

THE STATE ELECTRICITY OMBUDSMAN

D.H. Road & Foreshore Road Junction, Near Gandhi Square,
Ernakulam, Kerala-682 016

Ph: 0484 2346488, Mob: 8714356488

www.keralaeo.org Email: ombudsman.electricity@gmail.com

Appeal Petition No. P/019/2023
(Present A. Chandrakumaran Nair)
Dated: June-13-2023

Appellant : Mathew P.J.,
Cheekkaparayil (H)
Odiyapara,
Vannappuram P.O.,
Idukki.

Respondent : Assistant Executive Engineer,
Electrical Sub Division,
KSEB Limited, Vannappuram

ORDER

Background of the case

The appellant Sri. Mathew P.J. is the son of the consumer Sri. Joseph Mathew with Consumer no. 1156228008578 under Electrical Section Vannappuram. Joseph Mathew has expired as per the copy of the death certificate produced by Sri Matthew P.J. and claimed that he is the legal heir of his father Joseph Mathew. The connection was availed on 11/11/2003 under the tariff LT-7B with registered connected load of 300W for a small shop. the billing was done on bimonthly basis as per the consumption recorded by the meter installed. The average monthly consumption was below 20 units. The electricity bill issued on 10/2022 is very high for an amount of Rs.1973/-. The meter was tested with a parallel meter and found no fault in the meter. The consumer is not willing to pay the amount and approach CGRF, CGRF issued order dated 23/3/2023 stating that the petitioner is liable to pay the bill. Aggrieved by the decision of the CGRF, appellant filed the appeal petition to this Authority.

Arguments of the Appellant

1. I am a customer of Thodupuzha taluk in Idukki district under Electrical Section, Vannappuram. As there was no decision after filing the complaints related to the increase in electricity bill received on 10.10.2022, CGRF called for hearing on 28.02.2023 following the petition of KSEB and restored the electricity connection which had been disconnected for the last 77 days on the same day and received a copy of the judgment on 28.03.2023. We are not satisfied with this judgment and are appealing to you.
2. Due to the power disconnection, our group's operations, which have been operating for 12 years, have been severely affected. The money handling etc. are disturbed as the weekly meeting procedures could not be completed. Bank loan of Rs. 12 lakhs could not be repaid properly. The members were also unable to repay the aid given to the members from our own savings on time. The disconnection of the electricity connection to this consumer number, which does not cause hindrance even a single electricity bill, is completely unfair and insolent. We express our protest against this action. We request you to give us due justice.

Arguments of the Respondent

1. At the outset, kind attention of this Hon'ble Ombudsman is inviting to the discrepancies in the application filed by Sri. Joseph Mathew before this Forum. As per the records with KSEBL Sri. Joseph Mathew is the registered consumer of consumer No.1156228008518 and on whom the CGRF-CR has issued the verdict No. CGRF-CR/OPN0.80/2022-23/473 dated 23-03-2023, based on which this petition P/019/2023 is filed. As per Form-B of the application, Sri. Joseph Mathew is the complainant. But here in Form-B the declaration signed by one Sri. Mathew P.J and Mathew P.J is not a consumer as far as this appeal is concerned and nor even nominated as a representative. Hence it is requesting to review the maintainability of this representation against the orders of Hon'ble CGRF-CR.
2. Abiding by the orders of the Hon'ble Ombudsman the following statement of facts is submitting herewith. All the averments in the representation are denied except those that are specifically admitted hereunder. The electric connection bearing Consumer no. 1156228008518 was effected on 11-11-2003 and is in LT-7B tariff with a registered connected load of 300W

for supplying power to a small shop/Bunk. The Petitioner Sri. Joseph Mathew, Cheekapparayil, Odiyapara, Vannappuram is the registered consumer of the above electric connection. The billing of the electric connection is done Bi-monthly as per the consumption recorded in the energy meter installed at the premises. The energy meter installed at the premises is of Larsen & Turbo make with serial no. 94310912. The average bi-monthly consumption of the above Consumer was below 20 units since 01-06-2020 and upto 01-08-2022.

3. On 10/10/2022, the Consumer Sri. Joseph Mathew, Cheekapparayil (H), Odiyapara, Vannappuram submitted a written complaint vide letter dated 06/10/2022 to the office of Assistant Engineer, Electrical Section, Vannappuram; stating that the electricity bill issued on 01-10-2022 for the consumptions from 01/08/2022 to 01/10/2022 had hiked (277 units bi-monthly consumption), resulting an amount of Rs.1973/-, which the consumer suspects was due to the lightning strike occurred in those area on 14/09/2022 and 15/09/2022. Based on the request of the consumer, meter testing at TMR Angamally was recommended by the Assistant Engineer, Electrical Section, Vannappuram, which is as per the provisions of Section 116(4) and 6(c) of Schedule 1 of Model Schedule of Miscellaneous Charges stipulated in Supply code 2014.
4. But the consumer was not willing to remit the testing fee for carryout the testing of the energy meter in the premises of the consumer which the consumer suspected to be faulty. This act of consumer prevented the licensee from reaching a conclusion as per the existing rules. However, considering the request of the consumer and as part of consumer care gesture, a parallel meter in good working condition (Master meter) was installed in parallel to the suspected energy meter in the premises of the consumer on 11/11/2022 for verifying the accuracy of the energy meter in dispute. This was done without collecting any charges and assuming that the consumer would continue on his regular consumption. Meanwhile, considering an appeal submitted, the consumer was allowed to remit an amount of Rs.200/- on 01/11/2022 against the regular bill amount of Rs.1973/- in order to avoid disconnection, till the result of verification using the parallel meter.
5. In this testing for a period from 11/11/2022 to 24/11/2022, no units were seen consumed in both the meters - premises meter and Master meter - and so the meter was declared as "NOT FAULTY". Accordingly, Sri. Joseph Mathew, Cheekapparayil (H), Odiyapara, Vannappuram, the Consumer with no. 1156228008518 was intimated on 01/12/2022 via registered post, that the energy meter in the premises was tested "OK" and hence the due amount is to be paid within three days of receipt of the letter, failing which the connection to the premises will be disconnected.

6. On 07/L212022, the consumer Sri. Joseph Mathew, Cheekapparayil, Odiyapara, Vannappuram, further submitted a letter to the Assistant Engineer, Electrical Section, Vannappuram requesting for not to proceed with the actions. Meanwhile the consumer had remitted an amount of Rs.132/- on 07/12/2022 against the regular bill issued on 01/12/2022 for a bi-monthly consumption of 3 units recorded in the same disputed energy meter of Larsen & Turbo make with serial no. 94310912. This is also a proof that the meter is healthy and the consumer is accepting this fact.
7. Since the consumer with no. 1156228008518, Sri. Joseph Mathew, Cheekapparayil (H), Odiyapara, Vannappuram was not remitted the due amount to him, even after allowing with ample time, the connection was physically disconnected on 14/12/2022 as per section 138 of Supply Code 2014. The consumer had approached the Honorable CGRF-CR with the same demand by filing OP No.80/2022-23, and as per the direction of Honorable CGRF-CR, the energy meter of the premises was tested at Meter testing Laboratory – TMR Division Angamaly of KSEBLtd, and as per the test report dated 07-03-2023, it is confirmed that the percentage errors of the disputed energy meter are within the limit. Also in the tamper report, it is mentioned that an earth load has been occurred on 05/09/2022 14:58:00 to 25/09/2022 16:06:00.

Considering the facts and circumstances, the Hon'ble CGRF-CR in the order No CGRF-CR/OPNO.80/2022-23/473 dated.23-03-2023 in OP No.80/2022-23, ordered that the petitioner/consumer is liable to pay the bill. This Appeal is filed on false, frivolous and vexatious grounds and therefore it is prayed that the appeal may be dismissed and allow the respondents to realize the bill for the actual energy consumed by the consumer.

All the facts stated above are true and correct to the best of my knowledge, belief and information.

Analysis and findings

The hearing of the appeal petition was conducted on 01/06/2023 at 11:30 am in the office of the State Electricity Ombudsman, DH Road & Foreshore Road Junction, near Gandhi Square, Ernakulam south. The hearing was attended by the appellant Sri. Mathew P.J along with Sri. Baby President of Brother's Society and the respondent Sri. Manoj M.R., AEE, KSEBL, Thodupuzha East, Idukki.

The appellant Sri. Mathew P.J. is son of the consumer Joseph Mathew. The Consumer Sri. Joseph Mathew has expired on 2/05/2018 at his native place Kalathoor, Kottayam as per the copy of the death certificate. This connection was availed for a single room shop which was utilized on the office

of the Brothers Karshika Swayam Sahaya Sangham which is an Agricultural Co-operative Society. The weekly meeting once a week is held in this room and it is occupied only for one or two hours and hence the consumption is only one or two units per month and the bill amount is around Rs. 140/- to Rs. 160/-The bill of 10/22 was very high amounting to Rs. 1973/- and hence the consumer is not willing to pay.

This disputed bill was for a period from 8/2022 to 10/22 and this recorded a consumption of 277 units which is not at all consumed by the appellant. The appellant suspected that there occurred lightning strike in their area during 14/09/2022 and 5/09/2022. One ceiling fan available in that room was also damaged during this time. The argument of the consumer that, this energy is not consumed by him hence not ready to pay.

The licensee has connected a parallel meter to test the existing energy meter on 11/11/2022. No units seen consumed in both the meters and hence the meter was declared not faulty. As per the direction of CGRF the energy meter was tested in the TMR division, Angamaly of KSEBL and reported that percentage error of the meter is within limit and then the meter is not at all the faulty. The report downloaded from the meter shows that there is an earth leakage occurred from 5/09/2022 to 25/09/2022. Then the heavy current consumption would have been due to the earth leakage happened in the electrical system of the consumer. The earth leakage would have happened after the meter and hence the meter recorded consumption. This argument would have been correct.

The section 55(1) of Indian Electricity Act 2003, States that the electricity is to be supplied only through a meter.

55(1) *“No licensee shall supply electricity, after the expiry of two years from the appointed date, except through installation of a correct meter in accordance with the regulations to be made in this behalf by the Authority:*

Provided that the licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof, unless the consumer elects to purchase a meter:

Provided further that the State Commission may, by notification, extend the said period of two years for a class or classes of persons or for such area as may be specified in that notification.”

55(2) *“For proper accounting and audit in the generation, transmission and distribution or trading of electricity, the Authority may direct the installation of meters by a generating company or licensee at such stages of generation, transmission or distribution or trading of electricity and at such locations of generation, transmission or distribution or trading, as it may deem necessary.”*

The section 131 of the Kerala Electricity Supply Code 2014 specify about the payment of bills for the power charges.

131 (1) *“The consumer shall pay to the licensee the full amount of the bill on or before the due date indicated therein, for which the licensee shall issue a receipt.”*

131(2) *“If the consumer fails to remit the bill amount on or before the due date, the licensee is entitled to recover interest on the amount of the bill at the rates specified in the Schedule of Miscellaneous Charges as per schedule 1 of the Code”*

131(4) *“If the consumer fails to remit the amount even within such extended period, the licensee may disconnect the supply in accordance with the procedure specified in Chapter V111 of the Code.”*

Here the energy was wasted as earth leakage, neither the licensee nor the consumer benefitted out of this. The room is maintained for the purpose of the weekly meetings of Co-operative Sangham of small farmers and Agricultural workers for the mutual help from them. The loss of energy in this case is happened due to the lightning stroke occurred by which the ceiling fan is damaged and through which the earth fault would have happened. The lightning stroke would have affected the wiring of the room through the lines of the licensee. The lightning would struck down on the OH lines and would have travelled through the system and this result to the damage of the fan and the earth leakage. The lighting is a natural phenomenon not within the control of any body. As such the responsibility is to be shared between the licensee and the consumer.

Decision

On verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken.

1. Licensee shall extent concession of 50% of the bill amount as the responsibility is to be shared both the consumer and the licensee.
2. The licensee shall grant 12 monthly instalments to pay the amount as per (1) above.
3. The power is to be reconnected if disconnected.
4. No order on cost.

ELECTRICITY OMBUDSMAN

No. P/019/2023/ dated: 13/06/2023

Delivered to:

1. Mathew P.J., Cheekkarayil (H), Odiyapara, Vannappuram P.O., Idukki.

2. Assistant Executive Engineer, Electrical Sub Division, KSEB Limited, Vannappuram.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, 220 kV Substation Compound, HMT Colony P.O., Kalamassery, Pin- 683503