

THE STATE ELECTRICITY OMBUDSMAN
Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,
Edappally, Kochi-682 024
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APPEAL PETITION NO. P/070/2014

(Present: Sri. V.V. Sathyarajan)

Dated: 27th March 2015

Appellant : Sri. K.M. Mohandas
Managing Partner
West Fort Ayurvedic Hospital,
West Fort,
Thrissur - 680 004

Respondent : The Assistant Secretary,
Vydhyuthi Section,
Thrissur Corporation,
Thrissur - 680 001

ORDER

The appellant is conducting a hospital wherein the power connection under LT VI B tariff was granted by the respondent. According to the appellant, he was always prompt in remitting the charges. But the appellant was served with a demand notice on 05/03/2011 for an amount of Rs. 1,42,061.33. The said arrear is pertaining to the period prior to March 2001. The appellant approached the CGRF established by the Electricity Department, Thrissur Corporation. The Forum dismissed the complaint by relying upon a judgment of the Hon'ble High Court (2006(I) KLT 811) which held that period of limitation was not applicable to the arrears prior to 2003. Challenging the aforesaid order the appellant filed a writ petition WP (C) 26432/13 before the Hon'ble High Court. After hearing both sides, the Hon'ble High Court also disposed of the said writ petition directing the appellant to submit an appeal before the Electricity Ombudsman. The Hon'ble High Court imposed a condition to the effect that the appellant should remit 50% of the amount demanded by the respondent for the purpose of entertaining the appeal. In compliance of the above direction, the appellant remitted 50% of the demanded amount. Thus this appeal petition was filed.

Hearing of the case was conducted on 27/03/2015 in my chamber at Edappally, Kochi. Advocate Ziyad Rahman, Counsel for the appellant, represented the appellant's side. Smt. Thresiamma Kurian, Senior Superintendent, Electricity Department, Thrissur Corporation and Sri Hirosh Babu, Billing Assistant, Thrissur

Corporation appeared for the respondent. The parties were heard in detail. They agreed to settle the matter as per the following terms.

1. The appellant shall remit the principal amount (after deducting the 50% amount already made) i.e. balance 50% of Rs. 1,47,967/- before 31/03/2015.
2. The rate of interest shall be reckoned as 6% as per the prevailing One Time Settlement.
3. The period from which the interest is payable shall be limited with effect from 05/03/2011.

The matter is closed as agreed upon above. The appeal petition is disposed of as settled. No order as to costs.

ELECTRICITY OMBUDSMAN

NO.P/070/2014/ /Dated: _____

Forwarded to:

1. Sri K.M. Mohandas, Managing Partner, West Fort Ayurvedic Hospital, West Fort, Thrissur - 680 004
2. The Assistant Secretary, Vydhyuthi Section, Thrissur Corporation, Thrissur - 680 001

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, Electricity Department, Thrissur Corporation, Thrissur - 680 001.