

THE STATE ELECTRICITY OMBUDSMAN

Charangattu Bhavan, Building No.38/2829,

Mamangalam-Anchumana Road,

Edappally, Kochi-682 024

www.keralaeo.org Ph: 0484 2346488, Mob: 91 9539913269Email: ombudsman.electricity@gmail.com

APPEAL PETITION No. P/051/2021**(Present: A.S. Dasappan)****Dated: 08th December, 2021**

Appellant : Sri. M. Yogidasan
Secretary,
Kandalloor Service Co-operative Bank Ltd.,
No: 2166,
Puthiyavila P.O., Kayamkulam,
Alappuzha Dist. 690531

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Kayamkulam, Alappuzha Dist.

ORDER**Background of the case:**

The appellant is a non-domestic consumer of Electrical Section, Muthukulam with consumer number 1157414008207 under the tariff category LT VIC and the premises is a Service Co-operative Bank having a connected load of 8335 watts. The appellant received a short-assessment bill for Rs.59,198/- from the Licensee stating that the energy consumption in the premises was reassessed for 2336 units in the defective period of the meter. Since the appellant had remitted another short-assessment bill for 1376 units. The appellant approached the Licensee and later filed a petition before the Consumer Grievance Redressal Forum (CGRF), Central Region for remedy. The CGRF registered the petition vide OP No. 04/2021-22 and the Forum dismissed the petition vide order dated 30-06-2021.

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

Arguments of the appellant:

The energy consumption in the premises was assessed for 1376 units/bi-month for the period from 06/2019 to 12/2019 by the Licensee with a conclusion that the energy meter was faulty from the month 06/2019 onwards. The reason behind the conclusion was the energy meter shows the same reading in 06/2019 and 08/2019. The appellant remitted the short-assessed amount so arrived at. Following an audit of accounts of the Licensee, the appellant was again a short-assessment bill for Rs.59,198/- for a reassessed consumption for 2336 units/bi-month, taking the average of the consumption for three months prior to 02/2019. The appellant's request is to cancel the reassessed amount of Rs.59,198/- since the appellant had remitted an assessed amount in the same faulty period of the meter and the assessment again and again is against rules. The appellant wants to get an order in accordance with the relevant Regulations of Kerala Electricity Supply Code 2014.

Arguments of the respondent:

Since the appellant's premises is working as a bank and its bimonthly consumption is steady and comes in the range between 2000 and 2500 units. The details of meter reading and consumption for 5 years are detailed below.

Month	Consumption (in units)	Meter reading
4/2016	2450	67353
6/2016	2548	69901
8/2016	2339	72240
10/2016	2361	74601
12/2016	2199	76800
2/2017	2452	79252
4/2017	2228	81480
6/2017	2494	83974
8/2017	2284	86258
10/2017	2158	88416
12/2017	2213	90629

2/2018	2153	92782
4/2018	2440	95222
6/2018	2402	97624
8/2018	2149	99773
10/2018	2247	102020
12/2018	2283	104303
2/2019	2478	106781
4/2019	1418	108199
6/2019	234	108433
8/2019	Av.1376	108433
10/2019	Av.1376	108433
12/2019	Av.1376 (Meter changed on 27/12/19)	108433
2/2020	2385 (av.505 + 1880)	1880
4/2020	2709	4589
6/2020	2709	7298
8/2020	2673	9971

From this, it can be seen that consumption decreases from 4/2019 (1418 units) and in 6/2019 billed only for 234 units with meter reading 108433.

From the above details, it is clear that the meter was malfunctioning from 4/2019 and got stuck in the reading 108433 in 6/2019. Only in 8/2019 meter was declared faulty and system billed with average consumption of $234+1418+2478/3 = 1376$ units in 8/2019, 10/2019 and 12/2019. Due to the shortage of three-phase meters, the faulty meter was replaced only on 27/12/2019.

The Regional Audit Office of KSEBL after perusing the records, instructed to issue short-assessment bill since the energy meter became malfunctioned and got stuck on the reading 108433. As per Regulation 125(1) of Kerala Electricity Supply Code 2014 average units to be billed in faulty period was $2478+2283+2247/3 = 2336$ units. Hence, short assessed CC from 4/2019 to 27/12/2019 was reassessed as per regulation 125 and 134 of Kerala Electricity Supply Code 2014 as detailed below.

Sl. No.	Month	Units assessed	Units to be assessed	CC to be paid	CC paid	Balance
1	4/19	1418	2336	19856	12053	7803
2	6/19	234	2336	19856	1638	18218
3	8/19	1376	2336	19856	11696	8160
4	10/19	1376	2336	19856	11696	8160
5	12/19	1376	2336	19856	11696	8160
6	4/12/19 to 27/12/19	505	895	7607.50	4292.50	3315
Total CC						53816
Duty						5381.60
Total						59198

Hence, a short assessment bill for Rs.59,198/- has been issued to the appellant as per Regulation 125 of the Kerala Electricity Supply Code 2014. In this case the meter has been gradually reducing its capacity to record the consumption. The appellant admits that there was no change in consumption in the bank except during Covid -19 pandemic situation. But first lock down in connection with Covid-19 started only in March 2020 and the bimonthly consumption recorded during this pandemic situation also clearly questions the above arguments of the appellant. Moreover, the appellant could not produce any evidence/reason for decreasing their bimonthly consumption during the period 04/2019 and 06/2019 and the recorded bimonthly consumption of the appellant during the lock down period also confirms the average bimonthly consumption arrived by KSEB Ltd. being the Licensee, for the issuance of short-assessment bill amounting Rs.59,198/- as per Regulation 125 and 134 of Kerala Electricity Supply Code 2014.

Hence, the petition may be dismissed in lime line since all the averments made by the appellant are baseless and frivolous.

Analysis and findings:

The hearing of the case was conducted on 05-11-2021 in the conference hall of KSEB Ltd., Kayamkulam. Sri. Yogidasan. M., the appellant attended the hearing and Sri. S. Biju, Assistant Executive Engineer, Electrical Subdivision,

KSEB Ltd., Kayamkulam attended the hearing from the respondent's side. On examining the appeal petition, the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached 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 appeal petition referred to the reassessment bill issued to the appellant by revising the energy consumption for the period from 04-02-2019 to 27-12-2019.

The respondent produced the consumption recorded in the meter as follows:

Consumption Period		Recorded Consumption	Remarks
From	To	(kwh)	
03-08-2018	04-10-2018	2247	
04-10-2018	04-12-2018	2283	
04-12-2018	04-02-2019	2478	
04-02-2019	03-04-2019	1418	
03-04-2019	04-06-2019	234	
04-06-2019	05-08-2019	0	Average consumption fixed 1376 units
05-08-2019	04-10-2019	0	-do- 1376 units
04-10-2019	04-12-2019	0	-do- 1376 units
04-12-2019	27-12-2019	0	-do- 505 units
Meter changed on 27-12-2019			

Here, the appellant had remitted the bimonthly bill amount for the average consumption based on the recorded consumption in the meter up to 04-06-2019.

In the meter reading history, it can be seen that the recording of consumption became standstill in between 03-04-2019 and 04-06-2019. As such, the appellant was given bimonthly bills from 04-06-2019 to 04-12-2019 for an assessed consumption of 1376 units, which is the average of the recorded energy consumption from 04-12-2018 to 04-06-2019. From 04-12-2019 to 27-12-2019, the date on which the defective meter was changed, the respondent assessed the consumption as 505 units. The appellant remitted the bill amount then and there itself.

Following the audit report prepared by the Audit wing of the Licensee after perusing the office records pertain to the consumption pattern, the appellant was issued a short-assessment bill for the period from 04-02-2019 to 27-12-2019 amounting to Rs.59,198/-. The assessed units for the preparation of the bill is 2336 units, which is the average of the three bimonthly bills prior to 04-02-2019.

The appellant argued that once the consumption in the defective period of the meter from 04-06-2019 to 27-12-2019 was assessed and the appellant remitted the amount as demanded by the Licensee. Hence, it is not proper to reassess the same period and two bi-months prior to 04-06-2019 for a higher consumption. As such, the appellant requested to exempt from further reassessment.

The respondent produced the consumption in the premises for the period from 04-2016 to 08/2020 as a proof for the consistent consumption pattern in the Bank. The bimonthly consumption varies between 2149 units and 2494 units prior to 04-02-2019. But the consumption from 04-02-2019 to 03-04-2019 and 03-04-2019 to 04-06-2019 is only 1418 units and 234 units respectively. The respondent argued that there is consistent consumption in the premises and hence, the short-assessment is to be remitted by the appellant.

On going through the document file, it can be seen that the respondent had issued bimonthly bills for recorded consumption from 04-02-2019 to 04-06-2019 and average consumption assessed from 04-06-2019 to 27-12-2019 and the bill amounts were remitted by the appellant. It is to be noted that the meter was declared as defective by the respondent on 05-08-2019 and started issuing bills for average consumption from 05-08-2019. Later the respondent issued the reassessment bill for Rs.59,198/- assuming that dip in consumption for the period from 04-02-2019 to 04-06-2019 was due to the sluggishness of the meter. The Officers entrusted by the Licensee had to find the reason for the dip in consumption before issuing the bill.

The Audit team extended the defective period of the meter for two bi-months prior to the meter became standstill. There is no material to show that the respondent had conducted any detailed checking of the appellant's meter during the disputed period from 04-02-2019 to 04-06-2019.

Regulation 125 of Kerala Electricity Supply Code 2014 contains the procedure for billing in the case of defective or damaged meter.

Regulation 125 (1) - In the case of defective or damaged meter, the consumer shall be billed on the basis of average consumption of the past three billing cycles immediately preceding the date of the meter being found or reported defective:

Provided that, the average shall be computed from the three billing cycles after the meter is replaced if required details pertaining to previous billing cycles are not available:

Provided further that any evidence given by consumer about conditions of working and occupancy of the concerned premises during the said period, which might have had a bearing on energy consumption, shall also be considered by the licensee for computing the average.

Regulation 125 (2) - Charges based on the average consumption as computed above shall be levied only for a maximum period of two billing cycles during which time the licensee shall replace the defective or damaged meter with a correct meter.

In the hearing, the appellant informed that if the reassessment is made taking the consumption from 04-10-2018 to 03-04-2019, the appellant is ready to remit the amount so arrived at.

Decision: -

From the conclusions arrived at as detailed above, I decide to quash the short-assessment bill for Rs.59,198/-. The respondent shall reassess the period from 03-04-2019 to 27-12-2019, taking the bimonthly average consumption as 2336 units and issue the bill accordingly. The period from 04-02-2019 to 03-04-2019 shall be exempted from the preparation of short-assessment bill and the recorded energy consumption shall not be taken for reassessing the energy consumption since the consumption is under dispute.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is allowed to this extent and stands disposed of as such. The order dated 30-06-2021 in OP No.04/2021-22 of CGRF, Central Region is modified as above. No order on costs.

ELECTRICITY OMBUDSMAN

P/051/2021/ _____ dated _____.

Delivered to:

1. Sri. M. Yogidasan, Secretary, Kandallor Service Co-operative Bank Ltd., No:2166, Puthiyavila P.O., Kayamkulam, Alappuzha Dist. 690531
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Kayamkulam, Alappuzha 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, CGRF-CR, 220 kV Substation Compound, KSE Board Limited, HMT Colony P.O., Kalamassery, PIN: 683 503.