

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/010/2021

(Present: A.S. Dasappan)

Dated: 12th July 2021

Appellant : Sri. Radhakrishnan Vandothra
Vandothra, Alamthuruth P.O.,
Thiruvalla,
Pathanamthitta Dist. 689113

Respondent : Asst. Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Thengana, Kottayam Dist.

ORDER

Background of the case:

The appellant is a consumer of Electrical Section, Thrikkodithanam with consumer number 1146401010590 under LT IA domestic tariff having a connected load of 14885 watts. The bimonthly meter reading in the premises was taken on 22-06-2019 and for further bi-months 08/2019, 10/2019, 12/2019 & 02/2020 readings were not available, the reason said to be "Gate was locked" as per respondent. As such bills for the above months were issued based on the previous month's average consumption. In 04/2020 also, the reading could not be taken by the respondent due to the restriction imposed in the "Lockdown" period and hence, issued the bill on average basis. After taking meter reading on 23-06-2020, the respondent issued a bill for Rs.1,00,750/- deducting the amount remitted by the appellant. Against the above, the appellant filed a petition before Consumer Grievance Redressal Forum(CGRF), Southern Region, Kottarakkara vide OP No.57/2020 and the Forum in its order dated 21-12-2020 dismissed the petition allowing instalment facility to remit the amount. Aggrieved by the order of CGRF, the appellant filed the appeal petition before this Authority on 08-02-2021.

Arguments of the appellant:

The CGRF order says for the period from 08/2019 to 04/2020 reading could not be taken since the door was locked. The appellant's parents are always at home as they don't go out. Further, the security person is available at home to open the gate as well. Therefore, the door locked was not a valid reason. Hence, Regulation 124 of Kerala Electricity Supply Code 2014 is not applicable to the appellant's case. It is a true fact that the bill payable of Rs.1,00,750/- is exorbitant.

The appellant got a demand cum disconnection notice dated 22-12-2020 by email on the following day of the CGRF order. As per the latest current bill, the amount is Rs.13,893/-, which the appellant tried to pay online, the due amount shown was Rs.1,47,067/- and no option available to make the current bill payment. So, the appellant sent a representative to the nearest KSEB office at Kavumbhagom, but informed to make the full amount of Rs.1,47,067/-. So the appellant was under the impression that the appellant will have to wait till the order for the appeal comes.

The supply was disconnected on 28-01-2021 without giving any information. Subsequently, the appellant tried to make the current month bill Rs.13,893/- by online and the same was gone through as well on 29-01-2021 and further requested for reconnection. But reconnection was effected by 03-06 PM. The respondent sent a bill dated 20-10-2020 to the appellant, which is a fabricated bill due to the following reasons: -

- (1) The bill date is 20-10-2020 where it is written the previous reading date 22-12-2020.
- (2) Initial reading is 39696 and final reading is 43718, the difference is shown as 2011 units, which is wrong. It was supposed to be 4022.
- (3) Arrears are shown as Rs.24,552/-, the subsequent bill dated 22-12-2020 where the arrears are shown as Rs.1,33,174/-.
- (4) The payment of Rs.13893/- dated 29-01-2021 also reflected in this bill.

The respondent sent another bill dated 28-01-2020 with previous reading date 22-12-2020 and the same also was fabricated since initial reading is 39696 and the final reading also remains same as 39696 but the units 2011, it was supposed to be 'zero'. Also, both bills say unit is 2011, but energy charge for the bill dated 21-08-2020 is Rs.6,233.92. On the other hand, bill dated 20-10-2020 is Rs.15,887.61, which is more than double. The respondent sent a disputed bill report on 29-01-2021 in which there are 6 bills with a total amount of Rs.1,02,042/- that is quite impossible. Further, the respondent sent another statement which shows the bill amount as Rs.28,553/- for the three bills. This is also exorbitant.

The appellant checked the pending bill status on 03-02-2021 and found 2 bills on 20-10-2020 with a bill amount of Rs.17,812/- and 10659/- are pending. In view of the above, it is a true fact that the exorbitant bill amounts payable of Rs.1,00,705/- is also a fabricated bill. The appellant requests to make void the exorbitant disputed bill and waiving of the remaining due amount, if any.

Arguments of the respondent:

As per Regulation 124 of the Kerala Electricity Supply Code, if the reading cannot be taken on that date, owing to reasons like closing down of the gate of the premises during the visit of meter reader, the bill is to be issued for two months consumption on the basis of the average consumption for previous 6 months. This estimation of bill amount on average consumption will be adjusted in the next bimonthly bill, so that consumer's interest is not at all affected adversely. Here in this case the final reading noted in 22/06/2019 was 24155 units. For the period from 8/2019 to 2/2020 as the gate was locked, meter reader could not enter the appellant's premises and taking energy meter reading was not possible. Hence, Door Lock average bills were issued to the appellant up to 02/2020. The meter reading could not be taken in the subsequent billing cycle 03/2020 as scheduled, due to the prevalence of Covid-Containment guidelines issued by Central Government. Hence

centralized Door lock bill was issued during 4/2020 due to COVID-19. In the next billing cycle, on 23/06/2020 the final reading noted was 39696 units and therefore for the period from 06/2019 to 06/2020 is 39696 units - 24155 units = 15541 units. This total consumption for the entire period of twelve months were divided into equal units for six billing cycles for system hilling as KSEBL is adopting bi monthly billing system.

The calculation details are as below:

| | | | |
|---|---|--------------------|--|
| Final Reading of 6/2020 | - | 39696 units | |
| Final Reading of 6/2019 | - | 24155 units | |
| Difference | - | <u>15541 units</u> | |
| Bi-monthly consumption | - | 2590 units | |
| Bimonthly amount (system generated) | - | Rs. 22,879/- | |
| Amount payable for the period from 8/2019 to 6/2020 | - | Rs.1,37,274/- | |
| Less: Paid amount from 8/2019 to 4/2020 | - | Rs. 35,167/- | |
| Less: CD interest credited on 4-6-2020 | - | <u>Rs. 1,357/-</u> | |
| Balance to be paid during 6/2020 | - | Rs.1,00,750/- | |

All these actions were taken procedurally and statutorily. Hence the complaint is not maintainable either in law or on facts. An amount of Rs.3,237/- towards Covid-19 Govt. subsidy is credited to the account of the appellant on 23-8-2020.

Owing to the closing down of gate, as the meter reader could not enter the premises, an average consumption bill the system average of 878 units amounting to Rs 7153/- was issued on 21.08.2020. In the next billing cycle, after noting the final reading as 43718 units on 20.10.2020, and therefore, for the period from 06/2020 to 10/2020 is 43718 units - 39696 units = 4022 units. This total consumption for the entire period of four months were divided into equal units for two billing cycles for system billing as KSEBL is adopting bimonthly billing system.

The calculations details are as below.

| | | |
|--------------------------|---|-------------|
| Final Reading of 10/2020 | - | 43718 units |
| Final Reading of 06/2020 | - | 39696 units |
| Difference | - | 4022 units |
| Bi monthly consumption | - | 2011 units |

Amount payable for 08/2020 for system average of 878 units – Rs. 7,153/-

Amount payable for the month 10/2020 for the system generated balance 1133 units for the billing month of 08/2020 - Rs. 10,659/-

Amount payable for the month 10/2020 for the system generated 2011 units after taking the final reading - Rs. 17,812/-

Bimonthly amount payable for the period from 8/2020 to 10/2020 - Rs. 35,624/-

Also, for the reading of 45278units taken on the billing month of 12/2020, the bimonthly amount payable as per system details for 1560units - Rs. 13,893/-

The bimonthly current charge amount payable for the period from 08/2020 to 12/2020 - Rs.49,517/-

The pending bimonthly current charge arrears were also intimated to the appellant. As the appellant has intimated by writing in the notice served that he is proceeding for filing appeal, the respondent informed over phone to remit the regular current charge arrears for avoiding disconnection and the same has been agreed by the appellant.

As the appellant has not remitted the regular current arrear amount, the electricity supply to the premises was disconnected on 28.01.2021. On 29.01.2021, the appellant remitted Rs. 13,893/- by online payment.

As the appellant is having regular current charge arrears for the period from 08/2020 to 12/2020, the online payment of Rs 13893/- adjusted by the system against the dues of arrear for 08/2020 and part arrear for 10/2020. ie, Rs 7153/- for 08/2020 and Rs 6658/- for 10/2020 and belated surcharge amount of Rs 82/- has been adjusted as per the system generated receipt details for (lie online payment made on 29.01.2021.

| | | |
|---|---|--------------|
| Balance current charge arrear for 10/2020 {(17812+106S9)-6658} | - | Rs. 21,813/- |
| Balance current charge arrear for 12/2020 | - | Rs. 13,893/- |
| Total current charge arrear for the period from 10/2020 to 12/2020 | - | Rs. 35,706/- |

The bill is system generated revised bill corresponding to initial reading of 39696 units for bill month 06/2020 and final reading of 43718 units. As the bill was taken on 29.01.2021, the previous reading date is mentioned in bill as 22.12.2020 as the reading was taken on 22.12.2020 and consumption recorded is 1560 units. The contention of the appellant that bill is fabricated is not true and not sustainable.

It is submitted that apart from the disputed amount of Rs.1,00,750/-, the remittance of regular current charges of Rs. 35,706/- for the billing month of 10/2020 to 12/2020 is still pending.

Based on the facts explained, it is evident that the opposite party has acted by the law and there was no deficiency on the part of respondent in discharging duties. The appellant raises vague allegations and is misleading the Forum. The appellant has no intention to pay the pending regular current charges even after repeated requests from section office. Therefore, prayed to dismiss the complaint with the cost of the opposite party.

Analysis and findings:

An online hearing was conducted at 11 AM on 07-04-2021 in the appeal petition with prior intimation to both the appellant and the respondent. Sri. Radhakrishnan, the appellant and Smt. Renimol Sreedharan, Assistant Executive Engineer, Electrical Subdivision, Thengana from the respondent's side attended the hearing. On examining the petition, the counterstatement 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 argument is that, though the premises was not in a closed position, the meter readings were not taken by the respondent from 08/2019 to 04/2020. The appellant suspects billing errors in the period of billing and hence, the bill amounts are exorbitant. The appellant's parents were in the home and security person to open the gate to the premises. The bill amount of Rs.1,00,750/- is exorbitant.

The argument of the respondent is that they could not take the meter reading due to the gate of the premises was locked. The respondent issued bills as per the provisions contained in the Kerala Electricity Supply Code 2014 to be applied in the case of "Door Lock" and adjusted when the readings received.

On going through the meter reading details the timely readings are not seen taken from 08/2019 to 04/2020. The consumption for 15541 units is the consumption from 22-06-2019 to 23-06-2020, i.e. for 6 bimonthly spot bills. As such the bimonthly average consumption is 2590 units. Again, the meter reading was not taken in 08/2020 and based on the reading in 10/2020, the bimonthly consumption is 2011 units. The bimonthly consumption from 20-10-2020 to 22-12-2020 is 1560 units and from 22-12-2020 to 22-02-2021 is 2029 units. On examining consumption for 16 months prior to 04/2019, it varies from 1084units to 2612 units. Moreover, the energy meter in the premises is seen replaced on 23-02-2021 with a meter with ToD facility. The consumption recorded in the ToD meter for a bi-month from 23-02-2021 to 21-04-2021 is 2634 units (consumption for 12 hours from 6 AM to 6 PM in the normal period is 1078 units, consumption for four hours from 6 PM to 10 PM in peak period is 334 units and for 8 hours from 10 PM to 6 AM in off peak period is 1222 units). From the consumption pattern, it is seen that the consumption in OFF peak period from 10 PM to 6 AM is higher than the consumption in the other two durations. The consumption in a premises is determined by the quantum of load connected to the network and the duration of its operation or functioning.

From the consumption pattern in the premises, it is revealed that the premises was occupied and no bimonthly bill shows “nil” consumption. The respondent had to take action to take the reading from the premises as per the regulations contained in Kerala Electricity Supply Code 2014. The reason furnished by the respondent for the non-taking of meter reading is “Gate Lock” and issued bills furnishing “Door Lock”. It is not proper to issue electricity consumption bills for a continuous period without trying to take reading as per rules.

Regulation 110 of Kerala Electricity Supply Code 2014 says: -

110 (1) The meter shall regularly be read once in every billing cycle and on special reading occasions.

110(11): In case, for any reason, the meter is not read during a billing cycle, the licensee shall prepare a provisional bill based on the average consumption of previous three billing cycles when readings were taken.

110(12): Such provisional billing shall not continue for more than two billing cycles at a stretch, and the licensee shall not generate more than two provisional bills for a consumer during one financial year.

Here the respondent violated the above regulation 110 (1) and 110 (12).

It is the responsibility of the officers entrusted by the Licensee to act in accordance with relevant rules and regulations. At the same time, a consumer is liable to remit the bill amount for the energy consumed. In this case, the appellant has no dispute in the accuracy of the energy meter and never filed a complaint before the respondent for the testing of the meter. The meter was also replaced with another meter with advanced features.

Decision: -

From the analysis done above and the conclusions arrived at, the appellant’s plea to quash the bill is rejected and this Authority uphold the decision taken by the CGRF, Southern Region in OP No.57/2020 dated 21.12.2020.

The appeal is found devoid of merits and hence, dismissed. No surcharge or interest shall be collected from the appellant for the petition pending period before the CGRF and appeal petition before this Authority.

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

ELECTRICITY OMBUDSMAN

P/010/2021/ _____ dated _____.

Delivered to:

1. Sri. Radhakrishnan Vandothra, Vandothra, Alamthuruth P.O., Thiruvalla, Pathanamthitta Dist. 689113
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Thengana, Kottayam Dist.

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.