

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

**Present: Shri K.J.Mathew, Chairman
Shri M.P.Aiyappan, Member**

No.005/CEX/2010

November 27, 2010

In the matter of Violation of
Provisions of Kerala Supply Code, 2005 and Kerala Supply Code, 2005

Read: Commission's Order No.005/CEX/2010 dated November 23, 2010

ORDER

The last paragraph of the Order read above shall stand corrected as:

“The Commission also noted that the irregularities of the type is likely to be committed all over the State and the amount collected noting as arrears is likely to be remitted as arrears into the accounts of the KSEB, thereby denying the consumers the benefit of interest as well as refund. It is further noted that the collection of ACD/refund of the excess deposit is done in the 2nd, 3rd and 4th quarters of the financial year whereas it is to be carried out in the first quarter itself. These matters will be brought to the notice of the KSEB for ensuring proper action.”

Sd/-
M.P.Aiyappan
Member

Sd/-
K.J.Mathew
Chairman

By Order of the Commission


SECRETARY

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

PRESENT : Shri. K.J.Mathew, Chairman
Shri.M.P.Aiyappan, Member

No. 005/CEx/2010

Dated November 23, 2010

In the matter of
Violation of Provisions of Kerala Supply Code, 2005 and Kerala Supply Code, 2005

ORDER

A complaint was received on 14-10-2010 from Sri S.Sreekumaran Nair a consumer under electrical section, Venjaramood regarding demand and collection of Additional Cash Deposits (ACD) through the regular bills issued to consumers in the form of arrears. On inspection by Compliance Examiner on 18-10-2010 the following irregularities were revealed in the case a number of consumers.

- (1) Notice of 30 days time as per Clause 13(5) of Kerala Supply Code, 2005 and Clause 15(4) of the KSEB Terms and Conditions of Supply, 2005 has not been issued for collection of ACD.
- (2) ACD is demanded through regular bills issued to consumers. In some cases it was seen demanded as 'arrear amount'
- (3) As per Clause 15(4) of KSEB Terms and Conditions of Supply, 2005 the adequacy of security deposit of all consumers is to be reviewed in the first quarter of the financial year and based on the review, demand for short fall or adjustment of excess deposit is to be done in the first quarter itself by giving 30 days notice to the consumer. This is not followed in the above Section. ACD is seen demanded through the bills issued even in the month of October (Third quarter)

- (4) The amounts demanded in certain cases , on verification, were seen to be in excess of what was required based on consumption for the previous financial year.

The Commission viewed seriously the laxity on the part of the employees of the KSEB in complying with the provisions of the Kerala Supply Code and the KSEB Terms and Conditions of Supply and decided to initiate a suo moto enquiry and take evidence from licensee.

As directed by the Commission, Sri R. Radhakrishnan, Executive Engineer, Electrical Division, Nedumangad. Shri A.M.Hashim the Sub Engineer in Charge of AE Venjaramood Section and Sri R.Raveendran Senior Superintendent appeared before the Commission at 11.00 AM on 9-11-2010 for giving evidence in the matter.

Shri A.M Hashim Sub Engineer in Charge of AE stated that he did not always scrutinise the bills and the mistakes were due to the defect of the computer system but he could not however substantiate the defect in the computer system. Whenever mistakes were brought to his notice, they were corrected. He agreed that even though the Senior Superintendent is in charge of billing, it is the duty of the Assistant Engineer as the head of the office to exercise control over the functioning of the section as a whole. He submitted that there were lapses and further stated that all steps would be taken to ensure that such lapses are not repeated in future. He requested that further action against him may be dropped.

Shi R.Raveendran Senior Superintendent stated that the Section was computerized in 8/2008 and the Senior Assistant is responsible to feed data into the computer and only random checks are done by Senior Superintendent. During the previous year collection of ACD was done after issue of separate demand notices. But this year ACD was demanded in the regular bills issued noting with pen as ACD in the column for arrears. In certain cases this could not be done and the amount remained against arrears in the bills issued. Consumers who came to the Section with complaints were given clarification and correction in the amounts were also done in the cases where the mistakes were brought to notice. He said there was no provision in the computer system to demand ACD and hence it was noted against arrears in the bill and marked as ACD by pen.

Sri R.Radhakrishnan, Executive Engineer submitted that instructions were given to issue notices for collection of ACD in all sections under his Division and there is provision in the present software to print ACD notices for issue to consumers. He stated that there is no fault in the system but in the present case there were certain lapses. Senior Superintendent has to monitor issue of bills. Being the head of the Section,

Assistant Engineer has to exercise overall supervision. He also added that instructions on collection of ACD were issued during monthly meetings.

From the statements given by Shri Hashim Sub Engineer in Charge of AE and Sri R.Raveendran, Superintendent the Commission and the Executive Engineer is convinced that there is clear violation of the provisions of Kerala Supply Code, 2005 and KSEB Terms and Conditions of Supply, 2005 in their actions as reported by Compliance Examiner after inspection on 18-10-2010


In the circumstances the Commission is satisfied that action under Sec 142 is called for and shall be proceeded with in the case of the Sub Engineer and the Senior Superintendent of the Venjaramood Electrical Section.

The Commission also noted that the irregularities of the type is likely to be committed all over the State and the amount collected noting as arrears is likely to be remitted as arrears into the accounts of the KSEB, thereby levying the consumers the benefit of interest as well as refund. It is further noted that the collection refund of the excess of ACD is done in the 2nd, 3rd and 4th quarters of the financial year whereas it is to be carried out in the last quarter itself. These matters will be brought to the notice of the KSEB for ensuring proper action.

Sd/-
Member

Sd/-
Chairman

Approved for issue



(K.S. Premachandra Kurup)

Secretary