

- Special treatment is given for patients belonging to scheduled tribes and Endosulphan victims.
3. Academy of Medical Sciences, Pariyaram is a unit of Kerala State Co-operative Hospital Complex and Centre for Advanced Medical Services Ltd (KCHC) which is running Pariyaram Medical College and various educational institutions. The electricity tariff made applicable to KCHC and Pariyaram Medical College was HT IV Commercial. When re categorization was done from May 2013 onwards the tariff was changed to HT V General. The Contract Demand of the consumer is 1350 kVA.
 4. HT V General tariff is applicable for Self financing educational institutions (including hostels), private hospitals, private nursing home, private clinical laboratories, private X ray units, Private scanning centres, private mortuaries, private blood banks, computer training centres/ Institute. Being a co-operative institution with 50% share belonging to Government, they are eligible for electricity tariff applicable for Government institutions. KCHC is running the following institutions, Medical College, Dental College, Pharmacy College, Nursing College, Nursing School, Institute of Para Medical Services and a public school. Admission to 50% of seats for various courses in these institutions are allotted by Government from common entrance rank list. Management quota is also based on the ranking in the entrance test and fee prescribed for all courses are approved by the Government.
 5. Hospital is working for clinical practices of the students in the above medical institutions. The various buildings in this campus covered under existing electricity tariff are situated in the same campus. Various Government schemes for treatment are being carried out by the institution in heavy loss only in the interest of health of poor people in north Kerala. It is stated that they are eligible to be included under HT II Non- industrial Non- commercial tariff since non industrial consumers such as public offices run by Central and State Government, local bodies, technical and educational institutions and hostels and hostels run by or affiliated to Universities or Government Departments or Government hospitals, nursing homes, charitable institutions , offices of political parties approved by the Election Commission of India and colonies supplied with energy at HT and HT Domestic are included in this category.
 6. 2500 students are studying in various institutions in the campus and attending to different courses of study. Hence they cannot restrict consumption of power during power cut. As a result they were forced to pay huge electricity bills including penal charges for consumption during power cut period. The electricity bill increased from Rs 25 lakhs to Rs 65 to 70 Lakhs /Month under HT V General Tariff. It is further stated by petitioner that there is no justification for classifying their institution under HT V General tariff . Hence they may be re categorized under HT II Non-Industrial / Non-Commercial category. The petitioner has sought the following reliefs;

7. Their present categorization under HT V General category may be re categorized under HT II (Non Industrial / Non Commercial) considering the nature of their activities.
8. A notice was issued to the petitioner and respondent fixing the admissibility hearing on 9.10.2013 and the admissibility hearing was conducted on 09.10.2013. In the hearing on 9.10.2013, Shri. P.Premarajan presented the case for the petitioner and submitted the prayers as stated in para 7. Shri. Sivaprasad, Executive Engineer, TRAC, KSEB Ltd., presented the defence on behalf of the respondents and submitted that the petition is not at all maintainable and admissible. The main contentions of Shri. Sivaprasad were the following
 - (1) As per tariff Order with effect from 01-05-2013 , the tariff applicable to private hospitals and self financing educational institutions is HT V General, whereas HT-II Non Industrial / Non Commercial Tariff is applicable for Government hospitals and technical and educational institutions run by or affiliated to Government Departments. Prior to 01-05-2013 the tariff applicable to private hospitals and self financing educational institutions run by or affiliated to Government departments was HT IV Commercial.
 - (2) M/s Kerala State Co operative Hospital Complex and Centre for Advanced Medical Services, Pariyaram had availed HT supply on 27-05-1999. The tariff assigned was HT IV Commercial.
 - (3) Now as per revised tariff order effective from 01-05-2013 all private hospitals and self financing educational institutions which were categorized under HT IV Commercial has been re categorized under HT-V General. Accordingly along with all other private hospitals who were earlier billed under HT IV Commercial. Kerala State Co Operative Hospital Complex and Centre for Advanced Medical Services Ltd, has also been brought under HT V General with effect from 01-05-2013
 - (4) The consumer has been categorized under HT-V General truly as per tariff order dated 30-04-2013. The tariff for HT-V General category is less than prevailing HT IV Commercial tariff. The petitioner had not raised any objection against categorizing them under HT IV Commercial tariff either in writing or during public hearing conducted by the Commission in the matter of ARR/ERC and tariff petition filed by KSEB for the year 2013-14.
 - (5) Considering the above KSEB submitted that there is no merit in the arguments raised by Kerala State Co-operative Hospital Complex and Centre for Advanced Medical Services Ltd, Pariyaram Medical College P.O and hence KSEB Ltd may be permitted to categorize the consumer under HT – V General tariff . However the petitioner may be permitted to raise objections if any regarding categorization during proceedings related to the tariff petition of KSEB for the FY 2014-15.
9. The Commission has considered the petition and the contentions raised by the respondent. The relief sought for is to re categorize Kerala State Co-operative

Hospital Complex and Centre for Advanced Medical Services Ltd from HT V General Tariff to HT II Non Industrial / Non Commercial category which amounts to re categorization of tariff. Tariff determination has to be done in accordance with the procedures specified for it which include pre-publication of tariff proposal and public hearing. The tariff is determined for all the consumers of the licensee and the tariff petition is not a dispute between two contending parties. The Hon'ble Appellate Tribunal and the Hon'ble Supreme Court have clarified that the tariff determination process is a quasi-legislative process. Therefore petitions of individual consumers against tariff order cannot be considered in a petition like this. Any person aggrieved by the tariff order issued by the Commission can only approach the Appellate Tribunal by filing an appeal. Therefore the Commission is of the view that the petition is not maintainable on this ground. The petitioner can present their views and objections if any during the proceedings related to the Tariff Petition of KSEB for FY 2014-15.

10. In view of the facts, circumstances and legal provisions explained above the Commission decides not to admit the petition.

Sd/-
Mathew George
Member (F)

Sd/-
P. Parameswaran
Member (E)

Sd/-
T.M. Manoharan
Chairman

Approved for issue

SECRETARY