

**THE STATE ELECTRICITY OMBUDSMAN**

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Appeal Petition No. P/024/2023  
(Present A. Chandrakumaran Nair)  
Dated: July-03-2023

Appellant : Sri. Joseph T.M.,  
Thuruthipara House,  
Mangode, Kannambra P.O.,  
Palakkad- 678686.

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
Kerala State Electricity Board Ltd.,  
Alathur, Palakkad (Dist.).

**ORDER**

**Background of the case**

The appellant Shri. Joseph is the consumer of the licensee with consumer no. 1165087006078 under Puthucode Section Palakkad. In the month of September 2022, the meter recorded a high consumption 2668 units for a period from 1<sup>st</sup> July to 31<sup>st</sup> August. There are no high power consuming domestic appliances in the house. The parallel meter was installed and found that the meter was faulty. The appellant states that the meter recorded high reading since November 2021. The licensee has considered the excessive consumption only for 07/07/2022 to 31/08/2022. The appellant requested for revising the bills since November 2021 to August 2022 by averaging the consumption based on the upcoming bills. The appellant filed petition to the CGRF and CGRF issued order dated 31/03/2023. Aggrieved by the decision of CGRF, the appellant filed appeal petition to this authority.

## **Arguments of the Appellant**

1. Bill for November 2022 (for 1<sup>st</sup> Sep 2022 to 31<sup>st</sup> Oct 2022) must be for the consumption of 224 units not for 299 units. KSEB installed new meter on 5th September 2022. (As per the new meter, consumption for the period 5th September to 31<sup>st</sup> October were 206 units hence the calculation for the period 1<sup>st</sup> September 2022 to 31<sup>st</sup> October 2022 must be  $206/56*61$ . Instead, they have charged 93 units for the period 1/9/2022 to 5/9/2022 based on the calculation of average consumption from the faulty meter.
2. I request the total consumption since November 2021 till May-2022 (4 Bills) must be averaged based on the 3 bills after installation of new meter (Nov-2022, Jan-2023 & Mar-2023). We never consumed more than 300 units unless there is a valid reason. To prove that I have attached the consumption history since January 2016.
3. 1) Bill issued during the months Nov-2021 till Sep-2022 to be quashed and issue revised bills for these periods by considering average consumption of six months from the installation of new meter.  
2) Bill for Nov-2022: Consumption for the period 1<sup>st</sup> September 2022 to 5<sup>th</sup> September 2022 (5 days) to be calculated considering average consumption of the rest of the billing period i.e., 6<sup>th</sup> September 2022 to 31<sup>st</sup> October 2022. (New meter installed on 5<sup>th</sup> September 2022)  
3) Rs.785/- collected for installing parallel meter need to be refunded.
4. **Electricity Consumption details of Consumer No: 1165087006078**

<b>Billing Month</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
January	188	182	232	214	217	263	<b>593</b>	205
March	174	174	227	212	215	265	<b>348</b>	185
May	233	218	307	<b>309</b>	269	<b>390</b>	<b>504</b>	
July	187	252	365	273	342	282	<b>352</b>	
September	224	279	237	202	308	273	<b>352</b>	
November	194	267	277	197	290	<b>353</b>	<b>299</b>	

5. 1) Actual Consumption for July-2022 & September-2022 were 956 & 2668 respectively. Later based on my complaint, KSEB averaged it with previous consumptions.  
2) Consumption for November 2022 was as follows:
  - a. For period 5<sup>th</sup> September 2022 to 31<sup>st</sup> October 2022 was 206 units (New meter installed on 5<sup>th</sup> September 2022)

b. For period 1st September 2022 to 5th September 2022, KSEB calculated based on average of previous months and charged for 93 units.

3) There was painting work at my house during the period March and April 2021 hence the consumption of May 2021 was little high.

4) Since June 2020 till August 2021, my grandchildren had online classes, hence one fan, one light and TV must be used extensively and hence a slight increase of electricity consumption happened during the period July-2020 to September 2021.

5) During the month April 2019 we did roofing work hence the consumption on the bill for May 2019 was high. (Application for construction work has been submitted to KSEB and paid due fees)

### **Arguments of the Respondent**

1. All the averments in the Petition except that are specifically admitted hereunder are denied. The Appellant is consumer in LT I Tariff with consumer No: 116508700607S under Electrical Section, Puthucode. Based on a complaint of the Petitioner that his meter is running abnormally, a test meter was installed and checked. On verification and analysis of the readings in the existed meter and test meter, it was inferred that there was error in the existing meter and hence the readings recorded were considered abnormal.
2. In order to find out the period of anomaly, consumption pattern for the last two years was relied upon. From the consumption, it was convinced that the meter readings taken on 01.07.2022 and 01.09.2022 were found to be abnormal. From this conclusion, the bills corresponding to the above readings were suo-motu revised and recalculated. The Petitioner had admitted the fact that there was a function in his house during the billing period 1/2022 and justified the consumption of 593 units.
3. The details of revision of the bills is as follows:

Bill Month	Units Consumed	Demand	Revised Demand	Collection
11/2021	353	1890		1890
01/2022	593	4039		4039
03/2022	348	1855		1855
05/2022	504	3471		3471
07/2022	956	7828	2029	7828
09/2022	2668	25431	2075	0

4. As per Regulation 134 of Supply Code, if it is proved that the consumer is over charged, this licensee is duty bound to refund/adjust the excess amount collected. From the consumption pattern, it is rest assured that there was no error to the meter in the previous months. Moreover, the consumer has admitted in the Petition that he has controlled the usage of lights, fans and fridge to reduce the consumption in 1/2022 and there was a repair work in 3/2022 and 4/2022 resulting in considerable increase in consumption. Hence there is no excess running by the meter during these months. During the previous reading, the same pattern continues.
5. Aggrieved by the revised bill for the months 7/2022 and 9/2022, the consumer approached the Hon'ble CGRF Kozhikode by filing OP No.107/2022-23. The Hon'ble Forum vide order dated 31.03.2023 allowed the Petition and quashed the revised bill for the months 7/2022 and 9/2022. The Forum directed to issue revised bill by considering the average consumption for six months from the installation of new meter. Also, it was directed to refund/adjust the amount collected as testing fee. The order of the Hon'ble Forum was forwarded to the Board for getting compliance for issue of revised bill.
6. The averment of the Appellant to calculate the average based on the few year average is totally misleading and against the rules in force. According to Regulation of 125 of Supply code 2024, if the meter is found faulty, the billing for the two billing cycles is to be done based on the average taken from the previous three billing cycles immediately preceding the month in which meter became faulty. The consumption of the succeeding months for calculating the average is taken only if the readings of the preceding months are not available.
7. It is submitted that there are two prayers in this Appeal. The first prayer has already been decided by the Hon'ble CGRF in the order dated 31.03.2023, even though not as per rules and regulations in force. The second prayer has no legal support in any rules or regulations in force. Hence the Petition may be dismissed. Hence it is submitted that the Petition lacks merits either on law or on facts. Hence it is submitted that the Petition may be dismissed.

## **Counter Arguments of the appellant**

The consumption pattern for the last two years were as follows:

Billing Month	2021	2022
January	263	593
March	265	348
May	390	504
July	282	956
September	273	2668
November	353	

1. From this consumption pattern I don't know how they convinced only for July-2022 and Sep-2022 were abnormal. What about the consumptions for the period Jan-2021 to Sep-2021. From this chart itself it is clear that they were not relied upon 2 years consumption. Moreover, in my initial complaint dated 19-09-2022 itself I have disagreed the excess consumption since Nov-2021 till Sep-2022.

I never admitted that there was a function in my house during the billing period 1/2022 and justified the consumption of 593 units. I don't know from which imaginary world they are putting such statements.

2.

Billing Month	2016	2017	2018	2019	2020	2021	2022	2023
January	188	182	232	214	217	263	593	205
March	174	174	227	212	215	265	348	185
May	233	218	307	309	269	390	504	251
July	187	252	365	273	342	282	956	
September	224	279	237	202	308	273	2668	
November	194	267	277	197	290	353	299	

If a layman analyzes the above pattern, he could understand that I was overcharged since November-2021. I do admit that I have controlled the usage of one fan and usage of fridge limited to 21 hrs during the month January-22 and February-22. This was possible because it was winter period. By doing this exercise, if my consumption reduced by 150-175 units, means there is no further proof required to prove the meter was malfunctioning. Without any control, after installation of new meter, consumption during Jan-23 and Feb-23 was only 185 units. Repair works (repainting) at my house was done during 3/2021 and 4/2021 not 3/2022 and 4/2022.

3. I never asked to calculate the average based on the few years average. My request and argument are, the meter is faulty since Nov-21 hence the consumption since Nov-21 till Sep-22 should be revised based on the average after installation of new meter.

If KSEB acted as per Regulation 125 of Supply Code 2014, then consumption in their revised bill for July-22 and Sep-22 must be 482 units each but they charged for 352 units only. This itself shows that KSEB is not acting as per this regulation. Since the preceding months consumption also challenged by me, then there is no point of calculating the preceding months average consumption.

Moreover, regarding meter faulty cases, on 25.02.2016 The Secretary (Administration) of KSEB Limited has issued a circular (Circular No. D (D&S) D2/Genl-08 /2015 dated 25.02.2016). In this Circular it is clearly state that:

1. “In case when a meter is found to be inaccurate or variation in consumption of 20% or above is noticed from the previous bill:”

(a) “immediately the meter shall be tested with standard reference meter, as far as feasible. The Chief Engineer (IT&CR) shall modify the software to ensure that an escalation report in a consolidated form on variation is provided to the Assistant Executive Engineers of Electrical Sub Divisions, the Executive Engineers of Electrical Divisions and the Deputy Chief Engineers of Electrical Circles in addition to the alert system made available to the billing Section.”

(b) “the billing Section shall provide necessary inputs to the Spot Billers/Sub Engineers for checking the meters in which the variation in consumption is noticed.”

(c) “the Spot Biller /Sub Engineer shall watch the meter and take appropriate action to declare the meter as faulty (if necessary) and in that case to report to Assistant Engineer immediately for replacement of the meter.”

(d) “in case of meters suspected to be faulty due to anomaly noticed in the meter readings, the actual reason for the variation shall be ascertained and meter shall be replaced only after confirming fault. Sub Engineer/Overseer shall check each meter suspected to be faulty using check meter and confirm whether the meter is faulty or not before declaring as defective.”

4. The meter is under the control of KSEB and they are charging rent for it. As a consumer I have no rights to check the meter and I am not a technical expert to understand whether is working correctly or not. If the KSEB staff noticed (according to this circular) that there is more than 20% increase of consumption during Nov-2021 bill and so on, then there is no question of this complaint.

Further, when they found the meter is faulty, the defective meter shall be got tested in an accredited laboratory or in an approved laboratory as per Regulation 116 (2) of Supply Code, 2014 and testing of meter shall be done within a maximum period of thirty days from the receipt of the application as per Regulation 115 (6) of Supply Code, 2014.

None of the above complied by KSEB and to cover their mistake they are arguing some silly terms.

5. I have three prayers in this Appeal, and which are as follows:

1) Bill issued during the months Nov-2021 till Sep-2022 to be quashed and issue revised bills for these periods by considering average consumption of six months from the installation of new meter.

2) Bill for Nov-2022: Consumption for the period 1<sup>st</sup> September 2022 to

5<sup>th</sup> September 2022 (5 days) to be calculated considering average consumption of the rest of the billing period i.e., 6<sup>th</sup> September 2022 to 31<sup>st</sup> October 2022. (New meter installed on 5<sup>th</sup> September 2022)

3) Rs. 785/- collected for installing parallel meter need to be refunded.

Out of the above 3, first prayer is partially allowed by CGRF, i.e, July-22 & Sep-22. For the period Nov-2021 to May-2022 is not allowed by CGRF.

Since CGRF allowed July-22 &. Sep-22 bills in my first prayer, my second prayer should be automatically allowed but CGRF not mentioned it specifically and therefore KSEB denied revising the 5 days consumption in the bill of Nov-22.

My third prayer is allowed by CGRF. My prayers will stand valid as per KSEB Circular No. D (D&S/D2lGenl-08/2015 dated 25.02.2016. Hence, based on the above facts, my Appeal will stand valid.

## **Analysis and findings**

The hearing of this case was held in the meeting room Vydhyuthibhavanam, Thrissur on 26/06/2023 at 11:00am. Sri Lijo Joseph Nominee of the appellant represented the appellant and Smt. Rajani Prabhakar, A.E.E, Electrical Sub Division, Alathur and Sri. Vipin, Nodal Officer (Litigation), Palakkad represented the respondent.

The meter recorded a high consumption for the bi month of July and August 2022. Then the meter was tested connecting a parallel meter and found that the meter was faulty. Accordingly, the licensee has raised the bills for 01/07/2022 to 31/08/2022. The appellant's requirement is that the meter started reading abnormally since November 2021. There was a dip in the reading for the month March 2022, this is due to strict control of the operation of the Electrical gadgets during January & February. The consumption chart of usage from 2016 to 2023.

Billing Month	2016	2017	2018	2019	2020	2021	2022	2023
January	188	182	232	214	217	263	593	205
March	174	174	227	212	215	265	348	185
May	233	218	307	309	269	390	504	251
July	187	252	365	273	342	282	956	
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The tabulation shows that the seasonal variation are normal except few month, which may be due to the excess usage.

The consumption of November 2021 is around 29.3% above the previous month and also above 22% to 82% for the November of previous years. Considering these aspects, the meter may be reading erroneously from Nov 2021 onwards. Licensee is totally failed to produce any scientific proof to know the exact date & time when the meter has become faulty. During the hearing also respondent informed that data won't be available in the meter so that it won't be available on downloading the data also and hence the meter data was not downloaded. As this could not be proved scientifically the conclusion is to be arrived by analysing the reading data available. Accordingly, the conclusion is arrived that the meter start reading wrongly with effect from reading month November 2021 onwards.

There is an order issued by KSEBL vide order No.D(DTS)/d2/Cent-08/2015 dated 25/02/2016 regarding the assessment of faulty meters and the procedure adopted. The clause (1) of the order states as:

1. "In case when a meter is found to be inaccurate or variation in consumption of 20% or above is noticed from the previous bill:"

(a) "Immediately the meter shall be tested with standard reference meter, as far as feasible. The Chief Engineer (IT&CR) shall modify the software to ensure that an escalation report in a consolidated form on variation is provided to the Assistant Executive Engineers of Electrical Sub Divisions, the Executive Engineers of Electrical Divisions and the Deputy Chief Engineers of Electrical Circles in addition to the alert system made available to the billing Section."

(b) "the billing Section shall provide necessary inputs to the Spot Billers/Sub Engineers for checking the meters in which the variation in consumption is noticed."

(c) "the Spot Biller /Sub Engineer shall watch the meter and take appropriate action to declare the meter as faulty (if necessary) and in that case to report to Assistant Engineer immediately for replacement of the meter."

(d) "in case of meters suspected to be faulty due to anomaly noticed in the meter readings, the actual reason for the variation shall be ascertained and meter shall be replaced only after confirming fault. Sub Engineer/Overseer shall check each meter suspected to be faulty using check meter and confirm whether the meter is faulty or not before declaring as defective."

This order has not been abide by the officials of the licensee. If this would have been noticed, the meter would have tested early, the exact data when the meter become faulty would have been known to licensee as well as consumer. Accordingly, the meter would have been replaced much early.

The section 125 of the Kerala Electricity Supply Code 2014 states about the procedure for billing in the case of defective meter.

Section 125(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 report 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:*

*Provided further that any evidence given by consumer about conditions of working and occupancy of the concerned premises during the said period, which might have had a bearing on energy consumption, shall also be considered by the licensee for computing the average.”*

Section 125(2) *“Charges based on the average consumption as computed above shall be levied only for a maximum period of two billing cycles during which time the licensee shall replace the defective or damaged meter with correct meter”.*

The section 125(2) is very clearly states that the calculating the consumption based on the average of the previous billing cycles is to be done only for two months and the defective meter are to be replaced within the time. This section very strictly imposing on to the licensee to avoid delay in replacing the meter and consumers are be billed as per the correct meter reading.

Here in the case in hand, the officials of the licensee has failed to follow the order of the licensee and hence the meter was faulty almost a year. This section 125(2) is not for the licensee to charge the consumption only for two months when the meter was faulty for a long time. Here the section 125(1) para 2 is applicable to assess the average reading during the meter faulty period as the exact date of meter fault is not able to prove scientifically. The meter readings after the replacement of meter is to be considered for calculating the average reading. As the meter is faulty since November-2021, the bills are to be revised as per the average consumption of the two billing cyclers after the meter replacement.

Section 134 states about adjusting the amount when the consumer is over charged or undercharged.

134(1) *“If the licensee establishes either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill”.*

134(2) *“If, after payment of any bill, it is established that the licensee has overcharged the consumer, the excess amount shall be refunded to the consumer with interest at bank rate as on the date of remittance of such excess amount”.*

According to the section 134, the amount overcharged to the consumer is to be refunded.

## **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. It is concluded that the meter is faulty since November (reading month) 2021.
2. The bill for the month November 2021 to September 2022 is be revised considering the average of consumption of two billing cycles after the meter replacement.
3. The amount overcharged on the consumer by the licensee is to be refunded.
4. No order on cost

## **ELECTRICITY OMBUDSMAN**

No. P/024/2023/                      dated : 03/07/2023

Delivered to:

1. Sri. Joseph T.M., Thuruthipara House, Mangode, Kannambra P.O., Palakkad- 678686
2. The Assistant Executive Engineer, Electrical Section, KSEB Limited, Alathur, Palakkad.

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, Vydhyuthibhavanam, KSE Board Ltd, Gandhi Road, Kozhikode-673011.