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**APPEAL PETITION No. P/030/2021**  
**(Present: A.S. Dasappan)**  
**Dated: 08<sup>th</sup> October 2021**

Appellant : Sri. K.R. Bhoodesh  
Ambadi, Pulimath,  
Kilimanoor,  
Thiruvananthapuram - 695601.

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

**ORDER**

**Background of the case:**

The appellant is a Low Tension (LT) consumer of Electrical Section, Kattakkada with consumer number 11455 23021730 having the tariff category of LT IVA. The connected load in the premises is 112 kW and Contract Demand 95 kVA and the billing is being done under 'ToD' system. The electricity bills issued to the appellant for the month of August 2020 and September 2020 are under dispute since the appellant suspected the bills are not in order and against the rules. The appellant approached Consumer Grievance Redressal Forum(CGRF), Southern Region, Kottarakkara with a petition on the subject vide OP No.104/2020 and the Forum in its order dated 20-03-2021 closed the petition directing the respondent "to furnish any further details regarding the bills issued to the petitioner as and when required, without any lapse".

Not satisfied with the order of the Forum, the appellant filed this appeal petition before this Authority.

**Arguments of the appellant:**

Some discrepancies are found in monthly bill for 09/2020, about which the appellant had complained on 05-10-2020 with the KSEB., but no information received till now. Subsequently, bills from 08/2020 were verified and found that all the bills from 08/2020 are erroneous as follows.

**1. Bill No. 4552200815714 for 08/2020**

a) Demand charge is found as Rs.21,930/- for RMD 81 kVA. Rate for demand is only Rs.170/- per kVA, actual demand charge is only Rs.13,770/-. But it is found in the order of the CGRF that KSEB has taken MD as 129 kVA, which is obtained from the faulty meter, during changing the faulty meter. Assistant Executive Engineer himself has stated that he used this figure obtained from the faulty meter for billing.

b) Meter readings are found as zero, but consumption is found recorded without any reference. AEE states that this is due to door lock status; but appellant never locked the factory during the whole year.

**2.** Two bills were found for the month of 09/2020, issued on the same day — 18-09-2020, reason for which is not known.

**i) Bill no. 4552200913527 for 09/2020**

a) All initial readings are recorded as zero, but consumptions are recorded without any reference. Subsequently, during hearing in CGRF, AEE clarifies that, this is average bill. But detailed calculation is not furnished, even after directions from CGRF.

b) RMD as per bill is 60 kVA for zone 1. The theoretical maximum value of energy units that can be consumed in this zone with this MD, assuming this maximum demand continued uninterruptedly for every second of the whole month, at unity pf (average pf is only 0.86), for the month of 9/2020 is,  $60 \times 30 \times 12$ , which comes to only 21600 units. But consumption as per bill is 35427 units, which is technically impossible.

**ii) Bill no. 4552200913529 for 09/2020**

- a) This duplicate bill for the same period, on the same bill date, contain an energy charge of Rs. 162380.60, and pf penalty Rs.8264.98, without any meter reading and without any kVA demand, and without any valid computation details.
- b) It is to be noted that amount of bill (i) is shown as arrear in bill ii), and, amount of bill ii) is shown as arrear in bill (i).

**3.** The above bill i), is presently found manipulated in the website, which is a deliberate attempt to conceal the irregularities in the original bill. However, this futile attempt made the bill more erroneous. In this bill, final reading is changed as 2010, (previous reading being 2165) might be to match with bill for next month, and all consumptions are marked as "Nil". Even with these deliberate manipulations on the published document in the official website of KSEBL, bill amount is kept same as that in the previous version. Another serious irregularity happened due to the above action is that bill amount for the next month (10/2020) has appeared as arrear in this bill dated 18-09-2020. AEE informed in the above hearing that 'bill is revised accordingly to suit this change from 2010 to 2165. But no bill is found revised.

**4.** Bill ii) above, dated 18-09-2020, presently contain bill amount for 10/2020.

**5. Bill No. 4552201018185 for 10/2020**

Final reading for zone 1 energy of 09/2020 is found as 2165, on bill for 09/2020, before subsequent manipulation. But initial reading on bill for next month, 10/2020, is recorded as 2010, instead of 2165. Hence bill for 10/2020 is to be corrected.

Even though the appellant had informed all these irregularities before the CGRF, the CGRF advised the appellant to contact the AEE in person and to sort out the issues. Subsequently, the appellant's representative met the AEE at his office on 01-03-2021, and informed the issues in detail, and a written complaint was also submitted. But the AEE neither revised the bill nor informed outcome of the personal hearing.

The above irregularities happened due to gross negligence and irresponsibility on the part of licensee, which is nothing less than consumer harassment. It is submitted that all the above bills may kindly be quashed and the licensee may be directed to issue proper bills for the months 8,9 and 10 of 2020.

It is submitted that suitable corrective actions may be initiated against such irresponsible officials of the licensee, to protect helpless consumers like the appellant.

**Arguments of the respondent:**

1. Bill No.455220015714 for 8/2020

(a) The meter of the appellant was changed on 17/07/2020. During 8/2020 door lock bill was issued to the appellant. At the time of changing the meter, the recorded maximum demand is 129 kVA, which is above the contract demand. The contract demand of the appellant is 95 kVA. So, 150% is charged for  $129-95=34$  kVA. The total demand charge is  $(129*70+34*170/2) = (21930+2890)$ .

(b) Since door lock bill was issued the readings are found as zero.

2. Two bills are issued for the month 9/2020. One is the normal bill for the month 9/2020 and other is the door lock adjustment bill for the month 8/2020.

(i) Bill No.4552200913527 for 9/2020

(a) This is the normal bill for the month of 9/2020. The initial reading in the bill is recorded as zero, which is the initial reading in the meter when the meter was changed on 17/07/2020.

(b) The reading in zone one during 9/2020 is 2010 (but it is wrongly shown as 2165 due to clerical error and it is corrected as 2010), which is the consumption from 17/07/2020 to 18/09/2020. It is divided into two for the month 8/2020 and 9/2020 by taking proportionate consumption. The total consumption is  $2010*30=60300$ .

(ii) Bill No.4552200913529 for 9/2020

(a) This is the door lock adjustment bill for the month of 08/2020. Amount 28264.98 is the power factor penalty.

(b) The actual arrear is shown in the bill.

3. The argument of manipulation is against facts. This is the normal procedure of the bill adjustment by the system in the subsequent month after the door lock bill is issued. Since it is a door lock adjustment bill, the consumptions are marked as "NI".

4. Bill No. 4552200913529 for 9/2020 does not contain bill amount for 10/2020. The reading noted in zone 1 of the bill is 2165, which is due to clerical error. The actual reading was 2010. The bill for the month 9/2020 was issued based on the final reading as 2010 and bill for the month 10/2020 was issued based on the initial reading as 2010.

5. The actual final reading for zone 1 of 9/2020 is 2010. So, the issued bill is correct.

In view of the doubts expressed by the appellant, Board is ready to revise the bills for the above months with the actual readings on first day of every month. For this the readings are downloaded with the help of TMR authorities. As per downloaded data, the bills for the months 8/2020, 9/2020, 10/2020 and 11/2020 are 24, 32, 596/-, 223, 153/-, 273, 644/- and 293, 521/- respectively.

The respondent requested for the dismissal of the appeal petition.

### **Analysis & Findings:**

An online hearing of the case was conducted at 11-30 AM on 02-09-2021 with prior intimation to the appellant and the respondent. Sri. Shaji. Peter Kallada attended the hearing for the appellant and Sri. Jyothiraj, Assistant Executive Engineer, Electrical Subdivision, Kattakkada 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 is a consumer with monthly billing system under 'ToD' tariff. The connected load in the premises is 112 kW and the Contract Demand is 95 kVA. The normal billing pattern for demand charge is realization of 75% of Contract Demand i.e. for 72 kVA or the maximum demand recorded in each month, whichever is higher. If the recorded maximum demand is more than the Contract Demand, the excess over Contract Demand will be charged at higher rate fixed by the Hon'ble KSERC in the tariff revision. In the appeal petition, the appellant has doubts in the monthly bills issued for the months 08/2020, 09/2020 and 10/2020 after the replacement of the energy meter in the appellants premises.

The argument of the appellant is as follows: -

The demand charge mentioned in the electricity bill for the month of 08/2020 is Rs.21,930/-, which is for the demand 129 kVA recorded in the meter which was replaced. The actual demand charge is only Rs.13,770/-. In the month of 09/2020, the respondent had taken 35427 units for the billing which is no correct. Another bill was also issued in the month of 09/2020 showing Rs.1,62,380/- as energy charge and a penalty for Rs.8,264/-. Without taking meter reading for the month of 10/2020, the initial reading is taken for arriving at the consumption is 2010 units, but the final reading of the same meter in 09/2020 is seen furnished as 2165 units. There are some manipulations in the meter reading and the appellant wants to clear the doubts regarding the demand charge and energy charge for the months 08/2020, 09/2020 and 10/2020.

But the respondent argued as below: -

The meter in the premises was changed on 17-07-2020, and the bill was issued for a recorded maximum demand for 129 kVA, which was recorded in the meter while changing the meter. The two bills issued in 09/2020, one is the usual bill and the other is the door lock adjustment bill for 08/2020. The meter reading of 2165 used for billing 09/2020 is not correct and 2010 is the actual reading. The respondent requests to allow the appeal petition in favour of the Licensee.

This Authority verified the meter reading of the energy meter provided in the appellant's premises, which is furnished below: -

Meter reading details and consumption from 02-12-2019 to 01-03-2021

Billing month	Date of Meter reading	Meter Reading			(Multiplication Factor = 30) Consumption (kwh)			RMD with zone (kVA)
		Normal	Peak	Off-peak	Normal	Peak	Off-peak	
01/2020	13-01-2020	11000	204	241				88
02/2020	06-02-2020	11456	208	248	13680	120	210	100
03/2020	04-03-2020	11635	211	252	5370	90	120	32
04/2020	01-04-2020	11635	211	252	-	-	-	32
05/2020	02-05-2020	11653	217	261	540	180	270	4
06/2020	01-06-2020	11770	220	266	3510	90	150	67
07/2020	10-07-2020	12026	224	272	7680	120	180	58
17-07-2020		Meter Change						
		(in the old meter)						
		12115	226	275	2670	60	90	129
New meter	17-07-2020	0	0	0	-	-	-	0
	21-08-2020	0	0	0	-	-	-	0
09/2020	18-09-2020	2010	8	9	60300	240	270	81
10/2020	23-10-2020	2590	17	24	17400	270	450	81
11/2020	02-11-2020	2704	19	26	3420	60	60	93
12/2020	11-12-2020	3077	24	34	11190	150	240	93
01/2021	04-01-2021	3485	29	41	12240	150	210	78
02/2021	01-02-2021	3853	36	49	11040	210	240	87
03/2021	01-03-2021	4226	41	56	11190	150	210	36

On analyzing the meter reading details from 01/2020 to 03/2021, the following observations are made by this Authority.

The total consumption in the premises from 01-06-2020 to 10-07-2020 is 7980 units. The meter was changed on 17-07-2020 and the total consumption from 10-07-2020 to 17-07-2020 is 2820 units. The maximum demand recorded in between 01-06-2020 and 10-07-2020 is 58 kVA. The respondent is unaware of the reason for which the energy meter was replaced on 17-07-2020. There is no remarks about defectiveness, if any, for the meter. The respondent had not conducted any testing on the meter for its accuracy or no site mahazar was prepared while changing the meter. The maximum demand recorded in the meter in between 10-07-2020 and 17-07-2020 is 129 kVA. It is pertinent to note that the connected load in the premises is 125 kVA (112 kW) and Contract

Demand is 95 kVA. The appellant had taken 129 kVA as billing demand for the month of 08/2020. In the meter reading details the initial reading of the new meter on 17-07-2020 is seen as 'zero' and also reading was not taken in 08/2020. But the electricity bill was issued on 21-08-2020 stating the status of meter reading "Door Lock". The demand charge is calculated for 129 kVA, the Recorded Maximum Demand furnished in the reading details of the meter, which was replaced on 17-07-2020. It is to be noted that 129 kVA is the highest in the verified period of maximum demand and hence, it is not a convincing figure.

The respondent issued two electricity bills for the month of 09/2020 on the same date 18-09-2020 with same due date.

Details of 1<sup>st</sup> bill dated 18-09-2020

Kwh Normal	-	2010 units x 30	=	60300 units
Kwh Off-peak	-	9 units x 30	=	270 units
Kwh Peak	-	8 units x 30	=	240 units
RMD	-	81 kVA		
Demand Charge	-	81 kVA x Rs.170-00	=	Rs.13,770-00
Energy charge - Normal	=	Rs.2,03,705-70	which is for	35427 units
Energy charge - Peak	=	Rs. 1,552-00	which is for	180 units
Energy charge - OFF-peak	=	Rs. 987-56	which is for	229 units

Details of 2<sup>nd</sup> bill dated 18-09-2020

Kwh Normal	=	No details
Kwh Off-peak	=	No details
Kwh Peak	=	No details
Demand Charge	=	Not furnished
Energy charge - Normal	=	Rs.1,62,380-60 which is for 28240 units
Energy charge - Peak	=	Rs. 845-25 which is for 98 units
Energy charge - OFF-peak	=	Rs. 409-68 which is for 95 units



Details of bill for 08/2020 dated 21-08-2020

Kwh Normal	-	=	29523 units
Kwh Off-peak	-	=	191 units
Kwh Peak	-	=	150 units
Demand Charge	-	Rs.21,930/- + Rs.2,890/-	which is for 129 kVA
Energy charge - Normal	=	Rs.22,730-00	which is for 3953 units
Energy charge - Peak	=	Rs. 966-00	which is for 112 units
Energy charge - Off-peak	=	Rs. 802-13	which is for 186 units

Details of bill for 10/2020 dated 23-10-2020

Kwh Normal	-	=	17400 units
Kwh Off-peak	-	=	450 units
Kwh Peak	-	=	270 units
RMD	-	81 kVA	
Demand charge	=	Rs.13,770-00	
Energy charge - Normal	=	Rs.1,00,050-80	for 17400 units
Energy charge - Peak	=	Rs. 2,328-75	for 270 units
Energy charge - Off-peak	=	Rs. 1,940-63	for 450 units

The electricity bill issued on 23-10-2020 is in accordance with the consumption recorded in the meter reading details furnished by the respondent.

The total consumption recorded in the new meter, as per the Meter Reading data, from 17-07-2020 to 23-10-2020 is 78930 units for 98 days at an average of 805 units per day. The total consumption recorded in the new meter, as per the data downloaded, from 17-07-2020 to 01-11-2020 is 82511 units for 107 days at an average of 771 units per day.

The Recorded Maximum Demand in the new meter is 83 kVA on 23-07-2020; 35 kVA on 01-08-2020; 82 kVA on 28-09-2020 and 95 kVA on 10-10-2020.

From the above analysis of meter reading details furnished by the respondent as per their office records and the meter reading data received from the meter through the process of downloading, I found that the bills prepared and issued to the appellant for the disputed months are not proper.

The respondent is unaware for which purpose the meter was changed on 17-07-2020. The bill issued with maximum demand recorded in the old meter for 129 kVA in the month of 08/2020; the dispute in the meter reading of normal period recorded in the new meter as 2010; the exorbitant consumption details on 18-09-2020, the reason for not taking monthly reading for 08/2020 and issuing of bill under "Door Lock" status, doubt in the initial reading of the new meter installed on 17-07-2020, lapses in taking meter reading in accordance with time schedule etc. show that the officials entrusted by the Licensee to do all things were not vigilant in their activities.

In brief, the appellant was given bills towards the energy charge in normal period for the month of 08/2020 is 32193 units and for the month of 09/2020 is 35427 units. Also, the demand charge billed for 08/2020 is Rs.24,820/-. As such, a review of bills issued by the respondent for 08/2020, 09/2020 and 10/2020 in the energy charge and demand charge is required.

**Decision: -**

The electricity bill dated 21-08-2020 for Rs.53,886/-, two bills for Rs.2,40,676/- and Rs.5,61,273/- dated 18-09-2020 and the bill dated 23-10-2020 for Rs.1,32,209/- are quashed.

The respondent shall revise the monthly bills issued on 21-08-2020, 18-09-2020 and 23-10-2020 for the months 08/2020, 09/2020 and 10/2020 on the basis of the average of the monthly energy consumption recorded in the meter from 02-11-2020 to 01-02-2021. The maximum demand to be taken for the billing of demand charge shall be 83 kVA for 08/2020, 82 kVA for 09/2020 and 95 kVA for 10/2020.

The respondent shall revise the bills for 08/2020, 09/2020 and 10/2020 as above and issue to the appellant within 15 days from the date of order. No surcharge or interest shall be realized in the petition pending period in CGRF, Southern Region, Kottarakkara, the appeal petition pending before this Authority and the due date fixed by the respondent for the revised bill.

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, Southern Region in OP No. 104/2020 dated 20-03-2021 is set aside. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/030/2021/\_\_\_\_\_ dated \_\_\_\_\_.

Delivered to:

1. Sri. K.R. Bhoodesh, Ambadi, Pulimath, Kilimanoor, Thiruvananthapuram - 695601.
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Kattakkada, Thiruvananthapuram.

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.