

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/076/2021
(Present: A.S. Dasappan)
Dated: 15th February, 2021

Appellant : Sri. K. Lava
Managing Director
SFS Tranquill,
Kodimatha,
Kottayam Dist.

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

ORDER

Background of the case:

The appellant is a three-phase consumer of Electrical Section, KSEB Ltd., Nattakam in Kottayam Dist. with consumer number 1146271011928. The electrical connection was effected on 17-12-2018 under LT IA domestic tariff for the common facilities for the multistoried housing society premises. The connected load in the premises is 35460 watts. A grid connected solar panel having a capacity of 30 kilowatts was commissioned on 21-01-2020 through a Net meter. In the inspection conducted by the Licensee at the time of reading for the month of 03/2021, it was noticed by the officials of the Licensee that the Current Transformer (CT) connections were wrongly given such that import and export readings got interchanged. As per respondent, the Licensee sustained a revenue loss due to the improper connection by way of incorrect recording of energy export and import. In order to compensate the revenue loss, the appellant was given a short-assessment bill for Rs.2,08,904/-. Aggrieved by the decision of the Licensee, the appellant filed a petition before the Consumer Grievance Redressal Forum

(CGRF), Southern Region, Kottarakkara vide OP No.50/2021 and the Forum in its order dated 28-09-2021 issued the following:

- (1) The respondent is directed to conduct an inspection at the premises afresh with meter data downloading in the presence of the petitioner or his authorized representative strictly observing the rules laid down in the Regulation 173, 150, 51, 152 etc. of the Kerala Electricity Supply Code 2014 relating to conducting inspection and issue short assessment bill on the basis of the meter data thus, downloaded and other details.
- (2) The respondent is also directed to allow maximum eligible instalments to the petitioner for remitting the short assessment bill without any interest.

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

Arguments of the appellant:

The appellant constructed a number of apartments by name S.F.S Tranquill at Kodimatha, near Kottayam .Most of these apartments are already sold out to individual owners and they are occupying those apartments.

As per letter No BB/ES/Nattakom/2021-22 dated 6/5/2021, issued by the Assistant Engineer, Electrical Section office, Nattakom, the appellant was served with a short assessment demand notice for Rs. 2,68,904/-. According to that assessment, an inspection was conducted in the appellant's premises in the presence of the Assistant Engineer, TMR Division Outdoor Unit, Pallom and found that a 30 kW Solar power station is installed in the above connection having connected load 35460 Watts. It is further stated that there is a by directional CT meter, three HRC fuses connected to four sealed 100/5 CTs. It is further stated therein that on examining the wiring connection between meter and CTs, that the direction of energy passing through three phases are recorded in the meter and hence the export reading from Solar system to KSEB grid (2.8.0) and the import reading of energy (1.8.0) from KSEB grid to the appellant are found to be recorded in mutually reverse condition. In such circumstances the bill for the period 21.1.2020 to 15.3.2021 are revised for Rs.2,68,904/- including the solar incentive for Rs.29,929/-

The appellant heard about the alleged inspection only from the said short-assessment notice. The appellant has no idea with regard to what is happening inside the sealed meter premises as stated in the above letter. No inspection was conducted in the premises of the appellant on 15.3.2021 with information to the appellant. There is absolutely no evidence to prove that any such inspection was conducted on 15.3.2021 and that there was any such mistake in connection. The wiring connection from CT to meter was done by the KSEBL. On one fine morning the KSEBL themselves say that the said connection was wrong that too without satisfying the appellant regarding such wrong connection and correcting it in the presence of the appellant to his full satisfaction and preparing a mahazar and getting appellant's signature on it. The KSEBL simply says that a wrong connection was made by them inside their sealed meter premises and that they have corrected it without any information to the appellant and directed the to pay huge amount during the relevant period.

The appellant is not liable to pay the demanded amount. There is no authority for the licensee under law to raise such a huge demand to the appellant without conducting any inspection at the premises of the appellant and without establishing that there was wrong connection to the satisfaction of the appellant.

Section 45 of the Electricity Act 2003 clearly mandates that the charges fixed by the distribution licensee shall be in accordance with the provisions of this Act and the regulations made in this behalf by the concerned State Commission. Therefore, no demand can be raised by the Assistant Engineer to the appellant without the support of a legal provision and therefore the impugned short assessment demand for Rs.268904/- is illegal, arbitrary, unjust, unreasonable.

In the order, the Forum noticed that the respondent has stated that "the petitioner was not informed about this inspection. The inspection was only a routine one to ensure the correctness of the meter. Since no anomalies were detected from the part of the petitioner, site mahazer was not got signed by the petitioner. The only anomaly found was attributable to the licensee". The Forum found that the appellant is not informed of the inspection conducted at his premises or the rectification of wrong connection. The signature of the appellant or

his employee or representative not received in mahazer. Copy of mahazer was not served to the appellant or his representative under proper acknowledgment.

So far, the Forum is correct. Instead of setting aside the short assessment demand, the Forum then made the following observations about which the appellant is seriously aggrieved. The Forum is of opinion that an inspection at the premises should be conducted afresh including data downloading with the help of TMR unit in the presence of the appellant or his authorized representative strictly adhering to the provisions of contained in the above noted Regulation 173 as well as other Regulations such as Regulation 150,151,152 etc of the Kerala Electricity Supply Code relevant to conduct an inspection in the premises and the short assessment bill shall be issued on the basis of the downloaded meter data and other findings so obtained and held so along with a direction to allow maximum instalment facility to pay the amount.

Without the detection of an anomaly attributable to the licensee in the inspection to the satisfaction of the appellant, the appellant is not legally bound to pay any short assessment so issued. This aspect was not considered by the Forum while issuing the final order. The detection of anomaly inside the meter if any is to be done by the licensee to the satisfaction of the appellant in his presence. The Forum therefore went wrong in issuing a direction to conduct fresh inspection and issue short assessment bill on the basis of downloaded data.

Arguments of the Respondent:

On 21.01.2020, a grid connected solar plant of 30KW capacity was commissioned and connected to the grid through a Net meter which was bought and tested by the consumer on his own expense. Prior to the solar installation, the average monthly bill of the appellant was Rs.40,000/- and it decreased to a minimum charge of Rs.150/- after commissioning of the solar plant. Only a minimum charge of Rs.150/- was demanded for billing during the period from 01/2020 to 03/2021.

Incidentally upon checking this meter during routine monthly meter reading on 03/2021. it was noticed that the import & export headings are interchanged. Hence with the help of Pallom TMR unit, the meter and CT connection were

inspected. It was found that the CT connections were wrongly given such that import & export readings got interchanged. To further confirm this, the TMR unit downloaded the meter data and it was found that the solar generation units and units from KSEBL grid are interchanged.

It can be seen in the download data, the meter can be programmed to record readings under 8 TOD zones out of which KSEBL uses only three viz. *Normal (6am to 6pm)*, *Peak (6pm to 10pm)* and *Off Peak (10pm to 6am)*. Being a domestic connection, we use only Active import (*Active(I)*) and Active export (*Active (E)*) which are being recorded as Param 1 and Param 2 respectively for Licensee's purpose.

The term import and export are with respect to the consumer, i.e., the energy used by the consumer from KSEBL grid is said to be imported and energy injected onto the grid is said to be exported. Zone 2 and 3 spanning from 6pm to 6 am is mostly without sunlight and has very little production which gets used up in the consumer premises itself being a common area of the housing flat. So, there could be zero export during this period. The effect can be seen clearly in the meter history downloaded. Energy is seen exported by the customer during all three zones where as in actual case it is not possible from a solar plant during zone 2 and 3 spanning from 6pm to 6am.

To analyse the meter wiring, it may be noted that the current flow through meter for the appellant must be mostly:

From consumer premises to KSEB grid during Zone 1 (Normal), whereas From KSEB grid to consumer premises during Zones 2 & 3 (Peak and off peak)

In this case, the connection got interchanged there by import details got recorded as export and vice-versa.

This along with clear indications in meter data, further confirms that there was a reversing in the metering circuit resulting in reverse consumption recording. This defect in CT connection was rectified with immediate effect on 15-3-2021 itself. After the correction of the CT connections, the bills generated were found to be averaged at Rs.20,000/-. That the bill used to be of the order of only Rs 150/- previously further substantiates the error in meter wiring and its subsequent correction.

As no abnormalities had been found from the appellant's side and as this was a mistake from the part of the Licensee, no extra charges or penalty were levied and the billing was done based on Kerala Electricity Supply Code 2014 Clause 152 (1), (2) and (3). Accordingly, a short assessment bill amount of Rs. 2,68,904/- was issued to the appellant on 06.05.2021.

During the period from 02/2021 to 03/2021, the unbilled imported energy volume is 27500 units. Correspondingly the amount claimed at normal rate @7.90 was Rs.2,17,250/- as energy charge and 10% duty charge of Rs.21,725/-. Also, with wrong data on export, the banked units during the period 02/2020 to 10/2020 was 10180 for which the paid solar incentive from the office was Rs.29,929/-. So put together, a total amount of Rs. 2,68,904/- was demanded.

The appellant was issued the short assessment bill on 06-05-2021 and the appellant requested on 27.05,2021 to grant 10 days additional time to remit this bill which was granted. On 28.05.2021, the appellant has given an objection letter against this bill.

The appellant was not informed prior to the inspection being a routine one to check the correctness of the meter. All the activities such as meter inspection and correction were carried out on 15-03-2021 in the presence and by convincing of the appellant's representative, Sri Sam Jacob, Property Manager. Signed inspection report/ mahazar was counted non-essential since the anomalies were not from the part of the appellant. The only anomaly found was attributable to the licensee and as per clause 152 of Electricity Supply Code 2014 no penalty / extra charges levied in this regard. However, with respect to evidence of the matter, it is submitted that the rationale detailed above substantiates the same. Further the recorded data downloaded also stands in tune with this. The procedural lapse of not obtaining the signature of the appellant's representative in no way negates the credibility of evidences cited above.

The CGRF finding solid evidences, upheld the assessment, while ordering to repeat the downloading of meter history in the presence of the appellant and to issue short assessment bill based on the data thus down loaded. This was possible as the energy meter at the appellant's premises remained same even then. The

documents were delivered to the appellant through registered post as his agent at Kottayam was not willing to receive the same by hand.

The data thus downloaded was is absolute agreement with that downloaded on 15-03-2021, again establishing the basis of short assessment bill already issued.

Taking into the consideration the valid grounds upon which the short assessment bill was issued, i.e., against the energy clearly proved to be consumed by the party from KSEBL grid, it is prayed that the Electricity Ombudsman may dismiss the petition and direct the appellant to remit the bill amount.

Analysis and findings:

An online hearing of the case was conducted on 27-01-2022 with prior intimation to both the appellant and the respondent. Sri. Jose. J. Matheikal attended the hearing for the appellant and Sri. Mathew Jacob, Assistant Executive Engineer, Electrical Subdivision, Pallom 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 grievance of the appellant is regarding the revision of the electricity bill for the period from 21-01-2020 to 15-03-2021 for Rs.2,38,975/- along with solar incentive of Rs.29,929/- following the detection of defect in the metering system provided in the premises. The appellant's premises is connected with two different sources of energy, one from the KSEB Ltd.'s side and other from the solar panel system installed by the appellant. The metering system has provision to record import energy when the appellant's demand is more than the energy generated by the solar system and to record export energy when the appellant's demand is less than the energy generated by the solar system. The detected reason of the recalculation of the energy is the interchanging of connections in the metering system, which led to the interchange of 'import' energy and export energy.

The appellant argued that no inspection was conducted in the premises of the appellant on 15-03-2021 and there is no proof that there was any mistake in connection. The wiring of the meter connection was done by KSEB Ltd. The Licensee has no proof that there was any mistake in connection. The Licensee has no power to issue a huge bill without conducting any inspection and without convincing the defect in the metering system to the appellant.

According to the respondent, the TMR unit of KSEB Ltd. downloaded data from the energy meter and found that the solar generator units and units from KSEB Ltd. grid are interchanged. The inspection in the premises was conducted in presence of the representative of the appellant. The quantum of energy supplied by KSEB Ltd. was not assessed correctly due to the incorrect connection in the metering system and hence, the revised assessment in the energy consumption was done.

On perusing the document file, it is revealed the following:

A site mahazar dated 15-03-2021 was prepared by the inspection team, explaining the reason for the recalculation of the energy consumption and the revision of the electricity bill. The detected defect in the metering system is the reversal of the CT connection. The grid connected solar plant having a capacity of 30 kW was installed in the premises of the appellant and commissioned on 21-01-2020. Prior to the metering under ToD system, the consumption in the premises varies from 1540 units to 3660 units for the period from 01/2019 to 04/2019. In the ToD metering system and prior to the commissioning of solar system, the energy consumption varies between 400 units and 1140 units in peak hours, 1500 units and 3060 units in normal hours and 400 units to 1080 units in OFF peak hours for the period from 08-05-2019 to 21-01-2020. But, after the commissioning of solar system on 21-01-2020, there is no import of energy in peak and OFF-peak period and the import energy varies between 1080 units and 2480 units in normal hours for the period from 06-02-2020 to 01-03-2021. At the same time during this period, export energy is seen varied in between 2140 units and 5400 units. It is pertinent to note that, there is no import of energy in peak and OFF-peak hours and there is import of energy during the normal period started

from 6 AM to 6 PM. As such, the data reveals that there is some defects in the metering system. After the rectification of the defects in the metering system, there is import of energy in 'Normal, Peak and OFF-peak' hours and export energy was considerably reduced.

From the above, this Authority observed that the metering system was wrongly connected and which was set right on 15-03-2021. The downloaded data of the meter is a proof for the incorrect metering system. Hence, the appellant is liable to remit the revised bill amount.

Decision:

From the analysis done above and the findings and conclusions arrived at, this Authority takes the following decision:

The appeal petition filed by the appellant is dismissed. The order of CGRF, Southern Region, Kottarakkara in OP No.50/2021 dated 28-09-2021 is upheld.

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

ELECTRICITY OMBUDSMAN

P/076/2021/_____ dated _____.

Delivered to:

1. Sri. K. Lava, Managing Director, SFS Tranquill, Kodimatha, Kottayam Dist.
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Pallom, 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.