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APPEAL PETITION No. P/040/2020  
(Present: A.S. Dasappan)  
Dated: 04<sup>th</sup> February 2021

Appellant : Sri. Nandakumar. N.,  
Lakshmi Bhavan,  
Thamarakulam, Kollam Dist.

Respondent : Asst. Executive Engineer,  
Electrical Sub Division, KSEB Ltd.,  
Ezhamkulam.

### **ORDER**

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

The appellant is a consumer of KSEB Ltd. with consumer number 5319 under Electrical Section, Enath having a connected load of 20 kilowatts and a contract demand of 22.222 kVA in ToD billing. The electric connection was availed for running a cashew factory and the tariff allotted is LT IVA. The appellant received monthly electricity bill for the consumption in January 2020 for Rs.15,867/- plus Rs.54/- towards the surcharge for the delay in remitting the previous bill. The appellant challenged the bill in Consumer Grievance Redressal Forum, Southern Region, Kottarakkara vide OP No.22/2020, but the Forum dismissed the petition on 07-09-2020, observing no abnormality in the bill and the consumption recorded in the meter is actual. Against the decision of the Forum, the appellant has filed this appeal petition before this Authority on 03-12-2020.

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

The appellant is running a cashew factory by name 'Shasta Enterprises' for the last 35 years. The appellant received the monthly electricity bill for January 2020 for Rs.15,921/- including surcharge of Rs.54/- of the belated payment in the previous bill. The usual monthly bills are only within Rs.5,000/- to Rs.6,000/-. The factory was not functioning in March, April & May 2020 due to COVID-19 and functioning in June & July 2020 for certain days only. The Government ordered 'Lockdown' several times during this period. The appellant runs this small-scale industry with less than 100

workers. The factory is operated manually and electricity is used for the lighting purpose only during night. The appellant has been paying electricity bill properly. None of the complaints regarding the meter were redressed by the respondent. The Officers of the KSEB Ltd. willfully charged exorbitant bill. The appellant is requesting for justice.

**Arguments of the respondent:**

Since the appellant complained about the bill, installed a check meter on 11.03.2020 and verified the energy consumption recorded by the meter. The energy recorded in both meters for the period from 11.03.2020 to 28.05.2020 is tabulated below.

	Existing meter			Check meter		
	Reading on 11-3-2020	Reading on 28-5-2020	Consumption (Kwh)	Reading on 11-3-2020	Reading on 28-5-2020	Consumption (Kwh)
KWh normal time	4509	5407	898	0	898	898
KWh peak time	379	485	106	0	105	105
KWh off peak time	916	1169	253	0	252	252
KWh total	5804	7062	1258	0	1256	1256

Above tabulation shows that the existing energy meter is a good one. Demand issued to the appellant vide the disputed bill for Rs.15921.00 is the charges for energy consumed during the period from 01.01.2020 to 01.02.2020 (Rs.15,867.00) and the surcharge (Rs.54.00) for the delay in remitting bill dated 01.01.2020.

During the inspection conducted at the time of installation of the check meter on 11.03.2020, it was found that the appellant's installation is not provided with earth leakage protection as mandated in regulation 15 (5) of the Kerala Electricity Supply Code, 2014. The matter was informed to the appellant's representative at the time of inspection itself. Sri. Anil Kumar G. Manager of the factory and Sri. Shibu. V, clerk of the factory were present during the inspection and they signed the mahazar prepared during the inspection as witness. Sri. Anilkumar. G, Manager of the factory received the copy of mahazar and acknowledged the same. He also signed the readings of check meter taken on 11.03.2020 and 28.05.2020.

The appellant's argument that he was paying the rate Rs. 5000.00 to Rs 6000.00 per month is not correct. During the year 2019 the bill amount for all months except 04/2019 (i.e. for the consumption from 01.03.2019 to

01.04.2019) and for 05/2019 (i.e. for the consumption from 01.04.2019 to 01.05.2019) were above Rs. 6000.00. During the year 2020 also, the bill amount for all months except that during 03/2020 (ie for the consumption from 01.02.2020 to 29.02.2020 which was Rs.6023.00), that during 04/2020 (ie for the consumption from 01.03.2020 to 01.04.2020) and that during 05/2020 (ie for the consumption from 01.04.2020 to 01.05.2020) were above Rs.6000.00.

Statement of consumption and bill amount for Consumer No. 5319 of Electrical  
Section, Enath

Connected load 20000 Watts						Contract Demand 22222 VA			
Period	Bill Month	Consumption in Kwh				MD			Bill amount (Rs.)
		Normal	Peak	Off peak	Total	Normal	Peak	Off peak	
01-10-2018 to 01-11-2018	11/2018	793	80	249	1122	7.4	0	9.3	9,511.00
01-11-2018 to 01-12-2018	12/2018	853	71	226	1150	9	0	9	9,571.00
01-12-2018 to 01-01-2019	01/2019	780	74	229	1083	8	1	8	9,219.00
01-01-2019 to 01-02-2019	02/2019	846	83	206	1135	10	1	9	9,498.00
01-02-2019 to 01-03-2019	03/2019	560	53	151	764	9	1	9	7,164.00
01-03-2019 to 01-04-2019	04/2019	332	54	126	512	9	1	9	5,639.00
01-04-2019 to 02-05-2019	05/2019	231	25	70	326	9	1	9	4,546.00
01-05-2019 to 01-06-2019	06/2019	809	75	235	1119	9	1	9	9,270.00
01-06-2019 to 01-07-2019	07/2019	1188	79	218	1485	10	2	1	11,421.00
01-07-2019 to 01-08-2019	08/2019	1255	59	139	1453	10	1	1	12,529.00
01-08-2019 to 01-09-2019	09/2019	1005	48	112	1165	10	1	1	10,252.00
01-09-2019 to 01-10-2019	10/2019	627	54	152	833	10	1	9	8,273.00
01-10-2019 to 01-11-2019	11/2019	991	56	145	1192	10	1	1	10,838.00
01-11-2019 to 02-12-2019	12/2019	1113	46	98	1257	10	2	2	11,325.00
01-12-2019 to 01-01-2020	01/2020	1062	43	111	1216	10	1	1	10,943.00
01-01-2020 to 01-02-2020	02/2020	1437	180	419	2036	13	5	6	15,867.00
01-02-2020 to 02-03-2020	03/2020	215	77	71	502	6	5	5	6,023.00
02-03-2020 to 01-04-2020	04/2020	196	28	28	295	10	1	1	4,813.00
01-04-2020 to 02-05-2020	05/2020	195	28	28	293	10	1	1	4,802.00
02-05-2020 to 01-06-2020	06/2020	649	62	62	847	10	3	3	8,498.00
01-06-2020 to 01-07-2020	07/2020	750	35	35	857	9	1	1	8,646.00
01-07-2020 to 01-08-2020	08/2020	854	42	42	978	10	1	1	9,463.00
01-08-2020 to 01-09-2020	09/2020	484	35	35	591	9	1	1	6,796.00
01-09-2020 to 01-10-2020	10/2020	585	49	49	728	10	15	1	7,708.00
01-10-2020 to 01-11-2020	11/2020	748	43	43	881	10	1	1	8,854.00

It is clear from the above that the energy consumption during March and April 2020 are very less and that during May, June and July have increased. The monthly average consumption during the period from March to

July (5 Months) is only 654 units and is much below the monthly average consumption of 1038 units during the calendar year 2019. Electricity consumption for the period from 02.03.2020 to 01.04.2020 is only 295 units and that for 01.04.2020 to 02.05.2020 is only 293 units. Energy charges during these months were below Rs. 5000.00. The COVID 19 pandemic restrictions fall within this period and the vague arguments of the appellant about the consumption during this period are baseless.

From the facts stated above, it is submitted that the appellant is liable to remit the amount referred in the subject complaint and it is the charges of electricity consumed during the period from 01.01.2020 to 01.02.2020 for running the factory, the consumption of which was measured using a good meter installed in the premises.

**Analysis and findings:**

An online hearing of the case was conducted on 18-01-2021. The appellant Sri. N. Nandakumar and Sri. Omanakuttan, Assistant Executive Engineer, Electrical Subdivision, Ezhamkulam from the respondent's side attended the hearing. 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 decision thereof.

The appellant's contention is that the regular monthly electricity bill issued for the month of January 2020 is exorbitant and not received such a huge bill in the history of the industry. Electricity is used for the lighting only in the night by the appellant.

The respondent's contention is that they had installed a "check meter" in the premises for more than 45 days and each meter recorded 1258 kwh and 1256 kwh and hence the meter is good.

The point to be decided in this case as to whether the appellant is liable to pay the demand raised by the respondent towards energy charge for Rs.15867/- billed for the energy consumption in January 2020.

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. Both meters kept in the premises for more than 45 days, recorded almost the same consumption. The test so conducted at the site reveals that the two meters recorded almost the same quantum of energy consumption, which shows that the appellant's meter is working in good condition. The respondent has submitted that they have carried out a

detailed checking with a reference meter, which is tested and calibrated. Here the appellant has no remarks on the accuracy of the meter and no dispute in any defectiveness of the metering system.

On examining the energy consumption details for 24 months from October 2018 to September 2020, it is seen that the monthly consumption is not in a consistent manner. It varies from 293 units to 2036 units. The monthly consumption prior to January 2020 is 1216 units 1257 units 1192 units. A site mahazar was prepared by the respondent on 11-03-2020, the date on which the 'check meter' installed to compare the recorded consumption in the existing meter with the standard reference meter.

Further, the respondent revealed that the appellant's installation was not provided with earth leakage protection as mandated in Regulation 15(5) of Kerala Electricity Supply Code 2014. The respondent has inspected the premises, prepared site mahazar and found non-standard wiring in the premises. There are 5 Nos. sheds in the cashew factory and availed supply from the meter point through Low Tension cables and overhead wires. In the inspection, the connected load is found as 11 kilo-watts against the registered connected load of 20 kilo-watts. In the hearing, the appellant expressed his determination to regularize the connected load for 11 kilo-watts. The respondent agreed on the reduction of connected load for which the appellant has to submit a revised completion report along with the rectification of defects in the premises noticed and intimated by the respondent.

The appellant had not taken any further action to test the energy meter in a laboratory accredited by NABL as per Regulation 116 (4) of Kerala Electricity Supply Code 2014. Moreover, the same meter is recording energy consumption after January 2020 and there is no dispute in the consumption recorded afterwards.

A site mahazar was prepared by the respondent and the mahazar was acknowledged by the representative of the appellant. In the site mahazar the present connected load is seen recorded as 10728 watts, of which 845 watts for light load, 1300 watts for fan and camera units. The remaining 8583 watts used for running electric motors. As such the argument of the appellant that the power connection is used only for lighting is not sustained.

In the result of testing the meter in the premises with calibrated meter by retaining it for more than 45 days, the premises meter recorded 1258 units and calibrated meter recorded 1256 units.

**Decision: -**

For the reasons detailed above the appeal petition No.P040/2020 filed by the appellant stands dismissed as it is found having no merits. The order dated 07-09-2020 in OP No. 22/2020 of CGRF, Kottarakkara is upheld. No interest or surcharge shall be collected from the appellant for the appeal period and the period of petition pending before CGRF.

Having concluded and decided as above, it is ordered accordingly. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/040/2020/\_\_\_\_\_ dated \_\_\_\_\_.

**Delivered to:**

1. Sri. Nandakumar. N., Lakshmi Bhavan, Thamarakulam, Kollam Dist.
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Ezhamkulam.

**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.