

Devasia C.a Vs. Senior Superintendent, K.S.E.B and Others

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Court : Kerala State Consumer Disputes Redressal Commission SCDRC
Thiruvananthapuram

Decided On : Mar-25-2008

Judge : Justice Shri. K.R. Udayabhanu: President & Sri. S. Chandra Mohan Nair: Member

Appeal No. : APPEAL NO.84 of 04

Appellant : Devasia C.a

Respondent : Senior Superintendent, K.S.E.B and Others

Judgement :

JUSTICE SHRI. K.R. UDAYABHANU: PRESIDENT

The appellant is the complainant in OP.196/03 in the file of CDRF, Kottayam. The case of the complainant seeking to set aside the revised bill issued by the opposite parties/KSEB was dismissed by the Forum.

2. The case of the complainant is that he is running an industrial unit with consumer No.7760. As per Government order G.O.(MS) 4/92/PD dated.6.2.92 and the subsequent Board Order No.254/99(PLG.COM.3443/97) the industrial units that commence commercial production between 1.1.92 and 31.12.96 is eligible to get lower power tariff for five years from the date of commercial production at pre 1992 tariffs. The petitioner started his factory with 16KW connected load. Accordingly the petitioner was granted concessional tariff for five years of the

period from 5/96 to 6/01. Subsequently in February, 1999 he add 5KW connected load to the existing 16KW connected load with the permission of the KSEB. According to the petitioner, as per the Board Order he is entitled for concessional tariff for the above additional connected load also as the connected load was added during the period ie; within 5/96 and 6/01. The opposite party was also charging accordingly. But on 30.5.03 the impugned notice was issued demanding a sum of Rs.21,428/-. Sought for setting aside for the above bill.

3. On the other hand, the opposite party has contended that the petitioner added a connected load of 5KW without the permission of the Board. Bills were issued subject to regularization. Subsequently in 6/99 the KSEB regularized the unauthorized connected load. It is the contention that only for the industries that start commercial production during 1/1/92 to 31/12/96 and the existing industries that add connected load for expansion or modernisation during the above period ie; 1/1/92 to 31.12.96 the concessional tariff as per the Government order and the Board Order will be applicable. The additional bill was issued realizing the mistake on inspection by AAO, BSU, Changanasserry.

4. The evidence adduced consisted of the proof affidavits of both sides and Exts.A1 to A4 and Ext.B1.

5. We find that the Forum has considered the order in the correct perspective and rejected the case of the petitioner. We find that on a reading of the Board Order produced herein Ext.A2 it is evident that the intent of the order is to provide concessional tariff ie; pre 92 tariff to industries that started production within the period of 1/1/92 to 31.12.96. The concessional tariff would be provided for a period of 5 years from the date of starting commercial production. Evidently the expansion/modernization/diversification contemplated under the Board Order has to be done within the above period ie;1/1/92 to 31/12/96. In the circumstances we find that the findings of the Forum below as to the implication of the Board Order is quite logical and does not call for interference.

6. The forum has directed the petitioner to pay the bill amount and it has also directed that no interest is to be charged. We confirm the above order. The opposite parties/KSEB will not be entitled to charge any interest or charge on

Ext.A3 bill amount provided the bill amount is remitted within two months from the date of this order.

The appeal is dismissed.

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