

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/057/2019  
(Present: A.S. Dasappan)  
Dated: 23<sup>rd</sup> September 2019

Appellant : Sri. V.M. Saji  
Villanchira House, Vadavathoor,  
Vijayapuram P.O.,  
Kottayam

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd, Manarkad,  
Kottayam

### **ORDER**

#### **Background of the case:**

The appellant, Sri V.M. Saji, is a commercial consumer with consumer No. 9078 under Electrical Section, Ayarkunnam, who is aggrieved by the exorbitant electricity bill issued to him on 14-03-2019 for an amount of Rs. 23515.00. The appellant approached the Assistant Engineer with a complaint regarding the excess reading of the meter. Accordingly, the respondent verified the correctness of the meter by installing a Check meter in the premises of the appellant. During verification, no variations or discrepancies were noticed in the existing meter. As per the request of the appellant, the meter was further sent for testing at Meter Testing Unit, Pallom on 07-01-2019. The errors were found within permissible limit as per the meter testing report issued by the testing unit. Hence the respondent issued the bill to the appellant and directed to remit the bill amount. Afterwards the appellant filed a petition before the

CGRF, Kottrakkara and the Forum dismissed the petition vide order OP No.29/2019 dated 12-06-2019. Against the decision of the Forum, the appellant has filed the Appeal petition before this Authority.

**Arguments of the appellant:**

The appellant is running a prayer hall for the last 5 years by name “Hybron Worship Centre” in a room (No. 395) owned by Sri C.J. James, Chirappurath, Lakkattoor, Kottayam in Ward No. 7 of Ayarkunnam Panchayat. The floor area of the prayer hall is 470 Sq. Ft. and having two tube lights, three fans and one bulb in use. The prayer time is only for 3 hours from 10 AM to 1 PM on Sundays.

The usual bimonthly bill amount is only Rs. 500/-. But the meter reader who came on 01-10-2018 informed the appellant that the previous bimonth consumption was 2259 units and asked to contact the office. The appellant went to the office and requested to reduce the bill amount after checking the energy meter. A parallel meter was provided by the KSEB and found there was no error in the meter. Afterwards the meter was taken at Pallom TMR unit and KSEB issued bill for Rs. 23,515/- for the remittance.

The meter erected in the premises of the appellant is “Capital Power System Ltd.”, make. The consumption from August 2015 to February 2019 is furnished below:

<b>Date</b>	<b>IR</b>	<b>FR</b>	<b>Consumption</b>
04-08-15	551		
03-10-15		581	30
03-12-15		635	54
03-02-16		688	53
04-04-16		717	29
03-06-16		733	16
03-08-16		763	30
04-10-16		798	35
03-12-16		855	57
03-02-17		894	39
04-04-17		950	56
06-06-17		987	37
03-08-17		1023	36
05-10-17		1112	89
05-12-17		1155	43
03-02-18		1208	53
04-06-18		1248	40
03-08-18		1278	30

01-10-18		3537		2259
01-12-18		3565		28
07-01-18	meter changed	3580		0
07-01-19		0	FR 15	0
04-02-19		30		45

From the above it can be seen that the average consumption is 40 to 50 units. There was no such huge consumption for 2259 for two months, 08/18 and 09/18 in a room having two tube lights, three fans and one bulb. The appellant is of the doubt of jumping the metering in August September 2018, a period of thunder and lightning.

The appellant filed petition before the CGRF on 25-03-2019 and received order on 20-06-2019. As stated in the order the appellant has not extended power from the connection No. 9078 to any other room. The service connection to the other rooms is taken from the connection No 8232 and these rooms remained in closed stage.

The request of the appellant is to cancel the bill.

**Arguments of the respondent:**

The appellant is consuming electricity from Kerala State Electricity Board Limited through a single phase service connection bearing Consumer No. 9078 of Electrical Section, Ayarkunnam. The registered owner is Sri. James CJ, Chirapurathu, Lakkattoor. The registered connected load is 1000 watts and date of connection is 04-02-1999. Regular spot bills were issued to the consumer and the same were remitted by them. While taking meter reading for the month of 10/2018 a consumption of 2259 units was noticed whereas the average consumption was 41 units. The spot biller informed the office as well as the consumer. On receiving a request from the consumer a test meter was connected at the premises on 25-10-2018 with reading 03 on the test meter and 3547 on consumer meter. Final reading recorded on 09-11-2018 with meter reading 09 and 3553 on test meter and consumer meter respectively, ie. a consumption of 6 units for 15 days on both the meters. The matter was informed to the consumer and they have remitted testing fee for meter testing on 04-01-2019 and the meter was sent for testing at Meter Testing Unit Pallom on 07-01-2019. Details of meter are as follows.

Make : Capital Power Systems Ltd (single phase static)

SL. No. 2401190

Capacity : 5-20 A, Final Reading 3580

The meter was tested at Meter Testing Unit Pallom and the errors were found within permissible limits as per the meter testing report obtained from Meter Testing Unit Pallom. After confirming the meter status the consumer was served a bill for Rs. 23,515/- on 14-03-2019 for the above mentioned consumption with due date on 24-03-2019 and disconnection date on 08-04-2019. Aggrieved by this bill, the appellant filed objection before the CGRF, Kottarakkara.

On receiving the complaint through the CGRF a site inspection was conducted and the following facts were noticed. The appellant's premise is situated in the second floor of a three storied commercial complex. Twelve numbers of service connections were provided in that building as follows.

Ground Floor: Four single phase + one three phase

First Floor: Three single phase + one three phase

Second Floor: Three single phase

The appellant is using a hall in the second floor of the building for functioning a prayer hall.

The connected load in this hall is as noted below.

Tube = 2x40 = 80 watts

Bulb = 1x60 = 60 watts

Fan = 3x60 = 180 watts'

5 A Plug = 2x60 = 120 watts

Total =440 watts.

Three numbers of rooms on the half portion of the second floor near to this hall are seen electrically connected with the same connection, but these rooms are seen door locked and hence connected load cannot be ascertained. On the other half of second floor two single phase connections are there. Consumer No. 9079 and Consumer No. 8232. The wires from the distribution board of Consumer No. 9078 is connected to the distribution board of Consumer No. 8232 through open circuit, which shows both connections can be interconnected. The wiring of Consumer No. 9078 is not exclusively for the prayer hall, but extended in three other rooms and connected to another connection's (Consumer No. 8232) distribution board. Even though these portions are seen not using, the electrical wiring is not disconnected from Consumer No. 9078. Moreover old and damaged wiring in these portions give chances to leakage of electricity. Also the main switch is seen damaged. The fuse carriers removed and shorted with PVC wires. No other breakers are seen other than these damaged fuses.

There is no ELCB connected in this connection. Therefore chances of unauthorized/ unusual consumption for any other purpose during the respective billing cycle as well as leakage of energy due to damaged/defective wiring / installation at the premises could not be ruled out. A letter served on

the consumer pursuant to the inspection of the Assistant Engineer at the premises, citing the discrepancies evidenced in the inspection and seeking emergent rectification.

As per Regulation 2(64) of the Supply Code 2014, "Point of Supply" - means the point at the incoming terminal of the cut-out installed by the consumer in case of low tension consumer' and the Regulation 2(25) defines the "Consumer installation" or "installation of consumer" as 'any composite portable or stationary electrical unit including electric wired, fittings, motors and apparatus erected and wired by or on behalf of the consumer at the premises of the consumer starting from the point of supply'. While so, evidently when leakage of energy was happened from the consumer installation or installation of consumer, he is solely liable to pay for the actual consumption recorded in the energy meter at the premises and the appellant is liable to pay the charges for the energy consumed. Excessive consumption recorded in the energy meter is not due to any fault or wrongful act on the part of this opposite Party.

It may be noted that all the twelve service connections in this building were given from an electric post having post No. AK 6/1R. If any overvoltage or anything happened as said by the appellant, the other eleven connections in this post would have been affected. There is no such instances were reported by any of these consumers and other consumers from this transformer during that period.

Another Capital Power Systems Ltd make single phase meter is there in the same building for Consumer No. 11338 without any defect.

It may be noted that the accuracy of the energy meter was proved beyond doubt as per the test report. Hence there is no reason or cause to step back from the assessment made in this case, on the basis of the recorded consumption in an accurate energy meter at the premises.

Therefore be the regular bimonthly invoice in question dated 14.03.2019 for an amount of Rs.23,515/- (Rupees Twenty Three Thousand Five Hundred and Fifteen only) is legally and ethically valid and this appellant is bound to make remittance of the amount.

In view of the above facts and reasons, it is humbly prayed to dismiss this petition and allow this Licensee to realize the energy charges actually due from this Appellant.

**Analysis and Findings: -**

The hearing of the case was conducted on 22-08-2019 in the chamber of Electricity Ombudsman at Edappally, Kochi. The appellant was absent and

Smt.Ligimol V. Varghese, Assistant Executive Engineer, Electrical Sub Division, Manarcad, Kottayam has appeared for the respondent's side. On examining the petition, the counter statement 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 decisions thereof.

On a perusal of records it is revealed that the disputed energy meter was tested at the appellant's premises itself, by installing a check meter in tandem with the existing meter; so that both meters carry the same electric current and will measure the same energy, consumed by the appellant. The test so conducted at the site reveals that the two meters are recording exactly the same quantum of energy consumption which shows that the appellant's meter is working in good condition. Another contention of the appellant is that there was no defect or fault in the meter but the exorbitant reading was due to the dial jump. Further the meter was tested at the TMR Division, Pallom at the request of the appellant and as per the testing report, the errors were found within the permissible limits.

According to the appellant, as the appellant's premises is a prayer hall which functioning only on Sundays with timing from 10 AM to 1 PM, the chances of getting such a huge consumption is very rare. The actual connected load of the premises comprises of 2 tube light, 1 bulb, 2 nos. 5 A plug and 3 fans, and considering the equipment's connected load, the total connected load is 440 watts.

The respondent has submitted that they have carried out a detailed checking with a reference meter which is tested and calibrated. During the inspection it is revealed that there is no difference in the consumption recorded in the appellant's meter and the reference meter. It is also contended that the respondents are not responsible for the defects, if any, noticed beyond the cut-out of the appellant.

On going through the details of consumption of the appellant for the period from 8/2015 to 2/2019, it is revealed that the consumption has never exceeded 60 units except for the period under dispute. The respondent installed a check meter to find out the accuracy of the existing meter. The respondent has inspected the site and the following facts were revealed in the inspection. On the other half of second floor two single phase connections are there having Consumer No. 9079 and Consumer No. 8232. The wires from the distribution board of Consumer No. 9078 is connected to the distribution board of Consumer No. 8232 through open circuit, which shows both connections can be interconnected. Also the main switch is seen damaged and the fuse carriers removed and shorted with PVC wires. No other breakers are seen other than these damaged fuses. There is no ELCB connected in this connection. Therefore chances of unauthorized/ unusual consumption for any other

purpose during the respective billing cycle as well as leakage of energy due to damaged/defective wiring / installation at the premises could not be ruled out. It is found that the above defects of the electrical wiring and abnormalities were communicated to the appellant by the respondent for verification. As stated by the appellant, there is no chance of jumping the counter type energy meter reading from 1278 to 3537 units due to heavy lightening and also there was no such complaints from any other consumers from that area.

This Authority has inspected the premises on 27-08-2019 and both the appellant and respondent present. The energy meter (dismantled) under disputed was checked physically and the reading. The meter's manufacturer is Capital Power Systems Ltd (India) and Make 2/2006 having ten years guarantee. The meter is static counter type 5-20 A.

### **Decision**

For the reasons detailed above, the appeal petition No. P/057/2019, filed by the appellant stands dismissed as it is found having no merits. The order dated 12-06-2019 in OP No. 29/2019 of CGRF, Kottarakkara is upheld. The appellant is allowed three installments for remitting the amount, if he requests so and no surcharge shall be collected from the appellant. Having concluded and decided as above, it is ordered accordingly. No order on costs.

### **ELECTRICITY OMBUDSMAN**

P/057/2019/ \_\_\_\_\_ /Dated: \_\_\_\_\_

Delivered to:

1. Sri. V.M. Saji, Villanchira House, Vadavathoor, Vijayapuram P.O., Kottayam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Manarkad, Kottayam

Coypy 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, Kottarakkara - 691 506.