

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 9539913269

Email: ombudsman.electricity@gmail.com

APPEAL PETITION No. P/075/2021**(Present: A.S. Dasappan)****Dated: 25th February, 2022**

Appellant : Sri. Suresh Babu,
Konnarikunnathil,
Kuriannoor,
Kozhenchery,
Pathanamthitta Dist. 689550

Respondent : Asst. Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Kozhenchery, Pathanamthitta Dist.

ORDER**Background of the case:**

The appellant is a consumer of Electrical Section, KSEB Ltd., Ayroor with consumer number 1146087010692 under LT IA tariff. The connected load in the premises having three-phase connection is 19970 watts. The appellant received the electricity bill dated 10-03-2020 for Rs.82,766/- and remitted following the disconnection notice dated 20-10-2020. Later, the appellant received a demand notice for Rs.28,348/- being the surcharge and hence, approached Consumer Grievance Redressal Forum (CGRF), Southern Region, Kottarakkara vide OP No.112/2020, seeking electricity bill for actual consumption or for an average consumption. The Forum in its order dated 17-04-2021 decided to dispose the petition as follows:

- (1) The petitioner is liable to pay the bill of Rs.82,393/-.

- (2) The respondent is directed to allow suitable instalments to the petitioner, if the petitioner desires for making payment of the bill.
- (3) The respondent is also directed to take necessary disciplinary action against the concerned officials who were involved in the occurrence of the above lapse and take corrective measures in the functioning of the office of the Licensee for strict adherence to rules and regulations thereby avoiding such instances in future.

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

Arguments of the appellant:

The usual monthly electricity bill received as on the month 01/2020 was remitted by the appellant. But the appellant received a bill for Rs.82,766/- dated 10-03-2020 and on the same day, the bill was revised to Rs.77,563/-. The appellant has not used this much of energy in the house and which was happened due to the lapses of the employees of KSEB Ltd. The officials of KSEB Ltd. Intimated that there was error in preparing the bill and which would be corrected, but the appellant has not received the corrected bill. After that the appellant received a disconnection notice dated 20-10-2020 demanding Rs.1,03,072/- comprising of Rs.82,766/- and its surcharge. In continuation, the appellant remitted Rs.82,766/- for avoiding disconnection and later received a demand notice for Rs.28,348/-. The appellant wants to revise the bill for Rs.82,766/- and to cancel Rs.28,348/- and to initiate disciplinary action against the concerned officials of the Licensee.

Arguments of the respondent:

The appellant has approached before Ombudsman against an order dated 17.04.2021 of the Consumer Grievance Redressal Forum (South) in OP No. 112/2020 i.e., after expiring of 215 days. As per Regulation 21 (2) of Consumer Grievance Redressal Forum and Ombudsman Regulations 2005, any complaint against the order of Consumer Grievance Redressal Forum is

to be filed within 30 days from the date of order. In this case the Consumer Grievance Redressal Forum had disposed of the matter on 17.04.2021. Moreover, the appellant has informed to the officials of Kerala State Electricity Board Limited that he has to file Appeal before Ombudsman soon. The appellant purposefully not mentioned the above fact before this Ombudsman for evading the delay occurred in filing Appeal. As such the present Appeal Petition is hopelessly barred by limitation and the Appeal Petition is liable to be dismissed on the said ground alone. Moreover, the present Appeal Petition is filed not in a proper form and procedures.

The appellant has no statutory right to file a complaint before Ombudsman as stated in the complaint. However, with due respect, the following facts are submitted.

The appellant was served with an intimation cum disconnection notice on 01.01.2021 for Rs.1,19,550/- which includes CC arrear from 03.2019 to 03.2020, CC arrear from 05.2020 to 11.2020. The tariff change to the appellant, from 6F (construction purpose to domestic) was effected on 12.07.2018 and connected load and phase change effected from 20.07.2018. As per the billing cycle, the reading was to be taken during 09.2018, but due to flood in the area, the reading was taken in 11.2018 only and the bill amount Rs.12,857/- for the consumption of 1634 units during the billing cycles 09.18 and 11.18 issued and paid by the appellant. The consumption in 01.2019 was 1326 units (Final Reading 2965). The appellant's premise was not accessible for taking reading during 03/2019 to 09/2019.

During the billing cycles of 11/2019 and 01/2020, the meter reader recorded the reading from the wrong zone (Zone-1) of the TOD meter and thereby issued lesser bills on system calculated average. The initial reading on 03/2019 was 2965 and final reading on 03/2020 was 14642 i.e., 11677 units were consumed from 03.2019 to 03.2020 (seven billing cycles) with an average consumption of 1668 unit per billing cycle. The bills from 03.2019 to 03.2020 were revised with above average consumption having total bill amount of Rs.82,766/-. The demand cum disconnection notice dated 10.03.2020 for Rs.82,766/ was revised on the same day for 8842 units consumption, which amounts to Rs.77,563/- in the pretext that FR taken on

01.2020 is correct. (FR on 03/2020 is 14642 and FR on 01.2020 is 5800, which is zone-1 reading). Aggrieved by this the appellant approached before CGRF.

Regulation 134 (1): "Undercharged bills": if the licensee establishment either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill.

As per the quoted regulation, the appellant is liable to pay the bill served and subsequent bills along with applicable surcharge.

The accuracy of the meter was verified by installing additional meter in series with the existing meter and both were found recording the same consumption for same period. In addition to that, the data from the energy meter at the appellant premise was downloaded with the help of TMR, Thirumala and the final reading in 01.2020 was obtained as 12784. The initial reading for 03.2020 was 2965 and correspondingly recorded a consumption of 9819 units for six billing cycles with an average bimonthly consumption of 1637 units. Based on the downloaded data, bill for the disputed period from 03/2019 to 03/2020 were recalculated. The appellant has not remitted current charge from 05/2020 onwards and hence, the appellant has been served with arrear cum disconnection notice with detailed calculation statement on 01.01.2021. Aggrieved by this, the appellant filed OP No.112/2020 before CGRF. The Forum in its order dated 17.04.2021 quashed the petition of the appellant and upheld the right of the KSEBL to collect the amount.

The appellant was served with disconnection notice on 24.04.2021 by the Assistant Engineer, Electrical section, Ayroor, as per regulation 139 (2) of the Supply Code 2014 with a time limit of 15 days quoting the order of CGRF. On 23.04.21 itself, the appellant conveyed to the Assistant Engineer, Electrical section, Ayroor, his decision to file appeal. Again on 30.04.21, the Appellant was asked to produce proof of appeal if any filed.

In the meanwhile, KSEBL imposed moratorium on disconnection of supply to defaulted consumers and hence the Appellant also got its benefit. On 14.09.21 after the expiry of the moratorium, a disconnection notice was served to remit Rs.1,10,720/- including bimonthly charge for 09.21 with a notice period of 21 days. Accepting the order of CGRF, the appellant remitted Rs.41,000/- on 07.10.21, and balance amount of Rs.40,941/- on 21.10.21.

Demand cum disconnection notice amounting to Rs.28,348/- was served to the appellant on 08.11.21, which includes Rs.7,453/- as charge for the billing month of 11/21 and arrear amount of Rs.20,837/-, which is payable by the appellant as per regulation 122 and 123 of Kerala Electricity Supply Code 2014. There is no valid reason for the appellant to demand the revival of bill amount Rs.82,393/- and regular' bill amounting to Rs.28,348/-. The bills served by the Kerala State Electricity Board Limited is correct and as per rules and hence the petition/Appeal filed by the appellant may be dismissed.

The appellant has been given adequate time to file appeal before the Appellate fora, but the appellant tried to delay the defaulted payment by utilising the relaxation given to common public. Prima Facie the appeal is barred by 'Limitation' and hence, may be dismissed in limine.

Analysis and findings:

An online hearing was conducted at 11-15 AM on 27-01-2022 with prior intimation to both the appellant and the respondent. Sri. Suresh Babu, the appellant and Sri. T. Shibu, Assistant Executive Engineer, Electrical Subdivision, KSEB Ltd., Kozhenchery attended from the respondent's side. 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 requirement of the appellant in this appeal petition is to grant relaxation in the electricity bill amount for Rs.82,766/-, to withdraw the bill including interest for Rs.28,348/- and to initiate disciplinary action against

the employees, who issued the incorrect bills. Though the order was issued by the CGRF, Southern Region on 17-04-2021, the appellant filed the appeal petition only on 22-11-2021.

The argument of the appellant in this appeal petition is as follows:

Though the appellant had remitted the usual electricity bills, received a bill for Rs.82,766/- on 10-03-2020. The quantum of energy stated in this bill was not used by the appellant. The KSEB Ltd. officials have already admitted that there was mistake on their part in billing the appellant.

The arguments of the respondent are as follows:

The meter reading in the premises could not be taken by the respondent in 09/2018 due to flood and which was taken in 11/2018. The appellant's premises was not accessible for taking meter reading for the period from 03/2019 to 09/2019. Since the meter reader made mistakes in taking and entering the meter readings for 11/2019 and 01/2020, the appellant was given bills for lesser consumption. But the reading in 03/2020 was correctly taken and issued short assessment bill. The short assessment bill issued is correct and confirmed with the consumption obtained from the history of the meter by downloading the data of the meter.

On examining the document file, it is observed the following:

On 14-09-2021, the respondent issued a disconnection notice, intimating the amount to be remitted by the appellant for Rs.1,10,720/- consisting of Rs.91,221/- towards arrears for the period from 05/2020 and Rs.19,499/- towards surcharge. Another disconnection notice is seen issued on 01-01-2021, intimating the energy charge arrear from 03/2019 to 11/2020 and its surcharge Rs.10,238/- having a total of Rs.1,19,550/-. Moreover, on 01-01-2021, the respondent revised the electricity bill from 03/2019 to 03/2020 for Rs.82,393/- and from 05/2020 to 11/2020 for Rs.26,919/- and intimated the appellant.

This was done on the basis of the data downloaded from the energy meter by the TMR unit.

This Authority verified the meter readings for the period from 20-07-2018 to 08-01-2022.

Date of reading	Meter Reading	Energy Consumption (kwh)	Date of reading	Meter Reading	Energy Consumption (kwh)
20-07-2018	5	-	12-05-2020	15668	1026
08-08-2018	5	-	07-07-2020	16376	708
14-11-2018	1639	1634	07-09-2020	17115	739
14-01-2019	2965	1326	07-11-2020	17887	772
11-03-2019	2965	-	07-01-2021	18739	852
09-05-2019	2965	-	07-03-2021	19441	702
12-07-2019	2965	-	07-05-2021	20386	945
09-09-2019	2965	-	07-07-2021	21330	944
08-11-2019	4560	1595	07-09-2021	22450	1120
10-01-2020	5800	1240	08-11-2021	23371	921
10-03-2020	14642	8842	08-01-2022	24924	1553

From the meter reading history, it can be seen that the total consumption for the period from 20-07-2018 to 10-03-2020 is 14637 units. The appellant had remitted electricity bills for a portion of the energy consumption without any dispute and another portion with dispute. The meter reading after 10-03-2020 is seen properly entered and the bimonthly consumption is in between 702 units and 15653 units. On analyzing the consumption pattern, the appellant had remitted the bill amount prior to the period under dispute. The respondent had scientifically obtained consumption history by downloading the data of the meter and revised the bills accordingly.

In this case, the appellant has no dispute in the accuracy of the energy meter and hence, is liable to remit the bill amount for the energy consumption recorded in the meter. The respondent made lapses in taking the meter reading of the premises, applying relevant regulations in Kerala Electricity Supply Code 2014. As per appellant, the energy meter was accessible for taking the meter reading. Regulation 111 of Kerala Electricity Supply Code 2014 says about the “Consequences of making the meter inaccessible for reading”. In this case, the respondent had taken meter readings from 08-11-2019 to 08-01-2022 continuously and hence, the argument of the respondent that the meter was inaccessible for taking meter reading is not sustainable.

This Authority is not empowered for initiating disciplinary action against the employees of the Licensee and for which the appellant can approach Senior Officials of the Licensee.

Decision: -

From the analysis and conclusions arrived at as above, it is decided to reject the appeal petition filed by the appellant. Since the appellant has no dispute in the accuracy of the meter installed in the premises of the appellant, the appellant is liable to remit the electricity bill amount.

Having concluded and decided as above, it is ordered accordingly. The order of CGRF, Southern Region, Kottarakkara in OP No:112/2020 dated 17-04-2021 is upheld. No order on costs.

ELECTRICITY OMBUDSMAN

P/075/2021/_____ dated _____.

Delivered to:

1. Sri. Suresh Babu, Konnanikunnathil, Kuriannoor, Kozhenchery, Pathanamthitta Dist. 689550
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Kozhenchery, Pathanamthitta 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.