



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)
Corporate Identity Number : U40100KL201 ISGC0272424
Regd Office: Vidyuthi Bhavanam, Pattom,
Thiruvananthapuram-695004
Phone No.0471 2444554, FAX No.0471 2554414
e-mail: vigilance.kseb@gmail.com Web: www.kseb.in

Abstract

Recovery Proceedings initiated against Sri.Radhakrishnan.K.P, Senior Superintendent, Electrical Section, Pallom(formerly Senior Assistant, Electrical Section, Poochakkal) – Appeal Petition - Disposed off-orders -issued.

CORPORATE OFFICE (VIGILANCE WING)

BO (DB) No:290/2021(VIG/B2/5045/2019) Thiruvananthapuram,Dated: 04 .05.2021/1039

Read:-

1. Letter No:EBVS.4/5/2015 dated.01.10.2019 of the Chief Engineer(HRM)
2. Letter No:EC-ALP/GB1/VIG-B2-5045/2019-20 dated 29.11.2019 of the Deputy Chief Engineer,Electrical Circle, Alappuzha.
3. Notice No. VIG-B2-5045/2019 dated 21.1.2020 of the Chairman & Managing Director addressed to Sri.Radhakrishnan.K.P..
4. Reply dated 05.02.2020 submitted by Sri.Radhakrishnan.K.P.
5. Argument Note dated 10.06.2020 submitted by Sri.Radhakrishnan.K.P. during personal hearing.
6. Proceedings No.VIG/B2/5045/2019/3327 dated 01.10.2020 of the Chairman & Managing Director, KSEBL.
7. Appeal Petition dated.27.10.2020 submitted by Sri.Radhakrishnan.K.P. before the Chairman & Managing Director, KSEBL.
8. Note No: VIG/B2/5045/2019 of the Chairman & Managing Director dated 24.02.2021.
9. Proceedings of the 58th meeting of the Board of Directors held on 17.03.2021 vide Agenda 18-03/2021.

ORDER

Sri.Jaimon.V.P is an industrial consumer having Con.No.10882 of Electrical Section, Poochakkal is running a plastic manufacturing Unit. He was issued monthly current charges by taking multiplication factor as '2' even though the CT Ratio of the meter installed in his premises is with M.F. '40' from 7/05 to 8/2010 and the consumer was enjoying the privilege illegally given by the section authorities for more than 5 years by remitting a portion of cost of current charge than the actual units consumed by the firm due to the application of wrong multiplication factor in

calculating monthly consumption. Later the Section authorities detected the error that the multiplication factor of the C.T. installed in the premises is '40'. As and when the above irregularity was detected by the Section authorities, the consumer was served with a short assessment bill amounting to Rs.4,48,317/- by taking multiplication factor as '40' instead of '2' for a period from 7/05 to 8/10 in order to compensate the loss sustained by the KSEBL on account of under billing. Aggrieved by the issuance of the above bill, consumer filed a petition before the Hon'ble Consumer Disputes Redressal Forum, Alappuzha vide CC No.301/2010. The Hon'ble CDRF disposed the CC vide its order dated 30.11.2011 by quashing the bill issued to the consumer. Against the above orders of Hon'ble CDRF, Alappuzha the KSEBL filed an appeal before the Hon'ble Kerala State Consumer Disputes Redressal Commission vide Appeal No. 567/12. The Hon'ble State Commission vide its order dated 21.02.13 disposed the appeal filed by the Board by limiting the period of short assessment bill to the extent of six months instead of entire period (5 Years).

The KSEBL after examining the orders of CDRF and State Commission observed that the above revenue loss in tune of Rs.4,48,317/- being the current charge of actual unit consumed by the firm has occurred due to the sheer negligence of concerned officials of Electrical Section, Poochakkal who held the office for the period from 7/2005 to 08/2010. Based on the above observation the KSEBL has ordered to entrust the Chief Engineer(HRM) to conduct an enquiry regarding the lapses, omissions and negligence occurred on the part of the officials of Electrical Section Poochakkal who held the office from 7/2005 to 08/2010 which resulted in huge revenue loss to the Board and to take appropriate action against the responsible officials. Accordingly, Chief Engineer(HRM) had entrusted the Executive Engineer, Electrical Division, Cherthala to conduct a preliminary enquiry and to submit the report and the report was submitted by the Executive Engineer on 28.07.2016. The Chief Engineer(HRM) after perusing the report of the Executive Engineer, Electrical Division, Cherthala along with the list of officers responsible for the lapses had forwarded the entire file to the Vigilance wing as per letter read as 1st above for further necessary action.

The Chairman & Managing Director while perusing the report of the Chief Engineer (HRM) observed that it is an admitted fact that due to the grave lapses, negligence and omission of the officials of Electrical Section Poochakkal who held the office from 7/05 to 08/10, the KSEBL has sustained huge pecuniary loss which cannot be ruled to any extend. Hence it is high time to compensate the loss

sustained by the KSEBL within the purview of law, as the KSEBL can not shoulder the loss sustained by the Board on account of the lapses and negligence occurred on the part of officers and employees. Based on the above observations the Chairman & Managing Director decided to recover the loss sustained by the KSEBL proportionally from the responsible officers in accordance with their period of incumbency. Accordingly notice read as 3rd above was issued to Sri.Radhakrishnan.K.P, the then Senior Assistant of Electrical Section, Poochakkal to show cause why the amount of Rs.32,089+applicable interest being the proportionate loss sustained by the KSEBL due to the lapses and negligence occurred on his part during his incumbency at Electrical Section, Poochakkal (from 06.02.2005 to 29.08.2005 & 01.11.2005 to 31.12.2006) shall not be recovered from him in the light of the report of the Deputy Chief Engineer, Electrical Circle, Alappuzha as per letter read as 2nd above.

In response to the above, Sri.Radhakrishnan.K.P. submitted a detailed reply dated 05.02.2020 read as 4th above and a personal hearing was also granted to him on 10.06.2020 in order to ensure natural justice. An argument note read as 5th above was produced by him during the time of hearing .

The Chairman & Managing Director while perusing the reply and argument note submitted by Sri.Radhakrishnan observed that it is an admitted fact the Short Assessment Bill amounting to Rs.448317/- is the demand for the actual consumption of the consumer and the shortage was due to the application of wrong MF(2 instead of 40)in calculating the monthly consumption of the consumer. Hence the amount is legally due to the Board. But unfortunately the bill was quashed by the CDRF by stating the ground that the above demand was raised due to the sole fault of officials of Electrical Section, Poochakkal. It is remarkably noted that the Hon'ble CDRF have not raised any objection regarding the sanctity of bill raised by the KSEBL which itself establishes that Sri.Radhakrishnan and others had miserably failed to carry out their duties properly which in turn resulted in the loss sustained by the KSEBL to the tune of Rs.448317/- .Since the short assessment bill was quashed by the Court Of Law by pointing out the fault of staff and officers, the KSEBL have taken steps to compensate the loss from the staff and officers responsible for quashing of the bill.

Based on the above views and observations the Chairman & Managing Director disposed the recovery proceeding vide order read as 6th above with a direction to recover an amount of Rs.32,089+ applicable interest from the due date of the bill (ie.from 30.10.2010 to till recovery) being the proportionate loss sustained by the

KSEBL from Sri. Radhakrishnan.K.P the then Senior Assistant of Electrical Section, Poochakkal and entrusted the Chief Engineer (HRM) to take necessary steps to recover the aforesaid amount from him.

Against the above orders of the Chairman and Managing Director Sri. Radhakrishnan.K.P. submitted an appeal petition read as 7th above before the Board of Directors by contenting that the recovery proceedings was initiated against him by the Chairman & Managing Director for the charges that he had failed to ascertain the actual MF of CT and also failed to inform regarding the reason for the drastic depression of the consumption to his higher ups in time. Even though he had submitted the detailed reply on the notice and during the time of personal hearing, the Chairman & Managing Director proceeded with the recovery proceedings without taking on account of the arguments raised by him in this regard. He argued that as a Senior Assistant he could only depend upon his superior officers such as Asst.Engineer and Sub Engineers and not much can do except continuously persuade and ask them to furnish the reason in such cases. He further argued that there was no supporting documents adduced by the field wing and he had continuously forced the Section Head and Sub Engineer concerned for about 6 months regarding the reason for the low consumption of the subject consumer. He further argued that the reason was reported only on 05.12.2005 after inspecting the premises. Subsequently bills were issued in accordance with the Regulation 19(2) of the Kerala Electricity Supply Code 2005 and 33(2) of Terms and Conditions of Supply and also added that he had taken all the available steps to curtail the revenue loss without violating the Rules and Regulations of the KSEBL. He again contented that a 10 KVAR capacitor was seen installed at the premises of the above consumer on 6.05.2008 as per the Meter Reading Register and even at that time also the presence of any CT meter with MF 40 had not been reported by the field wing. He again added that as per the circulars and orders issued by the KSEBL from time to time it is stipulated that the name of the Sub Engineer and Assistant Engineer who are present at the time of installation/replacement of the CTs/Meters and that of the Assistant Executive Engineer who certified the correctness shall be furnished in the Register but no such reports were available in the subject case. Hence he averred that it was against all logic and natural justice that the liability based on a CT Meter which was not actually installed during his incumbency is levied on him. As per the Attendance Register, only one Sub Engineer was on duty on the date of changing the energy meter and he was excluded from the enquiry proceedings for some unknown reason. He remarked that due to the absence of any substantial evidence and supporting

documents a fictitious date was assumed and taken as changing of CT and all the calculation of short assessment were done based on this fictitious date. He also added that the Kerala State Consumer Redressal Commission in its judgment dated 21.02.2013 observed that "the crux of the case was based on multiplication factor used by the appellant as 2 instead of 40. The appellant had not produced any proper document before the Forum regarding the MF as 40 and the appellant had not brought out in evidence on what basis or how applied the multiplication factor 40 in calculation." He again added that as per section 126(5) of Electricity Act 2003 and Reg 152(3) of Supply Code, if the period of such short collection due to the anomalies is not known or cannot be reliably assessed, the period of assessment of such short collection of electricity charges shall be limited to twelve months. He concluded his appeal petition with a prayer that he has been informed about the liability only on 21.02.2020 and has been ordered to recover the liability with interest from 30.10.2010 till recovery as per the proceedings dated 01.10.2020 and thus in addition to the liability interest for about 10 years period is to be remitted by him for no fault of his. Hence he requested to consider the above matter also.

The Chairman & Managing Director while examining the above arguments made by Sri.Radhakrishnan.K.P. along with connected file and documents observed that the arguments made by him is the same version of the arguments raised by him in the reply of the notice and averments put forth by him during the time of personal hearing. In the review petition he strongly argued that he had brought the depression in consumption pertains to Consumer No.10882 to the notice of Revenue Head and Section Head while attending billing duties of above consumer. As per circular dated 20.03.2001 and Circulars and Board Orders issued by the KSEBL from time to time it is clearly stipulated that Senior Assistants who prepare invoice shall also report the decrease or increase in the consumption of the consumer to the Assistant Engineer/ Assistant Executive Engineer and if any lapses noticed on the part of the staff in discharging the above shall be dealt seriously and action to be taken if any revenue loss caused to the Board in this regard. But in the instant case Sri.Radhakrishnan had not taken any coercive steps to take up the fact of low depression in consumption at any point of time during his incumbency as stipulated in the circular even though the consumption before changing the CT was recorded in the range of 3000-4000 units in the meter reading register. Mere recording in the meter reading register not ended the responsibility entrusted to him as Senior Assistant, he has to ascertain the ultimate reason for the depression of consumption with proof in order to curtail the revenue loss to the KSEBL. But in the instant case

Sri.K.P.Radhakrishnan was not seen carried out the duties entrusted on him as Senior Assistant at any point of time during his incumbency at the Section. Regarding the subsequent argument made by Sri.Radhakrishnan that the consumer was seen issued short assessment bill for a period of 5 years on the assumption that CT changed during the year 2005 and later the amount fixed as the personal liability of the appellant and others involved in the case which is against law. He reproduced the relevant portion of the order of Hon'ble State Commission and Section 126 (5) of Electricity Act 2003 to substantiate his averment. But on verifying the extract of meter reading register it was revealed that the energy meter with CT was changed on 10.06.2005. Since the actual C.T ratio of the meter was not recorded in the reading register, the monthly consumption was recorded with the previous multiplication factor and the above omission was not noticed by the section authorities till 06.09.2010. Based on the above inspection the consumer was issued short assessment for the under billing units from the date of changing the meter to the inspection conducted by the Section authorities. The extract of meter reading register is a solid evidence which established that the meter was changed on 10.06.2005 itself. But the officer who conducted the case miserably failed to establish the above fact with substantial evidences before the Commission and the same was clearly pointed out by the Commission in its verdict. The above failure occurred on the part of the officers ultimately resulted in the adverse verdict from the Commission. Hence the order of the Commission cannot be taken as a criteria to revise the short assessment bill by invoking the provision contained in Section 126 (5) of Electricity Act 2003. The subsequent argument of Sri.K.P. Radhakrishnan is that in addition to the liability fixed against him, an interest for about 10 years is to be remitted by him for no fault of his and to consider the above matter also while reviewing the above case. In this context it is to be noted that in general principle KSEBL or any financial institutions have the right to levy interest at prevailing rate from the outstanding dues if the same has not been remitted on or before the due date. In the subject case also as the consumer was not remitted the dues outstanding against him due to the order of CDRF, the KSEBL has taken steps to recover the proportionate loss from the responsible officers with interest.

The personal liability was fixed against Sri.K.P.Radhakrishnan and others involved in the case by the KSEBL after thoroughly examining the case in line since the subject loss was sustained due to the sheer negligence of the officers which have clearly pointed out by the CDRF in its verdict. Hence the KSEBL have no alternative but to recoup the loss sustained by the KSEBL from the concerned by

invoking the provisions contained in Kerala Financial Code & Kerala Service Rules as the KSEBL cannot shoulder the loss sustained on account of lapses and negligence on the part of its employees. The arguments raised by him in this regard is unsustainable and illogical hence it is liable to be dismissed.

However the Chairman & Managing Director after meticulously examining the entire history of the case along with the arguments raised by Sri.Radhakrishnan.K.P in the appeal petition in detail, ordered to place the matter before the Board of Directors by highlighting all the aspects of the case for taking a decision in this regard. Accordingly, a detailed note read as 8th above by highlighting the entire history of the case was placed before the Board of Directors of KSEB Ltd.

Having examined the review petition filed by Sri.Radhakrishnan.k.P. in detail by the Board of Directors in its 58th meeting held on 17.03.2021 vide Agenda Item No.18-03/2021, **resolved not to review the order dated 01.10.2020 of the Chairman & Managing Director to recover Rs.32089/- + applicable interest being the proportionate loss sustained to KSEBL from Sri.Radhakrishnan.K.P, Senior Superintendent, Electrical Section, Pallom (formerly Senior Assistant, Electrical Section, Poochakkal).**

Orders are issued accordingly.

**By Order of the Director Board,
Sd/-
G.LEKHA
COMPANY SECRETARY (I/C)**

To

Sri. Radhakrishnan.K.P.
Sreepadmam,
Parampuzha.P.O.
Kottayam District.
PIN-686004
(Regd.Post with A/D)

Copy to:

1. The Chief Engineer (HRM), KSEBL.
2. The Deputy Chief Engineer, Electrical Circle, Kottayam.
3. The Deputy Chief Engineer, Electrical Circle, Alappuzha.
4. The Executive Engineer, Electrical Division, Cherthala
5. TA to the Chairman & Managing Director, KSEBL.
6. TA to the Director (D, IT&HRM), KSEBL.
7. TA to the Director (Plg & Safety), KSEBL.
8. TA to the Director (Trans & SO), KSEBL.
9. TA to the Director (Generation- Civil), KSEB Ltd.
10. TA to the Director (Generation- Ele. & SCM), KSEBL.
11. P A to the Director (Finance), KSEBL.
12. The Accounts Officer, Pension Sanction, KSEBL.
13. The Accounts Officer, Pension Authorisation, KSEBL.
14. Senior CA to Secretary (Administration).
15. File/Stock File.

Forwarded/by Order

Senior Superintendent

3
62/515