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APPEAL PETITION No. P/015/2020  
(Present: A.S. Dasappan)  
Dated: 25<sup>th</sup> May 2020

Appellant : Sri. K.M. Mathew  
Kaduthanathu House,  
Muthoor P.O., Thiruvalla,  
Pathanamthitta

Respondent : The Assistant Executive Engineer  
Electrical Sub Division, KSEBL,  
Thiruvalla,  
Pathanamthitta

### **ORDER**

#### **Background of the Case:**

The appellant is a domestic consumer under Electrical Section, Thiruvalla bearing consumer number 11139. The appellant was aggrieved by the bill issued in 05/2019 amounting Rs. 19,524/- for the consumption recorded as 1396 units and lodged a complaint before the Section authorities disputing the accuracy of the respective energy meter at the premises. The disputed energy meter was replaced for testing and test report shows that the disputed meter was faulty. So, the disputed bimonthly bill for Rs. 19,524/- was revised based on the average consumption after replacement of the meter as 817 units bimonthly. The appellant's grievance in this petition is that he had remitted excess electricity charges more than his actual energy consumption for the past ten years due to the faultiness of the meter and hence requested to refund the excess amount remitted by him. The appellant had approached the CGRF, Kottarakkara by filing a petition in OP No. 130/2019. The Forum disposed of the case in favour of KSEBL and dismissed the petition due to lack of merit, vide order dated 29-01-2020. Against the decision, the appellant has submitted this appeal petition before this Authority on 18-02-2020.

#### **Arguments of the appellant:**

The appellant has submitted this petition against the order dated 29-01-2020 issued by the Consumer Grievances Redressal Forum, KSEB, Kottarakkara in OP No.130/2019 on excess billing to the domestic connection under Consumer No. 1146175011139 from Thiruvalla.

The Forum comes to a conclusion to dispose the issue by dismissal of the petition on 'lack of merit', which is thinking to be due to the appellant's failure in establishing the actual situation to their understanding, since the appellant is not a technical personal in the field of Electrical Engineering, but a retired official worked under Government of Kerala in a gazetted status for more than 30 years. Accordingly, the appellant submits his grievances for a reconsideration by giving due importance to the technical viability as well as reasonability of the situation.

1. The appellant's bill payments since 2015 as per KSEB is as attached which may be apart from the understanding of the previous Forum, leading to the dismissal of the petition even after clear abnormal variations in the billing in certain months.

2. The old meter No. 535641 being used for last 20 years was changed on 30-05-19 with final reading 36726 kwh based on the request on excess billing beyond reasonability while usage of an additional AC and found fault. The appellant or KSEB didn't know from when this became fault. While consideration of later period for average billing, it is quite reasonable to consider the average period prior to the fault also i.e., 10 years, against excess billing due to vast difference in consumption, which the appellant feels a 20% reduction is reasonable.

3. Another point as pointed out by the officials is the negative reading of the meter as shown in the test results. From the house readings it shows an exorbitant to the positive side on the higher consumption, which shows that the meter is extremely faulty beyond any type of average assessments. Or in other words the KSEB tested the meter with a particular Voltage and Consumption, whereas the situation is extremely different in the case of actual usage where the Voltage and rate of current flow is varying from time to time. In this case KSEB has to declare that the same results will be obtained irrespective of the Voltage/ current consumption variations before sending the meter for a retest with varying Voltage and different current flow through a different agency acceptable to either side, until then the argument will remain null and void.

4. From the technical side KSEB has to analyse what can be the maximum difference in consumption if an AC of 1 Ton is used for 8 hours a day as regularly used this device only from first week of 11/2018 to last week of 01/2020 on arrival and stay of his son from New York at the upper floor of the building where this was installed since 9 years back as only 2 peoples are staying here at the ground floor.

5. Subject to analysis in the point as above by the technical experts including the re-testing of the current meter, the appellant requests to reimburse the excess billing beyond Rs. 6,000/- bimonthly since 5/2019 and a 20% of the bill for the last 10 years before, the total of which is estimated to a minimum of Rs. 25,000/-.

**Arguments of the respondent:**

The service connection bearing Consumer No 1146175011139, effected from Electrical Section, Thiruvalla, under LT IA (Domestic tariff), having a contracted connected load to the tune of 1326 Watts belongs to this appellants.

Pursuant to the receipt of the regular bi-monthly invoice, on the basis of the recorded consumption in the energy meter at the premises, for the billing cycle ended on 05/2019, the appellants has lodged a complaint with the field office, disputing the accuracy of the respective energy meter at the premises. Consequently, the energy meter at this respective premises sent for testing, replacing a new meter at the premises on 30-05-2019. In the meantime, he was allowed to remit part payment of Rs. 4,480/-, against the original regular assessment of Rs. 19,524/-, leaving the balance unpaid, awaiting the test report. Subsequent regular invoices on the basis of the actual recorded consumption in the new energy meter at the premises were paid by him without any objection.

On receiving the test report dated 15.07.2019, which proved that the energy meter was faulty, invoking the Regulation 125 read with the Regulation 115(9) of the Supply Code, 2014, it was resorted to revise the assessment on the basis of the succeeding average consumption (817 units in the healthy energy meter). The matter has been properly conveyed to the consumer, and having convinced of the fact he has remitted the balance amount of Rs. 1,616/- on 27.12. 2019.

Now the consumer argues that present hike in the average consumption was due to the usage of air conditioner at the premises from 11/2018 onwards. But the registered connected load of the consumer in the record is still meagre 1326 watts. It is apparent that he had neither informed the Licensee nor utilised the scheme for regularisation of connected load till date. Therefore be, the Licensee is left with the sole option to invoke the Regulation 125 read with the Regulation 115(9) of the Supply Code, 2014, towards estimation of the actual consumption during the preceding period from 03/2019 to 05/2019. And hence, taking into consideration the average of 6 months recorded consumption, after changing the faulty meter, it was resorted to revise the assessment for the period from 03/2019 to 05/2019. In the petition the appellants has admitted that the AC was installed 9 years back.

As his request has already been positively addressed by the field office in time, and possible legal remedy/ relief extended to him in this regard, there is no room for any allegation in this connection.

It is clearly evident that the actual recorded consumption subsequent to the replacement of the defective energy meter at the premises on 30-05-2019 is steadily high.

When this appellant has moved OP No: 130/2019 before the Consumer Grievance Redressal Forum (South), Kottarakkara, after hearing both the sides and reasonably evidencing the aforementioned factual position, finding that percentage of error of the Meter as -1.688, the Forum held that during the Meter Faulty period the consumption recorded by the energy meter at the appellant's premises was less than actual consumption. Therefore, the bills issued during the period were undercharged. The recorded reading after the replacement of energy meter also reasonably justified this factual position. Hence the Forum dismissed the petition due to lack of merit.

Estimation of the actual consumption during the preceding period from 03/2019 to 05/2019 was made strictly in accordance with the Regulation 125 read with the Regulation 115(9) of the Supply Code 2014. The recorded consumption at the premises after the replacement of the faulty energy meter is steadily high.

### **Analysis and Findings:**

The hearing of the case was conducted on 13-03-2020 in the CGRF Court Hall, Kottarakkara and Sri K.M. Mathew represented the appellant's side and Smt. Jolly Rosi, Assistant Executive Engineer, Electrical Section Sub Division, Thiruvalla represented the respondent's side. On examining the petition, the counter statement of the respondent, perusing the documents attached and the arguments in the hearing and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

The appellant has raised an argument that it is quite reasonable to consider the average period prior to the fault also i.e., 10 years back for reassessment, against excess billing due to vast difference in consumption, which is due to installation of an AC 9 years back and it was regularly used for 8 hours daily from 11/2018 to 01/2020 on arrival and stay of his son from New York.

Another argument of the appellant is that the KSEB tested the meter with a particular Voltage and Consumption, whereas the situation is extremely different in the case of actual usage where the Voltage and rate of current flow is varying from time to time. In this case KSEB has to declare that the same results will be obtained irrespective of the Voltage/Current Consumption variations before sending the meter for a retest with varying Voltage and different current flow through a different agency acceptable to either side.

On going through the records, the following facts are revealed. The registered connected load in the premises of the appellant is 1326 watts and the present connected load calculated is nearly 10 kilowatts. The average bimonthly consumption of the appellant for the period from 27-05-2015 to 24-07-2018 (38 months) was 273 units. Thereafter the consumption from 24-07-2018 to 24-11-

2018 was 950 units, 24-11-2018 to 24-01-2019 =989 units 24-01-2019 to 18-03-2019=1397 units and 18-03-2019 to 22-05-2019 was 1396 units. The appellant has complained on getting the exorbitant bill in 05/2019 only. The appellant himself has admitted the higher usage of electricity during the period from 11/2018 to 01/2019.

As per the test report, the percentage of error is -1.688 and the CGRF observed that during the meter faulty period, the consumption recorded by the energy meter of the appellant's premises was less than the actual consumption. It is also held by the CGRF that the bills issued during the meter faulty period were undercharged. But it is not specifically detected the period of faultiness of the meter by downloading the data from the meter. Hence it is not possible to admit the claim for refund of excess electricity charges and it is also pertinent to note that the average bimonthly consumption during the period from 27-05-2015 to 24-07-2018 was only 273 units and the appellant had not raised any complaint during the last 10 years regarding excess consumption recorded in the meter due to faultiness. At the same time after replacement of the disputed meter, the bimonthly consumption of the appellant is as follows.

|                          |   |            |
|--------------------------|---|------------|
| 30-05-2019 to 23-07-2019 | = | 1014 units |
| 23-07-2019 to 25-09-2019 | = | 686 units  |
| 25-09-2019 to 23-11-2019 | = | 716 units  |

Regarding the grievance of the testing of the meter, regulation 115 (8) is applicable, which says "if a consumer disputes the result of testing at the laboratory of the licensee, the meter shall be got tested at a laboratory selected by the consumer from among the laboratories accredited by the National Accreditation Board for Testing and Calibration Laboratories (NABL)". It is found that the appellant has not approached the KSEBL for a retest.

Regulation 125 of the Kerala Electricity Supply Code reads:

*"125. 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:*

*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.*

Regulation 125 of the Supply Code 2014 allows the licensee to compute the average consumption from the three billing cycles after the meter is replaced

if required details pertaining to previous billing cycles are not available. In this case the date of faultiness of meter is not established conclusively and the appellant has not put forward any evidence about conditions of working and occupancy of the concerned premises during the past years which might have had a bearing on energy consumption.

### **Decision**

For the reasons detailed above, the appeal petition No. P/015/2020, filed by the appellant stands dismissed as it is found having no merits. The order dated 29-01-2020 in OP No. 130/2019 of CGRF, Kottarakkara is upheld. Having concluded and decided as above, it is ordered accordingly. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/015/2020/\_\_\_\_\_ /Dated:\_\_\_\_\_

Delivered to:

1. Sri. K.M. Mathew, Kaduthanathu House, Muthoor P.O., Thiruvalla, Pathanamthitta
2. The Assistant Executive Engineer, Electrical Sub Division, KSEBL, Thiruvalla, Pathanamthitta

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.