

KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM

Present : **Shri. Preman Dinaraj, Chairman**
Adv. A.J Wilson, Member (Law)

Petition RP No. 01/2022

In the matter of : Review Petition filed by M/s Paramun Engineering Corporation against the Order of the Commission dated 03.12.2019 in OA 26/2019.

Petitioner : Shri. P.P. Jose, Proprietor, Paramun Engg Corporation, Vengoor, Kidangoor P.O, Angamaly.

Petitioner represented by : Sri. George MY.

Respondent : Kerala State Electricity Board Ltd.

KSEB Ltd represented by : Sri. Edward, P Bonafice AEE, TRAC

First hearing : 30.05.2022

Order dated 15.07.2022

1. The petitioner M/s **Paramun Engg Corporation** filed a review petition before the Commission with the following prayers.

to review the order dated 03.12.2019 in OA 26/2019 and categorize the petitioner as LT category to avoid the huge amount of assessment by considered as Deemed HT before the date of 18.04.2017 issued erroneously and wrong categorization as Deemed HT.

2. The Commission, in compliance of the judgment of the Hon'ble High Court dated 24th June 2019 in WP(C) No. 39396 of 2015, and after examining the issues raised by the petitioner as per the provisions of the Electricity Act, 2003 and the Regulations notified by the Commission, has ordered the following as per Order dated 03.12.2019 in O. A No.26/2019.

- (1) *The petitioner as a consumer having connected load and recorded maximum demand more than 100 kVA, has to pay low voltage surcharge as determined by the Commission as per the Regulation 9 of the Kerala Electricity Supply Code, 2014, to continue availing supply at LT.*
- (2) *Till the Commission explicitly determined the low voltage surcharge vide the tariff order dated 17.04.2017, the petitioner has to pay electricity charge, at the rate applicable to 'Deemed HT consumers, as per the "clause-9 of the General*

Conditions for HT and EHT tariff under Part-B – EHT and HT Tariff of the Tariff Order dated 14.08.2014, i.e., demand charges applicable for HT-I (A) Industry and energy charge at LT-IV (A) Industrial tariff.

- (3) *With effect from 18.04.2017 onwards, in addition to the electricity charges approved by the Commission for LT Industrial consumers including the demand charge and energy charge, the petitioner has to pay low voltage surcharge also as determined by the Commission from time to time.*
- (4) *KSEB Ltd shall immediately process the application filed by the petitioner for converting the electricity connection to HT connection within the time limit specified in the Kerala Electricity Supply Code, 2014 and report the compliance*

3. The summary of the review petition filed by the petitioner is as follows:

- (1) The petitioner has submitted that the petitioner is an existing consumer as on 02.03.2005 with a sanctioned connected load of 127kW. Hence, as per the Rules and Regulations, the petitioner is a LT consumer and the categorization as Deemed HT and imposition of low voltage surcharge for the period prior to 18.04.2017, is an error on the face of record and hence the Order is liable to be reviewed.
- (2) According to the petitioner, he is liable to pay low voltage surcharge with effect from 18.04.2017 only, in addition to the electricity charges approved by the Commission for LT industrial consumers including the demand charge and energy charge. Hence, the claim of respondent, KSEB Ltd for low voltage surcharge from 5/2013 up to 17.04.2017 is totally illegal.
- (3) The petitioner has also raised the issue that while passing the Order under review, the respondent maintained complete silence about the Board Order (FTD) 1241/2016 (KSEB LTD/TRAC/Deemed HT) 2715 dated 22.04.2016 which deals with methodology for billing of LT Consumers having connected load above 100kVA. In the light of the above Order, low voltage surcharge cannot be imposed up to 17.04.2017.
- (4) As per the enquiry of the petitioner, it was found that there are around 1300 consumers all over Kerala in the LT category with connected load up to 150 KVA and remitting electricity bills under LT tariff with Low Voltage Surcharge only from 18.04.2017.
- (5) Under the Right to Information Act, the Information Officer of Electrical Division, Angamaly has informed vide letter dated 01.01.2022 that there are 45 consumers under Electrical Division, Angamaly in the same category as that of the petitioner (connected load up to 150KVA) who weren't issued any low voltage surcharge for the period previous to 18.04.2017. It was also informed that according to Board Order No. B.O

(FTD) No.1241/2016 (KSEB LTD/TRAC/Deemed HT) 2715 dated TVM 22.04.2016, the petitioner cannot be included in deemed HT category.

4. The petitioner had filed delay condonation petition also along with the petition. The Commission issued Order dated 09.02.2022 in Petition No. OP 04/2022 condoning the delay and admitted the petition as RP No. 01/2022.
5. KSEB Ltd filed a Counter affidavit on 30.05.2022 on the Review Petition and the summary is as given below:
 - (1) KSEB Ltd submitted that the Commission has condoned the delay in filing the review petition vide Order dated 09.02.2022 in petition No. O.P. 04/2022 citing an APEX Court Judgment dated 23.09.2021. KSEB Ltd has pointed out that the Hon'ble Court has ordered that the period of limitation for any suit, appeal, application for proceedings during the period from 15.03.2020 to 02.10.2021 shall stand excluded. The petitioner had ample time to file the review petition prior to 15.03.2020 and after 02.10.2021 as per Regulation 67 (1) of KSERC (Conduct of Business) Regulations, 2003. But the petitioner has miserably failed to file the review petition within the time. It was also submitted that numerous petitions, additional submissions and counter affidavits has been filed before the Commission by this Licensee, by consumer associations and even by individual consumers during the pandemic days.
 - (2) KSEB Ltd further submitted that the Board Order B.O.(FTD) No. 1241/2016 (KSEBL/TRAC/ Deemed HT) dated 22.04.2016 was issued as per the direction of the Commission to furnish the details of consumers having connected load above 100 kVA and the billing methodology applicable to them. The details were submitted vide Letter No. KSEBL/TRAC/ Deemed HT /2750 dated 19.04.2016.
 - (3) KSEB Ltd stated that most of the Consumers under Angamaly Division (except 11 Nos) are having their contract demand below 100 kVA and hence low voltage supply surcharge cannot be imposed upon them. Hence, KSEB Ltd pointed out that the allegations are baseless and stated that appropriate action in this regard will be taken to make good of the revenue loss.
 - (4) As per clause 9 of general conditions of HT & EHT tariff of Schedule of Tariff issued vide Order dated 14.08.2014 in O.P.No.9 of 2014, bills were issued to the consumer amounting to Rs.36,180/- and Rs.41,700/- towards demand charges respectively for the months 10/2015 and 11/2015 by treating the consumer as deemed HT consumer. The Board Order was issued only on 22.04.2016. The B.O dated 22.4.2016 has no relevance as the Commission has pronounced the Order with retrospective effect from 16.8.2014 and therefore, KSEB Ltd has requested to dismiss the petition.
6. The hearing of the petition RP No. 01/2022 was held on 30.05.2022 through video conference. Sri. George M Y, appeared on behalf of the petitioner and Sri.

Edward, P Bonafice, AEE, appeared on behalf of the Respondent KSEB Ltd. The summary of the deliberations during the hearing is given below.

- (1) The petitioner submitted as follows:
 - (i) M/s Paramun Engg has availed LT connection in the year 1999 with a connected load of 23kW which was enhanced to 127kW on 24.6.2009. It was further submitted that the Commission vide the Kerala Electricity Supply Code, 2005 (Supply Code, 2005), specified the limit for the maximum load than can be connected at LT as 100kW. However, the Commission permitted the consumers existing as on the date of implementation of Kerala Electricity Supply Code, 2005, to operate in LT up to a load of 150 kVA as per 4th amendment of Kerala Electricity Supply Code in 2008.
 - (ii) The petitioner further submitted that Kerala Electricity Supply Code (fourth amendment) Regulation 2008, permitted the existing consumers as on the date of implementation of the Kerala Electricity Supply Code, 2005 i.e., on 02.03.2005, to operate up to a load of 150kW. The Commission vide the letter dated 16.12.2008 further clarified that, all the consumers existing as on 02.03.2005, i.e., on the date of implementation of the Kerala Electricity Supply Code, 2005 may be permitted to operate at LT up to 150 kVA.
 - (iii) The petitioner further submitted that the Kerala Electricity Supply Code, 2014 (Supply Code, 2014) was implemented on 1.04.2014 and as per Regulation 11 (1) of Supply Code, 2014, the maximum load that can be connected at LT is limited to 100kVA. Further as per the proviso to Regulation 11(1), 'low tension consumer who, as on the date of implementation of the Kerala Electricity Supply Code, 2005, had a sanctioned load exceeding the limit of 100kVA, may be permitted to continue at LT, subject to realization of low voltage supply surcharge, to operate with the same sanctioned load at the same voltage level of supply until an upward revision of connected load is sought for by the consumer.
 - (iv) It was also submitted that the Commission has inserted the following proviso vide the Kerala Electricity Supply Code (Removal of difficulties) third Order, 2014 *"Provided that the consumers existed on the date of implementation of the Kerala Electricity Supply Code, 2005, and who were permitted to operate at low tension up to a connected load or contract demand of 150kVA in accordance with clause (b) of sub-regulation (5) of the regulation 4 of the Kerala Electricity Supply Code(Fourth Amendment) Regulations, 2008) shall be allowed to operate at the same voltage level and connected load or contract demand subject to realization of low voltage surcharge until an upward*

revision of connected load or contract demand is granted on application submitted by the consumer or become otherwise necessary.”

- (v) The petitioner has requested that as the petitioner is a consumer, originally registered with a connected load of 23 kW, later in 2009 enhanced the load to 127 kW as per the provisions of the fourth amendment to the Kerala Electricity Supply Code, 2005, they shall not be classified as a deemed HT consumer and shall be permitted to operate as a LT consumer after remitting Low Voltage Surcharge.
- (vi) The petitioner pointed out that the Commission explicitly determined the low voltage surcharge only in the suo-motu Tariff Order dated 17.04.2017 and the petitioner has remitted the same since then.
- (vii) It was further submitted that as per the Order of the Commission dated 03.12.2019, the 'Deemed HT' is the term used for classifying the consumers availing supply at LT, but they have to avail supply at HT' as per the rules and Regulation. Hence, as per Supply Code 2005 and Removal of difficulties third Order, 2014 they may be permitted to continue as LT consumer. However, KSEB Ltd, considering them as a deemed HT consumer has raised a bill as per the clause 9 of the General Conditions of the HT&EHT tariff. The tariff applied is the demand charge of the respective HT category and energy charge of the respective LT category.
- (viii) It was further submitted that as per the Board Order no. B.O (FTD) No. 1241/2016 (KSEB LTD/TRAC/Deemed HT) dated TVM 22.04.2016, LT Consumers existing as on 02.03.2005 and having connected load up to 150 kVA as on that date are permitted to continue as LT (as per supply code and its amendments) after connecting additional load up to total of 150kVA before 01.04.2014 (prior to the implementation of Kerala Electricity Supply Code 2014). The contract demand of such consumers could be more than 100 kVA, but limited to their sanctioned connected load. These consumers can be treated as LT consumers and only LT Consumers existing as on 02.03.2005 and having connected load above 150 kVA and continue to avail LT supply as per Court orders and Board orders can be treated as deemed HT consumers. Hence, the petitioner is only a LT consumer and not a deemed HT consumer. Hence the short assessment from 2013 of around Rs 12 lakh shall be rejected.
- (ix) The petitioner further submitted that the Executive Engineer, Electrical Division, Angamaly as per RTI has certified that they do not fall under the category of deemed HT and also that

assessment bills have not been raised for any other consumers falling under similar category.

- (x) The petitioner has also submitted that they have availed HT connection since August 2021. Since then, they have undergone expansion and increased the contract demand to 300kVA.

(2) The respondent KSEB Ltd submitted the following.

- (i) Vide the Order dated 03.12.2019 in OA 26/2019, the commission has ordered the following:

“Till the Commission explicitly determined the low voltage surcharge vide the tariff order dated 17.04.2017, the petitioner has to pay electricity charge, at the rate applicable to ‘Deemed HT consumers, as per the “clause-9 of the General Conditions for HT and EHT tariff under Part-B – EHT and HT Tariff of the Tariff Order dated 14.08.2014, i.e., demand charges applicable for HT-I (A) Industry and energy charge at LT-IV (A) Industrial tariff.”

Hence the Board Order dated 22.4.2016 has no relevance as the Order was pronounced with retrospective effect from 16.8.2014 and hence the review petition shall be dismissed.

- (ii) It was also submitted that the petitioner, a consumer of KSEB Ltd under Electrical Section, Angamaly filed a petition before the Hon’ble High Court of Kerala as WP (C) No. 39396 of 2015, for treating his industrial unit as “Deemed HT Connection” and assessing his electric consumption charges based on Regulation 9, Part B of the Tariff Order for KSEB Ltd for 2014-15.

Hon’ble High Court vide the judgment dated 24th June 2019, disposed the matter with the observations and direction that the phrase “Deemed HT Consumer” is not defined anywhere, some customers are treated as such by the Commission on the basis that they are consuming more than an LT connection and that the Kerala State Electricity Regulatory Commission must hear the petitioner again and then take a decision as to the classification under which they will have to be placed and that if the Commission is of the view that they cannot continue under the category of LT because they are consuming more than 1000 volts, then necessary orders will have to be issued bringing them under the suitable category, also taking note of their contention that they have been allowed to consume more than 1000 volts from the year 2008.

The Commission, in compliance of the judgment of the Hon’ble High Court dated 24th June 2019 in WP(C) No. 39396 of 2015, and after examining the issues raised by the petitioner as per the provisions of the Electricity Act, 2003 and the Regulations notified by the

Commission, has ordered in the Order dated 3.12.2019 that consumer has to pay electricity charge, at the rate applicable to 'Deemed HT consumers, as per the "clause-9 of the General Conditions for HT and EHT tariff under Part-B – EHT and HT Tariff of the Tariff Order dated 14.08.2014, i.e., demand charges applicable for HT-I (A) Industry and energy charge at LT-IV (A) Industrial tariff .

- (iii) Moreover, KSEB Ltd has clarified that the Board Order dated 22.04.2016 was only issued because many complaints were received regarding the different billing methodologies adopted at field level after the implementation of Supply Code 2014 as well as on the basis of the clarification sought by the Commission on the billing methodology adopted by KSEB Ltd for consumers above 100kVA. At that point of time, the KSEB Ltd was of the view that only consumers above 150kVA were deemed HT consumers.
- (iv) However, the Commission vide Order dated 3.12.2019 has studied the matter in depth, provided a definition for Deemed HT, reclassified various category of consumers having connected load above 100 kVA and directed KSEB Ltd to raise a bill after considering the petitioner as deemed HT. Hence, KSEB Ltd asserted that there was no relevance for the Board Order dated 2016.
- (v) KSEB Ltd has further brought to the notice of the Commission that as per first proviso to Regulation 11 only a low-tension consumer who, as on the date of implementation of the Kerala Electricity Supply Code, 2005, had a sanctioned load exceeding the limit of 100kVA, may be permitted, subject to realisation of low voltage supply surcharge, to operate with the same sanctioned load at the same voltage level of supply until an upward revision of connected load is sought for by the consumer. The petitioner as on date of implementation of Supply Code 2005 had only a connected load of 23kW.
- (vi) The petitioner contradicted that as per the Kerala Electricity Supply Code (Removal of difficulties) third Order, 2014 "*the consumers existed on the date of implementation of the Kerala Electricity Supply Code, 2005, and who were permitted to operate at low tension up to a connected load or contract demand of 150kVA in accordance with clause (b) of sub-regulation (5) of the regulation 4 of the Kerala Electricity Supply Code(Fourth Amendment) Regulations, 2008) shall be allowed to operate at the same voltage level and connected load or contract demand subject to realization of low voltage surcharge until an upward revision of connected load or contract demand is granted on application submitted by the consumer or become otherwise necessary.*"
- (vii) KSEB Ltd further stated that there are only 11 consumers under Electrical Division, Angamaly having connected load similar to that of

the petitioner and requested for more time to collect details on the billing methodology adopted for those consumers.

Analysis and Decision of the Commission

7. The Commission has examined in detail the review petition filed by the petitioner, the counter arguments of the respondent KSEB Ltd and other documents submitted during the deliberations of the subject petition in terms of the provisions of the Electricity Act, 2003, the Regulations notified by the Commission, and decided as follows.
8. The present petition was filed against the Order of the Commission dated 03.12.2019 in petition OA 26/2019, categorizing the petitioner as a Deemed HT consumer.
9. Before going into the merit of the issues raised in the petition, the Commission has examined the review jurisdiction provided in the Electricity Act, 2003, for reviewing its order and decisions. The relevant provisions are discussed below.

- (1) As per the Section 94 of the EA-2003, the review jurisdiction of the Commission is very limited in reviewing its orders and directions. The relevant Sections is extracted below:

“ Section 94. (Powers of Appropriate Commission): --- (1) The Appropriate Commission shall, for the purposes of any inquiry or proceedings under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely: -

- (a) *summoning and enforcing the attendance of any person and examining him on oath;*
- (b) *discovery and production of any document or other material object producible as evidence;*
- (c) *receiving evidence on affidavits;*
- (d) *requisitioning of any public record;*
- (e) *issuing commission for the examination of witnesses;*
- (f) *reviewing its decisions, directions and orders;*
- (g) *any other matter which may be prescribed. “*

- (2) Order 47 Rule 1 of the Code of Civil Procedure dealing with review of the orders and decisions of a Civil court, which is as quoted below:

“ Application for review of judgment. -(1) Any person considering himself aggrieved,—

- (a) *by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,*
- (b) *by a decree or order from which no appeal is allowed, or*
- (c) *by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after*

the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.

Explanation: The fact that the decision on a question of law on which the judgment of the court is based has been reversed or modified by the subsequent decision of a superior court in any other case, shall not be a ground for the review of such judgment.”

As extracted above, as per the provisions of the Electricity Act - 2003 and Order 47 Rule 1 of the Code of Civil Procedure, the review jurisdiction of the Commission is very limited. For reviewing its decisions, discovery of new and important matter or evidence, which was not within the knowledge of the petitioner or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on face of record, or for any other sufficient reason.

- (3) The Regulations 67 of the KSERC (Conduct of Business) Regulations, 2010 and its amendments specified as follows.

“67. Powers of review, - (1) Any person or party affected by a decision, direction or order of the Commission may, within forty-five days from the date of making such decision, direction or order apply for the review of the same. (2) An application for such review shall be filed in the same manner as a petition under Chapter III of these regulations. (3) The Commission may after scrutiny of the application, review such decisions, directions or orders and pass such appropriate orders as the Commission deems fit within forty-five days from the date of filing of such application:

Provided that the Commission may, at its discretion, afford the person or party who filed the application for review, an opportunity of being heard and in such cases the Commission may pass appropriate orders as the Commission deems fit within thirty days from the date of final hearing: Provided further that where the application for review cannot be disposed of within the periods as stipulated, the Commission shall record the reasons for the additional time taken for disposal of the same”.

10. The petitioner in the petition has raised the following three grounds for review.

- (1) Whether the petitioner comes under the definition of Deemed HT since the petitioner is an existing consumer before the notification of the Kerala Electricity (Supply) Code, 2005.

- (2) Whether the BO (FTD)No1241/2016(KSEB/TRAC/Deemed HT) dated 22.04.2016 of KSEB Ltd, dealing with methodology for billing of LT consumers having connected load upto 150kVA.
- (3) Whether the demand of surcharge by KSEB Ltd from 05/2013 to 04/2017 is legally valid.

The Commission has examined each issue within the review jurisdiction as per the Electricity Act, 2003 and decided as follows.

(1) Ground-1. Whether the petitioner comes under the definition of Deemed HT since the petitioner is an existing consumer before the notification of the Kerala Electricity (Supply) Code, 2005.

11. The petitioner submitted that, they were existing as on the date of implementation of the supply code 2005, and allowed to operate at LT. Hence the petitioner requested to review its categorization under Deemed HT.

The Commission examined the ground raised by the petitioner and noted that, this issue was deliberated in detail in the impugned Order dated 03.12.2019 in petition OA 26/2019. The petitioner has not raised any new facts and documents to review the impugned Order of the Commission. Hence, the grounds raised by the petitioner is not maintainable and hence rejected.

(2) Ground-2. Whether the BO (FTD)No1241/2016(KSEB/TRAC/Deemed HT) dated 22.04.2016 of KSEB Ltd, dealing with methodology for billing of LT consumers having connected load upto 150kVA.

12. The Commission noted that KSEB Ltd had issued the BO (FTD)No1241/2016(KSEB/TRAC/Deemed HT) dated 22.04.2016, without the approval of the Commission and it is also not as per the provisions of the Kerala Electricity (Supply) Code, 2014 and other Regulations, Rules, Tariff Orders in force.

KSEB Ltd during the deliberations of the present petition clarified that, they wrongly interpreted that the consumers having load above 150kVA only categorized under Deemed HT category. KSEB Ltd vide the vide affidavit dated 27.05.2022 has submitted as follows:

“Hence it is submitted before the Hon’ble Commission that the said Board order has no relevance with the procurement of the hon’ble Commission ‘s order with retrospective effect, i.e., from 16.08.2014.”

The Commission hereby clarifies that, the Board Orders and Circulars issued by the distribution licensees without complying the Regulations and Orders issued by the Commission is null and void. Hence, the Commission cannot accept this ground of the petitioner and hence rejected.

(3) Ground-3. Whether the demand of surcharge by KSEB Ltd from 05/2013 to 04/2017 is legally valid.

13. Commission, vide the impugned order dated 03.12.2019 in O. A No.26/2019, ordered as follows.

“

23. *The Commission, in compliance of the judgment of the Hon'ble High Court dated 24th June 2019 in WP(C) No. 39396 of 2015, and after examining the issues raised by the petitioner as per the provisions of the Electricity Act, 2003 and the Regulations notified by the Commission, hereby issues following orders for the compliance of the petitioner and the respondent KSEB Ltd.*

- (1) *The petitioner as a consumer having connected load and recorded maximum demand more than 100 kVA, has to pay low voltage surcharge as determined by the Commission as per the Regulation 9 of the Kerala Electricity Supply Code, 2014, to continue availing supply at LT.*
- (2) *Till the Commission explicitly determined the low voltage surcharge vide the tariff order dated 17.04.2017, the petitioner has to pay electricity charge, at the rate applicable to 'Deemed HT consumers, as per the "clause-9 of the General Conditions for HT and EHT tariff under Part-B – EHT and HT Tariff of the Tariff Order dated 14.08.2014, i.e., demand charges applicable for HT-I (A) Industry and energy charge at LT-IV (A) Industrial tariff.*
- (3) *With effect from 18.04.2017 onwards, in addition to the electricity charges approved by the Commission for LT Industrial consumers including the demand charge and energy charge, the petitioner has to pay low voltage surcharge also as determined by the Commission from time to time.*
- (4) *KSEB Ltd shall immediately process the application filed by the petitioner for converting the electricity connection to HT connection within the time limit specified in the Kerala Electricity Supply Code, 2014 and report the compliance*

As extracted above, as per paragraph 23(2) of the impugned Order dated 03.12.2019 clearly specified that, till the Commission explicitly determined the low voltage surcharge vide the tariff order dated 17.04.2017, the petitioner has to pay electricity charge, at the rate applicable to 'Deemed HT consumers, as per the "clause-9 of the General Conditions for HT and EHT tariff under Part-B – EHT and HT Tariff of the Tariff **Order dated 14.08.2014, i.e., demand charges applicable for HT-I (A) Industry and energy charge at LT-IV (A) Industrial tariff.** The reasons for arriving such a decision also deliberated in detail in the impugned Order dated 03.12.2019. Hence KSEB Ltd is not authorized to demand surcharge applicable as Deemed HT consumer from the petitioner prior to the Tariff Order of the Commission dated 14.08.2014.

Order of the Commission

17. The Commission, and after examining the review petition filed by Mr. P.P.

Jose, M/s Paramun Engineering Corporation, the counter argument of KSEB Ltd as per the provisions of the Electricity Act, 2003 and the Regulations notified by the Commission, hereby orders as follows:

- (i) Rejects the review petition filed by Sri P P Jose, M/s Paramun Engineering Corporation.
- (ii) As per the para 23(2) of the impugned Order dated 03.12.2019, KSEB Ltd shall not raise surcharge from the petitioner as a Deemed HT consumer prior to the Tariff Order dated 14.08.2014.

The petition is disposed of. Ordered accordingly.

Sd/-
Adv. A J Wilson
Member (Law)

Sd/-
Preman Dinaraj
Chairman

Approved for issue

C R Satheeshchandran
Secretary