

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/022/2020
(Present: A.S. Dasappan)
Dated: 27th August2020

Appellant : Sri. Rahim T.P.
'Dua' opp. Syndicate Bank,
Kattampally, Kannur

Respondent : The Assistant Executive Engineer,
Electrical Sub Division, KSEBL,
Valapattanam,
Kannur

ORDER

Background of the Case:

Appellant, Sri. Rahim. T.P., bearing Consumer No. 1166657014205, is a 3 Phase domestic consumer under Electrical Section, Valapattanam with a connected load of 9400 Watts. The appellant was aggrieved by an exorbitant bill issued in 11/2019 amounting Rs. 40348/- and lodged a complaint before the Section authorities disputing the consumption recorded in the energy meter at the premises. The respondent denied the request of the appellant to cancel the bill and directed to remit the bill amount.

Aggrieved by this, the consumer filed a petition before Consumer Grievance Redressal Forum, Northern Region, Kozhikode. The Forum dismissed the petition by directing the consumer to remit the amount and allowed up to 18 installments if appellant desires so, vide OP No.132/2019-20 dated 16-03-2020.

Arguments of the appellant:

The appellant is a three-phase consumer having consumer No. 1166657014205 under Electrical Section of Valapattanam, Kannur. During November 2019, when the meter reader came for taking reading, he felt an electric shock from the meter box and he found the exorbitant reading and he recorded it and produced the bill which amounted to Rs. 40,380/-. Later he reported to the Overseer, the Overseer visited the premise and found a burnt mark between the meter and main switch. The wire might have burnt due to lightning and thunder which occurred two to three months ago and once recently also.

As per the direction of Overseer, appellant changed the meter box and wires on his presence. Later the appellant applied to the Asst. Engineer for

getting exemption from paying exorbitant bill. But they did not allow the request and therefore the appellant approached CGRF Kozhikode to get justice.

The Consumer Grievance Redressal Forum dismissed the case but allowed to pay the huge amount in 18 installments if the appellant desires.

The appellant put forward the following points for consideration.

- 1) The meter reader did not take the readings four months (twice) before the exorbitant bill date. He said the door was locked, but it is a false statement.
- 2) They prepared a mahazar report about the issue only after the appellant informed that he will move to the court.
- 3) They replaced the meter without informing appellant. So, appellant could not check the meter reading while removing the meter and send for testing without his knowledge.
- 4) In meter test report 'General observation and remarks says current bypass tamper event recorded, but the KSEB reported it as an earth leakage.

The appellant requests to cancel the exorbitant bill issued to him.

Arguments of the respondent:

During November 2019, meter reader of the Section got an electric shock from the meter box while trying to take meter reading at the premises of the above consumer and the matter was reported to Section office. An authorized person of the Section visited the premises and checked the meter box. He confirmed leakage of electricity and switched off the main switch to avoid further mishaps. As per Regulation 110 (8) of the Kerala Electricity Supply Code 2014, respondent had informed the appellant that there was leakage in the premises. Since no meter fault was suspected in this case and it was a matter of leakage of electricity, an electricity bill amounting to Rs.40,348/- as per the recorded consumption was prepared and served to the consumer as detailed below:

<u>Month</u>	<u>Previous reading</u>	<u>Current reading</u>	<u>Consumption</u>	<u>Amount Billed</u>
07/2019		Door Lock	Avg Con 485	Rs.2,772.00
09/2019		Door Lock	Avg Con 451	Rs.2,648.00
11/2019	20435	25433		Rs.40,348.00

During 07/2019 and 09/2019, reading was not taken since the premises of the said appellant was locked and bill was prepared for the average consumption as per Regulation 110(11) of the Kerala Electricity Supply Code 23014. As actual reading obtained during 11/2019, previous two Door-lock bills were revised as per Regulation 110(13) of the Kerala Electricity Supply Code 2014 and the bill for the month was prepared to the tune of Rs.40,348/-.

Aggrieved by the bill, appellant filed a complaint before the Assistant Executive Engineer, Electrical Sub Division, Valapattanam. The premises were once again inspected by the authorized personnel of K S E Board Ltd and a site mahazar was prepared in which it was stated that a portion of the cable that was going out from the main switch and connected to one of the Distribution fuses was burnt, its insulation failed and came in contact with the metal meter box causing electric shock on it. The meter was sent to NABL accredited Meter

Testing Laboratory for testing in accordance with Regulation 113 & 115 of Kerala Electricity Supply Code 2014.

The Test Report of Assistant Executive Engineer (Meter), Meter Testing Laboratory – TMR Kannur shows that the meter complies with the requirement of the standard. The downloaded data of the meter received from the TMR, Kannur does not indicate any extraordinary reading due to any kind of lightning stroke as pointed out by the consumer. The matter was reported to the Assistant Executive Engineer, Electrical Sub Division, Valapattanam. Since the Meter was found working properly as per the Test Report and the matter was not attributable to the licensee and as per the letter, the consumer was directed to remit the amount.

Since the demand was raised for the recorded consumption at the energy meter of the consumer premises and the high consumption was due to earth leakage from the consumer's installation, the appellant is liable to pay the bill amount.

Analysis and Findings: -

As hearing as usual cannot be conducted due to 'COVID 19' prior intimation was given to both appellant and respondent to attend in 'Video hearing' scheduled at 11 AM on 07-07-2020, but the appellant was absent. Hence further intimation was given both fixing online and hearing on 09-07-2020. Accordingly, an online hearing of the case was conducted on 09-07-2020, at 11A.M. The appellant, Sri. Rahim T.P. was present in the hearing and Sri. Suresh Babu, Assistant Engineer in charge, Electrical Sub Division, Valapattanam 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.

As per the appellant, the meter reader of KSEBL did not take the meter reading for 4 months (twice) before the disputed bill, even the door is opened. If the respondent could take the readings before, this much of energy waste could have been avoided. Any site mahazar was not prepared while taking the meter for testing and the data down loaded is not given. The meter reader who takes the reading on 16-11-2019 and said to be detected that the premise is under earth leakage is an evidence for the occupancy of the premises and hence the statement that no one in the home is false. The request of the appellant is to exempt him from paying such a huge bill as earth leakage is not proved and the energy is not consumed by him.

As per respondent, the reading could not be taken in 07/2019 and 09/2019 due to door lock. The disconnection of the appellant's service connection on 12-06-2019 and 18-07-2019 were due to default of payment. The reason for excess consumption is earth leakage of electricity in between main switch and distribution fuses. Meter was tested at TMR, Kannur and certified that the errors are within permissible limits. It is also reported that current bypass tamper event recorded during the period.

On going through the case details, the following facts are revealed. The appellant had taken regular monthly meter reading on 17-05-2019 with reading 20213 and on 16-11-2019 with reading 25433, consumption for 5220 units for

six months. The normal consumption of the appellant for six months comes around 1500 units and excess might have been lost due to the defect of the circuit in between main switch and fuse unit. It is reported that the meter reader got an electric shock from the meter box while trying to take meter reading at the premises. A burnt mark between the meter and main switch was detected and according to the appellant the wire might have burnt due to lightning and thunder which occurred two to three months ago and once recently also. But there is no evidences to prove this. As per the data downloaded from the meter the consumption recorded for 5 months from 01-07-2019 to 01-12-2019 is seen as 4909 units. The meter was tested and ascertained its correctness. As such it is concluded that if timely reading was taken by the respondent, the defect could have been detected earlier and restrict the wastage of energy. At the same time the defect was occurred on the part of the appellant and rectified by him.

Decision:

From the analysis done above and the conclusions arrived at, this Authority takes the following decisions.

The bill for Rs. 40348/- issued to the appellant is quashed. The assessed bimonthly consumption of the appellant is taken as 490 kWh in the disputed period (20-09-2019 to 16-11-2019). The excess over 490 units i.e. $5220-490=4730$ units is treated as wastage of energy due to earth leakage and decided to bear the cost of wastage energy equally by the appellant and respondent. Hence the respondent shall revise the bill issued in 11/2019 for the consumption as 490 units and 2365 units (50% of 4730 units) and also allowed to remit the amount in six instalments.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is found having merits and is allowed to this extent. The order of CGRF, Northern Range, Kozhikode in Petition No. OP 132/2019-20 dated 16-03-2020 is set aside. No order on costs.

ELECTRICITY OMBUDSMAN

P/020/2022 dated _____.

Delivered to:

1. Sri. Rahim T.P. 'Dua' opp. Syndicate Bank, Kattampally, Kannur
2. The Assistant Executive Engineer, Electrical Sub Division, KSEBL, Valapattanam, Kannur

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, Gandhi Road, Kozhikode