

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/047/2021**(Present: A.S. Dasappan)****Dated: 29th October 2021**

Appellant : Sri. Vidyadharan,
Kayalarikom,
Anchuthengu. P.O.,
Kadakkavoor,
Thiruvananthapuram Dist. 695309

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

ORDER**Background of the case:**

The appellant is a domestic consumer of Electrical Section, Kadakkavoor in Thiruvananthapuram District with consumer No. 1145281001262. The appellant received an electricity bill for Rs.28,117/- dated 14-10-2020 in the month of 10/2010, stating that the energy meter in the premises recorded 3919 units for a period of 4 months. The appellant filed a petition in CGRF, Southern Region vide OP No. 07/2021 and the Forum in its order dated 14-05-2021 rejected the request of the appellant for the cancellation of the bill and directed KSEB Ltd. to allow suitable instalments.

Aggrieved by the decision of the Forum, the appellant filed this appeal petition before this Authority.

Arguments of the appellant:

The single-phase electric connection of the appellant is being used for domestic purpose and the connected load is 121 watts. The average bimonthly consumption is around 20 units and that much of energy furnished

in the electricity bill is not used by the appellant. The appellant is not liable to remit the amount since meter reading was not taken properly by the respondent or the meter may be faulty. The meter was tested in the laboratory and the report is not received to the appellant and hence the appellant could not furnish remarks on the report. The request of the appellant is to cancel the bill amount issued by the respondent for Rs.28,117/-.

Arguments of the respondent:

As the area in which this premise is located had been declared as containment zone, reading of that premise was not available during 08/2020. So, system average of 20 units had been billed during that period. After that reading was taken on 14.10 2020 and showed as 3919 kWh. That means consumption of 3256 units were recorded for four months. Bimonthly 1628 units each. Due to the mismatch in registered load and consumption, billing was not possible. So, meter reader had not issued bill and reported to the Assistant Engineer. The matter had been intimated to the appellant also.

Accordingly, the accuracy of meter had been checked with a tested meter. The test meter had been installed parallel to the existing meter at that premise on 12.11.2020. When inspected on the next day (13.11.2020), both meters showed "no consumption". In order to get actual consumption, parallel meter had been installed at that premise once again on 23.11.2020. After that checked both meters on 09.12.2020, showed same reading (6 units). So, the accuracy of meter installed at that premise was found okay.

However, the meter reading history of the meter for previous six months were analysed and are as follows:

01.07.2020	681 kwh
01.08.2020	718 kwh
01.09.2020	1827 kwh
01.10.2020	3257 kwh
01.11.2020	4017 kwh
01.12.2020	4031 kwh
23.12.2020	4040 kwh

From the above readings, there is a large hike in reading from 08/2020 to 10/2020. It may be due to earth leakage from the appellant's installation during that period. This matter had been intimated to the appellant. After that, issued bill from 07/2020 to 10/2020 amounting to Rs. 28810/-.

Deducted advance paid Rs. 693/-

Net bill amount to Rs. 28117/-

But the appellant refused to pay the amount and requested to test the meter. Hence, the meter had been sent to meter testing laboratory, Thirumala for accuracy testing and downloading data. Test report showed that the errors of meter are within permissible limits and the meter is working properly.

On analysing the downloaded tamper report, earth load tamper is seen during the period from 07.08.2020 to 18.10.2020 which may be due to earth leakage from appellant's installation. Test report had been served to the appellant.

CGRF, Kottarakkara on 24.03.2021 directed the respondent to inspect the premises once again to find out any anomalies. Accordingly, the premise bearing consumer number 1145281001262 had been inspected on 26.03.2021 and prepared site mahassar. On inspection, wiring of the premises is seen as deteriorated. Earthing of the premise is also not safe due to deterioration. ELCB is not seen installed. Also, the installations and equipment are old and deteriorated. Some part of the wiring is seen renewed recently. This might had done after the earth leakage suspected during 08/2020 to 10/2020. The main switch and meter board are very old and damaged.

Notice had been issued to the appellant for rectifying the anomalies. As some part of wiring is seen renewed, the suspected earth leakage might have been rectified.

It is the responsibility of the appellant to keep the installations safe. The quantum of energy recorded in the meter due to earth leakage is to be

remitted by the appellant. Hence, necessary directions may kindly be issued to the appellant to remit the amount. Instalment facility will be allowed to remit the amount if the appellant desires to remit in instalments.

Analysis and findings:

An online hearing was conducted at 4-30 PM on 20-10-2021 with prior intimation to both the appellant and the respondent. Sri. Vidyadharan, the appellant and Smt. Sunitha. S., Assistant Executive Engineer, Electrical Subdivision, KSEB Ltd. Kadakkavoor 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 was given a notice for remittance of electricity bill on 23-12-2020 by the Assistant Engineer Electrical Section, Kadakkavoor along with the electricity bill dated 23-12-2020 for Rs.28,555/- comprising of Rs.438/- towards the current bimonthly bill amount and arrears for Rs.28,117/-. The arrear amount shown in the bill is disputed amount.

The appellant argued that the average bimonthly consumption in the premises is more or less 20 units only and the energy meter may be faulty. Though the meter was tested in the laboratory, the test report was not received. The respondent had not taken meter reading in 08/2020 and which is also a reason for the high consumption.

The argument of the respondent is that the premises meter was tested with a calibrated meter connected in parallel with the premises meter. Both meters showed the same consumption for a particular period. Besides, the meter was tested in the meter testing laboratory of KSEB Ltd. at TMR, Thirumala and found good. In the testing of the meter, it is found that the reason for exorbitant consumption as "earth leakage of electricity". As such, KSEB Ltd. is not liable to bear the cost of electricity and the appellant has to remit the amount.

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, so that both meters carry the same electric current and will measure the same energy to the premises. The test so conducted at the site reveals that the two meters are recording exactly the same quantum of energy.

The respondent had taken the meter reading in 06/2020 and next reading on 14-10-2020. The energy consumption recorded in the meter for 4 months from the date of reading in 06/2020 to 14-10-2020 is 3256 units and the difference between the meter readings in 06/2020 and 10/2020. The respondent could not take the meter reading in 08/2020.

The meter was tested at Meter Testing Laboratory of the Licensee at TMR, Thirumala and found the errors are within permissible lime and hence, good. The data of the meter was downloaded and found "earth load tamper" during the period from 07-08-2020 to 18-10-2020, which means the "earth load tamper" exists for 4 days too after the meter reading on 14-10-2020. The meter reading history also reveals that there was an exorbitant recording of energy in between 01-08-2020 and 01-11-2020.

The meter reader who took the reading on 14-10-2020 found an exorbitant reading of meter and hence, bill was not issued. The meter reader intimated the fact of high recording of energy to the Assistant Engineer and only on 12-11-2020, a test meter was installed in the premises of the appellant. But in between 14-10-2020 and 12-11-2020, the "earth load tamper" is seen vanished as per the downloaded data of the meter.

Regulation 110 of Kerala Electricity Supply Code 2014 says about "Reading of Meters",

110 (7) It shall be the duty of the employee of the licensee or the person duly authorised by the licensee for reading the meter, to check the condition of light emitting devices (LED) on electronic meters.

110 (8) In case the LED indicator for earth leakage provided in the electronic meters is found to be 'ON', he shall inform the consumer that there is leakage in the premises and advise the consumer to get the wiring checked and leakage removed.

110 (9) The employee of the licensee or the person duly authorised by the licensee for reading the meter shall also inform the concerned officials of the licensee about the leakage.

In the instant case, there is no allegation that the appellant has connected additional load. At the same time the respondent has not conducted any detailed checking in the appellant's premises to find out whether there is an earth leakage. The respondent had not prepared a site mahazar on noticing abnormal recording of energy consumption. Instead, the respondent installed a check meter to find out the accuracy of the existing meter, only on 12-11-2020, after 4 weeks from the date of reading. The data of the meter is seen downloaded on 05-02-2021.

The connected load furnished the electricity bill dated 23-12-2020 is 121 watts. A site mahazar is seen prepared by the respondent on 26-03-2021, in which the connected load is seen furnished as 89 watts.

In the detailed analysis of the case, I observe that the source of earth leakage could not be located by the respondent and there is no argument that any possibility of leakage had been brought to the notice of the appellant. The "earth leakage tamper" was scientifically collected from the meter on 05-02-2021 and only on consumption the appellant was given the bill. It is a true fact that the energy meter recorded exorbitant consumption, but how it was happened is unknown.

Since the "earth load tamper" period is in between 07-08-2020 and 18-10-2020, if the meter reading for the month of 08/2020 was taken before 07-08-2020, the meter reader could not detect any abnormal consumption. Also, it is a fact that excess energy was recorded in the meter, but that much of energy was not consumed by the appellant.

Decision: -

From the analysis done above and the conclusions arrived at, I take the following decision: -

The electricity bill issued by the respondent for Rs.28,117/- dated 14-10-2020 is quashed. The respondent is directed to issue a revised bill for Rs.14,059/- (50% of Rs.28,117/-) within 15 days from the date of this order and the appellant shall remit the amount within the due date fixed by the respondent. If the appellant wants to remit the bill amount in installments, the respondent can allow the installments as per rules.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is allowed to this extent and ordered accordingly. The order of CGRF, Southern Region in OP No. 07/2021 dated 14-05-2021 is set aside. No order on costs.

ELECTRICITY OMBUDSMAN

P/047/2021/ dated _____.

Delivered to:

1. Sri. Vidyadharan, Kayalarikom, Anchuthengu. P.O., Kadakkavoor, Thiruvananthapuram Dist. 695309
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Kadakkavoor, Thiruvananthapuram 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.