument is that as per clause 37 (5) of KSEB Terms & Conditions of Supply, 2005, if the Board undercharged the consumer either by review or otherwise the Board may recover the amount undercharged from the consumer by issuing the bill. The appellant approached the Hon'ble High Court challenging the said bill. Though the bill was issued under Section 126 of the Electricity Act, the Hon'ble High Court, in its judgment in WP (C) 30463/2012, held that a short assessment bill could not be considered as an assessment of penalty under Section 126 and that the appellant, therefore, need not resort to the remedy of appeal as provided under Section 127. Dismissing the writ petition, Hon'ble High Court directed the appellant to seek remedy against the disputed bill

before the CGRF as provided under Regulation 56 of the KSEB Terms and Conditions of Supply, 2005.

Accordingly the appellant filed complaint before the CGRF, Kozhikode, requesting to interfere into his grievance and pass a revised order allowing him to remit electricity charges based on his actual consumption. The respondent argued that the appellant was short assessed for a period of one year on the basis that the energy recorded on the meter had been 30.4% less than the actual consumption. The Forum set aside the disputed bill and directed the respondent to reassess for a period of 6 months retrospectively from the date of rectification / replacement of the faulty meter based on the six months' average consumption for the succeeding six months. Accordingly the appellant was reassessed for a period of six months and issued the revised bill for Rs. 1,98,008/- on 28/05/2013. Aggrieved against the said order, this appeal petition was filed.

Hearing of the case was conducted on 12/03/2015 in my chamber at Edappally, Kochi. The appellant was absent. Sri Padmanabhan Nayanar K.N., Assistant Executive Engineer represented the respondent. He reiterated that an error of 30.4% in energy consumption had been confirmed technically. If the appellant is reassessed for a period of six months prior to the rectification of the faulty CT meter connection, based on the error of 30.4%, the reassessment will be Rs. 1,46,919/- only. He submitted a detailed calculation statement also.

The appellant presented himself before this Authority on 13/03/2015 and submitted a written statement. As per the submission, he accepted that difference in reading i.e. 30% approximately. At the same time he prayed for allowing him to remit the amount in six instalments after adjusting the amount already remitted as per the direction of Hon'ble High Court. Moreover, in his appeal petition he has requested that if the Hon'ble Ombudsman finds that the appellant is liable for additional payment that may be for 30.4% of the total energy consumed during the 6 months immediately preceding the date of rectification of the CT connections that is 25/10/2012 with facility of sufficient instalments. In the above circumstances, it appears that the matter now stands settled. The respondent is directed to reassess the appellant for a period of six months prior to the rectification of CT connection based on the energy recording error of 30.4%. Revised bill after deducting the amount already

made shall be issued within a period of one month from the date of receipt of this order. Also directed to allow the appellant to remit the revised amount in six monthly instalments. The order of the CGRF is revised accordingly. The appeal petition is disposed as settled. No order as to costs.

ELECTRICITY OMBUDSMAN

P/062/2014/ _____ /Dated: _____

Forwarded to:

1. Sri. Khader Kunji A., M/S. Sea Side Ice Plant, Puthiyangadi, Madai, Kannur - 670 304.
2. The Assistant Executive Engineer, Electrical Sub Division, KSEBoard Ltd, Pazhayangadi, Kannur (Dt)

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSEBoard Ltd, Gandhi Road, Kozhikode.