

**IN THE CONSUMER GRIEVANCE REDRESSAL FORUM (CGRF)
NORTHERN REGION AT KOZHIKODE**

(CONSTITUTED AS PER SECTION 42 (5) OF THE I E ACT 2003 AND KSERC REGULATION 2005)

PRESENT

Hon'ble Mr. T.R. Murugesan, B.Sc. Engg. (Ele.), M.E., LL.B., FIE, Chairperson
Hon'ble Mr. K.V. Ahamad Kutty, B.Sc. Engg. (Ele.), Member (Tech)
Hon'ble Mr. K.P. Radhakrishnan, BA (Sociology), Member (NGO)

SATURDAY The 7th day of August 2008
The 16th day of Sravana 1930 S.E

OP No.05 of 2008

IN THE MATTER OF:

Petitioner: - Bava.A.M, S/oAbdurahiman, Angalakath Mukkil Veedu, Kuttikad Nilam
Parambu, Beypore (PO), Kozhikode District.
(Through Advocates Mr.A.Anoop Reg.No.K/627/2001,
And Mr.P.T.Rajesh RegNo.K/81/1990.)

Respondent: - 1. The Executive Engineer, Electrical Division, KSEB, Feroke, Kozhikode
2. The Assistant Executive Engineer, Kerala State Electricity Board,
Electrical Sub-Division, Kallai, Kozhikode District.
3. The Assistant Engineer, Kerala State Electricity Board, Electrical
Section, Beypore, Kozhikode District.

This Original Petition having been finally heard on 07-08-2008 and the Forum on the same day delivered the following.

ORDER

This Petition has been filed under section 42 (5) of the Indian Electricity Act 2003 praying that this Hon'ble Forum may be pleased to pass an order directing the Respondents to regularize the service connection in respect of consumer no.22931 after rectifying the mistakes in the electricity bills issued and the type of tariff assigned.

The Petitioner states that he is a Domestic Consumer under Electrical Section, Beypore in Kozhikode District.He has applied for electric connection to his newly built House in Beypore village after remitting an application fee of Rs.50/- on 23/08/2007.Thereafter the area overseer visited the premise, conducted site inspection and prepared the work estimate and directed the Petitioner to pay CD and OYEC charges to get the connection immediately. So, the Petitioner remitted an amount of Rs.3000/- to the Beypore Electrical Section on 04/12/2007 towards the above charges and the service connection was effected to the premises for a connected load of 1525 Watts on 12/09/2007 (with meter IR -3) and the first Spot bill (with FR-71) for an amount of Rs.143/- under LT Ia tariff was received by the Petitioner on 5/12/2007 and since the Petitioner has no dispute in the bill, that amount was remitted on 14/12/2007.Subsequently the Petitioner received another bill for Rs.1119/- on 5/02/2008 with meter FR-100,wherein already billed 71 Units in the previous meter reading were also seen included and the calculations were

ORDER NO CGRF308024KKD070808

made under LT VIIA tariff. When pointed out the above errors, the original bill was taken back and a new bill for Rs.1006/- for 29 unit's consumption under the same LT Commercial tariff was issued to the Petitioner from the Section Office. Aggrieved over the bill, no payment has been made against the disputed bill, and the bills issued thereafter till date, instead submitted a complaint to the section office to revise the bill under domestic tariff. In reply the Petitioner was directed to furnish application for tariff change. Accordingly formal application with necessary supporting documents for tariff change was submitted on 12-02-2008. The Petitioner averred that in addition to the disputed bill, the Petitioner has received bill for Rs.376/- dated: 07/04/2008 for 26 units and Rs.2079/- dated:06/06/2008 for 74 units during the period. The payments of these bills have not been made for want of rectification of mistakes in the electricity bills by the Respondents.

The Petitioner contends that he has applied for electric connection to his newly built house for domestic purpose only and hence he is entitled to get domestic tariff from the date of connection. The Petitioner had sent written complaints, registered letters and reminders to the Respondents for rectification of mistakes and regularization of connection, but his grievances have not been redressed by the Respondent and hence this Petition. The Petitioner prays that this Hon'ble Forum may be pleased to pass an order directing the Respondents to regularize the service connection in respect of consumer no.22931 after rectifying the mistakes in the electricity bills issued and the type of tariff assigned.

The Respondents contends that the Petitioner has applied for new electric connection to his premise on 23/08/2007. Upon receipt of his application the site inspection was conducted by the area overseer and he has duly certified in the inspection & test report that the electric connection is meant for construction purpose of the new building and so assigned the tariff as LT VIIA. The Respondents further States that the Petitioner had submitted copy of building permit only, instead of ownership certificate along with application and wiring completion report. The same was brought to the notice of the Petitioner at the time of remitting the CD and OYEC amount. Accordingly the agreement between the consumer and the Licensee was duly signed by the Petitioner wherein the tariff type is specifically mentioned. Thereafter the service connection with Cons.No, 22931 was effected to the Petitioners Premise on 12/09/2007 for a connected load of 1525 Watts under LTVIIA Tariff. The Meter Reader who has issued the spot bill to the Petitioners Premise on 5/12/2007 under LT Ia without verifying the official records available in the office, and latter it was corrected by the Senior Superintendent who is in charge of billing. So the above corrections in the subsequent bills were necessitated. The Respondents further states that the Petitioner had submitted an application for conversion of electric connection to his premises from LT VIIA to LT Ia on 17/04/2008 and upon receipt of that application, the Petitioner was advised to clear all dues of the KSEBoard for Considering his application for conversion to LT Ia. The Respondents Prays that the Petitioner may be directed to clear all

pending dues of KSEBoard and then furnish a fresh application for change of tariff under LT Ia for consideration.

Having examined the oral and documentary evidence of both the parties in detail, the original Petition is allowed and the Respondents are directed to take appropriate action to change the tariff of Consumer No.22931 from LT Commercial (LTVIIA) to LT Domestic (under LT Ia) and revise the bills in respect of the consumer based on the actual consumption in accordance with law and prevailing tariff rules of KSERC. The Petitioner shall clear all pending dues of the Electrical Section, Beypore and furnish necessary application to the 3rd Respondent with all supporting documents as required as per the terms and condition of supply of KSE Board for conversion of LT Commercial to Domestic tariff within a period of one month from the date of order and on making such an application the Respondent shall consider the same within three months thereafter. A copy of the action taken report shall be forwarded to the Forum for records. The Petition is disposed of accordingly.

Dated this the 7th day of August 2008.

Sd/-
(K.P.Radhakrishnan)
MEMBER (NGO)

Sd/-
(K.V.Ahammad Kutty)
MEMBER (Tech.)

Sd/-
(T.R.Murukesan)
CHAIRPERSON (Tech. & Legal.)