

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/005/2021
(Present: A.S. Dasappan)
Dated: 28th June 2021

Appellant : Sri. Raveendran
Tharapurayidam
Thalayamkulam
Punalur
Kollam Dist.

Respondent : Asst. Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Punalur, Kollam Dist.

ORDER

Background of the case:

The appellant is residing in the premises with consumer number 1146776000659 of Electrical Section, Karavalloor and the registered consumer is Sri. Mathai Benjamin, Pulimoottil, Karavalloor. The connected load in the premises is 890 watts and the tariff allotted is LT IA. The normal bimonthly electricity bill was within the range of Rs.600/-. For the month of April, 2020 the respondent could not take meter reading and hence issued an average bill for Rs.572/- and which was also repeated in 06/2020 noticing abnormal consumption. After detailed inspection, the appellant was given an additional bill for Rs.57,680/- and disconnected the electric supply following leakage of electricity. The appellant filed petition in CGRF, Southern Region, Kottarakkara vide OP No.64/2020 and the Forum in its order dated 21-12-2020 found the bill issued is in order and the appellant is liable to remit the amount. Moreover, the respondent was directed to allow suitable instalments for making payment of the bill. Aggrieved by the decision of CGRF, the appellant filed this appeal petition before this Authority on 25-01-2021.

Arguments of the appellant:

Normally, the appellant was being received electricity bills below the range of Rs.600/- per month. On 26-06-2020 the appellant has received an exorbitant electricity bill of Rs.57,680/- for a consumption of 6638 units. The only energy consuming equipment in the house was a motor.

The CGRF went wrong in finding that there was an earth leakage in the premises and the bill issued to the appellant is legal and sustainable. In this case, it is evident from the records that there was no electricity leakage reported till the month of February 2020. The employee of KSEB Ltd. inspected the spot-on 1st week of April 2020 and at that time also there was no earth leakage was reported. The provisions of the Kerala Electricity Supply Code 2014 clearly indicate that the representative of the licensee has to make the reading regularly and to inform the appellant and Electrical Inspector in case of any defect in electrical leakage and immediately the power should be disconnected. In this case, from the date of March 2020 to the month of May 2020 no reading was taken. Kerala Electricity Supply Code 2014 clearly regulates that reading should be taken regularly by the Licensee. This is a clear negligence of the KSEB Ltd. It is true that due to the spread of COVID-19 pandemic, the mandatory provision of Kerala Electricity Supply Code 2014 was not complied. This is not a fault from the appellant. If such an inspection had been conducted duly and if the appellant has been informed of such electrical leakage, the power could have been disconnected and the appellant could have been taken steps to rectify any such defects. The spreading of COVID-19 pandemic and the decision of KSEB Ltd. are the real culprits in this case. The appellant has no liability if any leakage took place or not. The CGRF, Kottarakkara miserably failed to consider this fact and passed the order.

The CGRF, Kottarakkara went wrong in accepting the site mahazar prepared by the Licensee. No copy of the mahazar was given to the appellant and there is no chance given to the appellant for cross examining the technicians who prepared the site mahazar.

The CGRF, Kottarakkara ought to have found, in case of any earth leakage

found, it was due to the negligence of licensee and the appellant herein have no liability on it. The request of the appellant is to set aside the order issued by CGRF, Kottarakkara in OP No.64/2020.

Arguments of the respondent:

Due to COVID-19 pandemic situation the meter reading of consumer no:1146776000659 had not been taken on 04/2020 and hence system average bill for 152 units (for Rs.572/-) was issued to the appellant as per regulation 124 of the Kerala Electricity Supply Code 2014. As routine, during the month of 06/2020, meter reader visited the premises of the appellant on 08/06/2020 for meter reading and having found abnormal reading, issued average bill for 152 units ie. for Rs.572/- on the assumption that the meter might be faulty.

Later as per the report of meter reader, Sub Engineer inspected the premises on 25.06.2020 and found that there was earth leakage of energy at the premises of the appellant and hence, a site mahazar was prepared.

Based on the site mahazar the current charge bill dated 26.06.2020 for Rs.57,680/- was issued to the appellant after deducting the average bills of 04/2020 and 06/2020 issued by the meter reader and also the supply to the premises was disconnected after serving notice to the appellant since the electrical installation of the premises was under dilapidated condition. Again, a notice was served on the appellant on 29.06.2020 for submitting completion certificate from a recognized wiring supervisor after rectifying all the technical anomalies found at the premises while on-site inspection. Either the appellant or the registered owner of the premises has not submitted such a completion certificate till date for reconnecting the supply to the premises.

As per the request of the appellant the energy meter was tested at Meter Testing and Standards Laboratory, Department of Electrical Inspectorate, Govt. of Kerala and the result obtained is "Meter working properly and the errors are within tolerable limit as per IS".

The consumption pattern of the appellant with IR and FR from 10/2019 to 06/2020 is submitted below: -

| Billing month | IR | FR | Units | Amount |
|---------------|------|------|-----------------------|--------|
| 02/2020 | 2765 | 2933 | 168 | 616.00 |
| 04/2020 | 2933 | 2933 | 152 (average charged) | 572.00 |
| 06/2020 | 2933 | 9571 | 152 (average charged) | 572.00 |
| 10/2019 | 2480 | 2685 | 205 | 774.00 |
| 12/2019 | 2685 | 2765 | 80 | 294.00 |

The bill issued to the appellant is genuine and sustainable as revenue loss has been occurred to KSEB Ltd. by way of earth leakage of energy due to the fault of the appellant and hence, the appellant is liable to pay the bill. Hence, it is prayed that the appeal petition may be dismissed and passed order to remit the bill.

Analysis and findings:

An online hearing was conducted at 11-30 AM on 26-02-2021 in the appeal petition with prior intimation to both the appellant and the respondent. Sri. Bibin Chacko attended the hearing for the appellant and Smt. K.A. Metilda, Assistant Executive Engineer, Electrical Subdivision, Punalur attended from the respondent's side. On examining the petition, the counterstatement of the respondent, the documents attached and the arguments made during the hearing 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 is a tenant and was using electricity for domestic purpose. The usual bimonthly energy charge was within Rs.600/- and making payment accordingly. The respondent could not take meter reading in 04/2020 and hence, the appellant was given bimonthly bill for 152 units in 04/2020. The meter reader noticed an abnormal reading on 08-06-2020 and reported Section Office about the abnormality. The respondent again issued regular bimonthly bill in 06/2020 for 152 units. The respondent conducted an inspection on 25-06-2020 and found consumption from 07-02-2020 to 25-06-2020 as 6638 units. The appellant was given an additional bill for Rs.57,680/- following the inspection on 26-06-2020 deducting the bill amounts issued in 04/2020 and

06/2020. The electrical supply was also disconnected on 25-06-2020 as per regulation 138 (1)(d) of Kerala Electricity Supply Code 2014 after preparing a site mahazar by the respondent. A notice of disconnection was also issued to the appellant as per regulation 139 (3) of Kerala Electricity Supply Code 2014.

Regulation 138 (1) : The licensee shall not disconnect the supply of electricity to any consumer except on any one or more grounds explained in the regulation 138 (1)(a) to 138 (1)(p).

Regulation 138 (1)(d): if the failure to disconnect is likely to cause health hazard or safety risk or damage to property or to the consumer or to any other person.

Regulation 139 (3): The licensee shall disconnect the supply to the consumer immediately if the disconnection is on the grounds in clauses (c) and (d) of sub-regulation (1) of regulation 138 and the consumer may be given intimation to that effect soon after the disconnection.

The site mahazar prepared by the authorized person of the Licensee contains the following: -

“The wall where the energy meter installed is in wet condition. Detected presence of electricity in the wet floor and the wet wall. The occupant Smt. Radha Raveendran was convinced the presence of electricity with the help of a neon tester. After ascertaining leakage of electricity, the supply is disconnected.” The site mahazar was witnessed by Smt. Radha Raveendran. Regulation 110 of Kerala Electricity Supply Code 2014 explains about “Reading of Meters”: -

110(8): In case the LED indicator for earth leakage provided in the electronic meters is found to be ‘ON’, he shall inform the consumer that there is leakage in the premises and advise the consumer to get the wiring checked and leakage removed.

110(11): In case, for any reason, the meter is not read during a billing cycle, the licensee shall prepare a provisional bill based on the average consumption of previous three billing cycles when readings were taken.

110(12): Such provisional billing shall not continue for more than two billing cycles at a stretch, and the licensee shall not generate more than two provisional bills for a consumer during one financial year.

110(13): The amount paid as per the provisional bill shall be adjusted against the bill raised on the basis of actual meter reading during subsequent billing cycles.

In this case, the respondent had acted in accordance with the above regulations 110 (11) & 110 (12) when they could not take meter reading in 04/2020 following the restrictions imposed for preventing the spread of COVID-19. But the meter reader had to act as per Regulation 110 (8).

On 08-06-2020 itself the meter reader noticed abnormal consumption and hence, issued bill based on the previous average consumption. But the meter reader had to record the meter reading on 08-06-2020 for analyzing consumption before and after 08-06-2020. The meter reading on 25-06-2020 is seen as 9571.

As per regulation 109 (18) of Kerala Electricity Supply Code 2014 “the consumer shall be responsible for safe custody of meter and accessories, if the same is installed within the premises of the consumer”. Here the meter is installed in the premises of the appellant and hence, it is the responsibility of the appellant to protect the meter from the source of damages. The exorbitant consumption was recorded in between 04-02-2020 and 08-06-2020 and extended up to 26-06-2020, the date of inspection.

In this case, it is a fact that the appellant had not used this much of energy in four months, but which is to be treated as wastage of energy. If leakage of energy was detected on 08-06-2020, following the abnormal reading of meter, an immediate step could have been taken to prevent it. The energy meter was tested in the meter testing and standard laboratory of Dept. of Electrical Inspectorate, Thiruvananthapuram on 25-08-2020. In this test report the physical condition of the meter is “OKAY”. All the equipments used for the testing are traceable to National/International Standards. The test result is “Meter working properly and the errors are within tolerable limit as per IS”. The appellant had no doubt in the accuracy of the meter.

Considering the facts involved in the appeal petition, not furnishing the meter reading on 08-06-2020 by the respondent, meter was not kept under safe custody by the appellant, the excess consumption recorded was not used by the

appellant and wastage of energy is also a loss to the respondent, both the appellant and respondent are responsible for the abnormal consumption.

Decision: -

From the conclusions arrived at as detailed above, I decide to quash the bill for Rs.57,680/- issued to the appellant. It is also decided to revise the bill as 50% of the disputed bill. The respondent shall issue a revised bill for Rs.28,840/- within 14 days to the appellant from the date of this order giving 10 days for remittance. The appellant shall remit the revised amount within the due date fixed by the respondent and no interest or surcharge shall be collected from the appellant for the petition pending period before CGRF, appeal petition pending period before this Authority and till the due date fixed by the respondent for remitting the revised amount of Rs.28,840/-. Instalments shall be granted for the amount if the appellant desires so, as per rules.

Having concluded and decided as above, it is ordered accordingly. The appeal petition filed by the appellant is allowed to this extent. The order of CGRF, Southern Region, Kottarakkara in OP No: 64/2020 dated 21-12-2020 is modified as above. No order on costs.

ELECTRICITY OMBUDSMAN

P/005/2021/_____ dated _____.

Delivered to:

1. Sri. Raveendran, Tharapurayidam, Thalayamkulam, Punalur, Kollam Dist.
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Punalur, Kollam Dist.

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.