

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/036/2020
(Present: A.S. Dasappan)
Dated: 12th January 2021

Appellant : Sri. Ashik P. Aliyar
Puthanpeedikayil
Erattupetta
Kottayam Dist.

Respondent : Asst. Executive Engineer,
Electrical Sub Division, KSEBL,
Erattupetta, Kottayam.

ORDER

Background of the case:

The appellant Sri. Ashik P. Aliyar, Puthanpedikayil is running a small-scale industry having an electric connection bearing Consumer number 1156307025257 in the name of Sri. P.K. Aliyar, Puthanpeedikayil. The tariff assigned is LT IV A and connected load is 44540 Watts. The APTS of KSEB Ltd. conducted an inspection in the premises on 14-02-2020 and detected that the energy meter was recording 42.652% of the actual consumption due to the improper contact. The appellant was given a short assessment bill for Rs.72409/- for compensating the revenue loss and the appellant filed a petition before CGRF, Southern Region, Kottarakkara vide OP No.34/2020. The Forum rejected the request of the appellant, ordering suitable instalment facility for making payment in its order dated 12-10-2020. Aggrieved on this, the appellant filed this appeal petition before this Authority on 12-11-2020.

Arguments of the appellant:

The small-scale industry functioning for the last 20 years is running by the appellant at present. On 14.02.2020 the APTS of KSEBL conducted an inspection in the industry and detected a voltage drop in one of the phases due

to the improper contact of a wire from the sealed box to the meter. The appellant had informed KSEB about the low voltage. The appellant received an additional bill for Rs.72,409/- after detecting the low voltage. The appellant had remitted Rs.40,036/- towards energy bill in the same month. This is the highest among the bills they got in the last 20 years.

The meter is provided in a sealed box which is being maintained by the respondent and meter rent is being remitted. The respondent is responsible for the maintenance of the metering system and the appellant is not responsible whatever be happened in the meter. The respondent has no answer why such a huge bill amount was not come in the undisputed months.

The appellant requests to peruse the subject and redress the grievance.

Arguments of the respondents:

An electric connection was given in the name of Sri. Aliyar. P.K., Puthenpeedikayil with Consumer number 1156307025257 under LT IVA tariff having a connected load of 44540 watts. On 14-02-2020, APTS of KSEB Ltd. conducted an inspection in the premises and detected that 'Y' phase of the energy meter was recording a lower voltage. The data of the meter was downloaded and found that 42.652% of the actual consumption was only recorded from 06-01-2020 to 14-02-2020. A site mahazar was prepared and convinced to Sri. Ashik P Aliyar, the representative of the consumer. A bill was issued to compensate the revenue loss to the Board from 06-01-2020 to 14-02-2020 under section 134(1) of Kerala Electricity Supply Code 2014. The bill amount has to be remitted by the appellant and for which instalment facility can be given.

The respondent requests to dismiss the appeal petition.

Analysis and findings:

An online hearing was conducted at 11 AM on 28-12-2020 with prior intimation and willingness of both the appellant and the respondent. The appellant Sri. Ashik P. Aliyar, and Sri. Babujan. S., Assistant Executive Engineer, Electrical Subdivision, Erattupetta from the respondent's side appeared for the hearing. On examining the appeal petition, the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

The appellant's premises was inspected by the Anti-Power Theft Squad (APTS) of KSEB Ltd. on 14-02-2020 and detected that rated voltage was not received in the 'Y' phase of the energy meter and hence actual energy consumption was not recorded in the meter. They measured a voltage of 50.6 volts in 'Y' phase of the meter against 243 volts in the line. The data of the meter was captured by downloading and found voltage drop in 'Y' phase and thereby the under-recording of consumption starts from 06-01-2020, which continued up to 14-02-2020, the date of inspection. Moreover, they found meter error as - 57.348%. In order to compensate revenue loss for 39 days from 06-01-2020 to 14-02-2020, the respondent issued a short-assessment bill for 9742 kwh, the amount comes to Rs.72,409/-. The respondent reassessed total consumption for 39 days as 16987 kwh, i.e. a monthly consumption of 13067 kwh.

The appellant's contention is that the meter and other system for the metering is kept under the custody of the respondent. The appellant had not received such a huge bill for the exorbitant consumption in the history of the industry for the last 20 years. The appellant had remitted Rs.40,036/- in the same month.

The issue arising for consideration in the appeal is whether the period assessed and the quantum of energy loss computed are in order and the appellant is liable for the payment of short-assessment for the energy lost. This Authority analyzed the data downloaded from the meter and analyzed history of recorded consumption for 23 months from January 2019 to November 2020. The respondent has not produced any test report of the metering system substantiating the error of the meter is 57.348% as mentioned in the site Mahazar. In the downloaded data, no such event is seen for the voltage drop starts from 06-01-2020. The first event, current without voltage starts in 'L2' on 13-01-2020. The voltage recorded is 134.4 volts, 7.2 volts and 100.80 volts and the respective current is zero ampere, 0.60 ampere and zero ampere. The next events are seen on 09-02-2020, 10-02-2020, 11-02-2020, 13-02-2020 and 14-02-2020. All these events are starting and ending of current missing of each phase. But in all the events, the voltage in 'L2' phase is between 26.8 volts and 57.60 volts. It is pertinent to note that in a balanced loading system of three phase connection, the percentage error of the meter will be - 33.33% if voltage in one phase of the meter is completely missing. As such the period of defectiveness of the meter and the percentage error calculated are not convincing ones. The percentage of three phase load in the premise is 90%.

The Regulation 125 of Kerala Electricity Supply Code, 2014 stated that "Procedure for billing in the case of defective or damaged meter - (1) In the case

of defective or damaged meter, the consumer shall be billed on the basis of average consumption of the past three billing cycles immediately preceding the date of the meter being found or reported defective:

Provided that, the average shall be computed from the three billing cycles after the meter is replaced if required details pertaining to previous billing cycles are not available.”

History of recorded consumption from January 2019 to November 2020

Consumption months	Recorded consumption (kwh)
01/2019	5940
02/2019	3720
03/2019	1400
04/2019	1280
05/2019	2580
06/2019	580
07/2019	1600
08/2019	760
09/2019	2420
10/2019	2000
11/2019	2020
12/2019	4300
01/2020	11580 (monthly 5790)
02/2020	
03/2020	5940 (monthly 2970)
04/2020	
05/2020	520
06/2020	2380
07/2020	2260
08/2020	1960
09/2020	1860
10/2020	3320
11/2020	4600

On going through the meter reading from January 2019 to November 2020, the monthly average consumption for 12 months from January 2019 to December 2019 is 2383 kwh and for 9 months from March 2020 to November 2020 is 2538 kwh. The two months consumption for January 2020 and February 2020 is 11580 kwh (consumption per month 5790 kwh) and during this period, the respondent argued that under recording of energy consumption occurred for 39 days. The consumption before and after the disputed period is

less than the recorded consumption in the disputed period. The higher consumption is recorded in January 2019, January 2020, February 2020 and November 2020. The reassessment of actual consumption for 39 days from 06-01-2020 to 14-02-2020 is not proper and hence not sustainable.

Decision: -

From the findings and conclusions arrived at as detailed above, I decide to quash the short-assessment bill for Rs.72,409/- issued to the appellant.

Having concluded and decided as above, it is ordered accordingly. The appeal petition filed by the appellant is allowed as ordered and stands disposed of as such. The order of CGRF in OP No. 34/2020 dated 12-10-2020 is set aside. No order on costs.

ELECTRICITY OMBUDSMAN

P/036/2020/_____ dated _____.

Delivered to:

1. Sri. Ashik P. Aliyar, Puthanpeedikayil, Erattupetta, Kottayam Dist.
2. The Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Erattupetta, Kottayam.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Kottarakkara - 691 506.