

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/007/2022**(Present: A.S. Dasappan)****Dated: 31st March 2021**

Appellant : Sri. Liju Kuriakose,
Neduvoppil House,
Eara P.O., Neelamperoor,
Alappuzha Dist. 686534

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

ORDER**Background of the case:**

The appellant is a Low Tension (LT) industrial consumer of Electrical Section, Punja Pallom, KSEB Ltd. with consumer number 1146268004151. The three-phase electric connection is given to the industry with a CT operated meter with a connected load of 58716 watts and Contract Demand 65240 kVA. An inspection was conducted by the officials of Electrical Section on 16-07-2021 and found that the Current Transformer (CTs) used in the metering system with a ratio of 150/5. As per respondent, the entire metering system with CTs having ratio 100/5 was replaced on 18-07-2019 with a new metering system with CTs having ratio 150/5. But the respondent did not change CT ratio in the billing system and hence, application of Multiplication Factor (MF) was continued as '20' instead of '30'. In order to compensate the revenue loss sustained to the Licensee, the respondent had issued a short assessment bill applying Multiplication Factor '30' for Rs.3,25,232/- to the appellant. A hearing was conducted by the respondent and allowed 12 numbers instalments for the remittance of the short-assessed amount. Not satisfied with the decision of the

Licensee, the appellant approached the Consumer Grievance Redressal Forum (CGRF), Southern Region, Kottarakkara vide OP No. 56/2021 and the Forum dismissed the petition on 07-12-2021, allowing 12 numbers interest free instalments.

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

Arguments of the appellant:

The Sub-Engineer of Electrical Section, KSREB Ltd., Puncha, Pallom inspected the industrial premises on 16-07-2021 and found the multiplication factor taken for billing by the Licensee is '20' instead of '30'. The meter and CTs were kept in a sealed box and which is maintained by KSEB Ltd. The connection is given to the meter by KSEB Ltd. and hence, the appellant is not responsible to the lapse made by KSEB Ltd. The inspection was conducted by the official without intimating the office staff or the appellant. The appellant was given a bill for Rs.3,25,232/- and hearing was conducted on 26-07-2021 by the respondent and agreed to allow 12 numbers instalments for remitting the amount. The appellant approached CGRF, Kottarakkara and the Forum dismissed the petition and allowed 12 numbers interest free instalments for the remittance.

The price of the product Rubber mats, fixed in the period of production was based on the electricity bill amount also and hence, realization of extra cost on account of the short-assessment bill cannot be collected from the customers in the said period. At present, the industry remains closed and no scope for the export of Rubber Mats. The appellant made request for the cancellation of the bill amount.

Arguments of the respondent:

As a part of periodical inspection of all CT metered connections under Electrical Subdivision, Pallom, the premises was inspected by the sub engineer of the section on 16-07-2021. The metering circuit along with fuse units are encased in a four-doored metallic box, with meter in the upper-right portion, CTs on

upper-left portion and Fuse units in the lower portion. On verifying the meter and attached CTs, it was found that the resin cast CTs used in the premises was of ratio 150/5, resulting in a multiplication factor of 30. However, the system value for multiplication factor was found to be 20.

On verifying the history, it was found that consequent to a complaint from appellant and request for meter testing, meter at the premises was changed on 05-08-2019. Along with the meter the existing 100/5 CTs were also replaced with resin cast CTs ratio 150/5, which is still at site as stated above. However corresponding change in multiplication factor from 20 to 30 was not carried out in system. This resulted in reduced bill for the appellant through these months until it was detected in inspection on 16-07-2021. A site mahasar was subsequently prepared in the presence of the appellant.

The anomaly was attributable to the licensee and hence KSEBL, without charging any penalty or interest, issued a short assessment bill, to make good the amount short collected, owing to applying wrong multiplication factor for billing, The bill was issued as per the provisions of Kerala State Electricity Supply Code 2014, clause 152, which empowers licensee to realise such amount short collected due to anomalies attributable to the licensee which are detected on inspection at the premises of the consumer, such as wrong application of multiplication factor, incorrect application of tariff by the licensee. In such cases, the amount of electricity charges short collected by the licensee, if any, shall only be realized from the consumer under normal tariff'. Provided also that the realization of electricity charges short collected shall be limited to a maximum period of twenty-four months. The claim of the bill is strictly in accordance with these provisions of the law. The bill was sent to the appellant by registered post as he was reluctant to receive the same directly.

As the appellant was not satisfied with this act, a hearing was arranged by the Assistant Engineer to consider all his grievances on the matter and offered to grant 12 instalments on the amount claimed.

The averment of the appellant that change in meter and accessories is not known to the appellant, is false and hence denied. On 17/7/2019 the appellant had submitted an application for getting the meter tested, as his bill consistently included a charge under the head 'other charges' corresponding to poor power

factor penalty, even after he had installed a capacitor. Subsequently, the meter and accessories were replaced on 18-07-2019 with a new set, for sending the old for testing. The meter was sent for testing to TMR Pallom on 26-07-2019, based on appellant's *request*, against which he himself had remitted the testing fee vide receipt No. 46260190717101029 dated 17-07-2019. Subsequently, the meter was tested and found healthy as per test report of TMR Pallom dated 9-08-2019. It is clear from these that the whole procedure was with the clear knowledge of the appellant.

While replacing the meter and CTs as mentioned above, a site mahazar was prepared by the sub engineer in the presence of the appellant. It is clearly stated there in that, the old CTs of ratio 100/5 were replaced by new CTs of ratio 150/5.

Moreover, the consumption history of the appellant is also filed for the consideration of the Forum, which also shows a dip in consumption recorded after meter replacement, i.e., from the month of August 2019. This further confirms the short collection in the bills already given.

The anomaly is attributable to licensee in that, change in CT was not reflected in the system, which is seen to be in connection with a health issue of the responsible staff and shuffle of hands corresponding to subsequent transfer and posting 2019. Accordingly, the case was treated only as one of such kind, ensuring all due merits to the appellant as envisaged in the Supply Code, including 12 instalments.

Verification of CT ratio is normally not a part of routine meter reading carried out monthly. This is done during the periodical inspection of premises. The statutory requirement of this for LT 3 phase meters is once in three years, as per clause 113 (6) & (7) of KSERC Supply code 2014. It may kindly be noted that, for the appellant, this was carried out in less than two years after installing the meter.

Hence, the claim is just, proper and in line with prevailing laws and regulations. The appellant is liable to pay the full amount. Hence, it is prayed that, the Authority may kindly dismiss the petition against the claim and direct the appellant to settle the same.

Analysis and findings:

The hearing of the case was conducted on 17-03-2022 in the office of State Electricity Ombudsman at Edappally, Kochi. Sri. Liju Kuriakose, the appellant and Sri. Mathew Jacob. M., Assistant Executive Engineer, Electrical Subdivision, KSEB Ltd., Pallom from the respondent's side attended the hearing. 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 pertains to the wrong application of Multiplication Factor (M.F) for arriving at the actual consumption in the premises of the appellant, thereby the appellant was issued a short assessment bill for Rs.3,25,232/- for the period from 17-08-2019 to 01/07/2021 for compensating the revenue loss sustained to the Licensee.

The argument of the appellant is that the metering system including meter and CTs is maintained by KSEB Ltd. and the appellant is not liable for any lapses made by the employees of KSEB Ltd. The appellant or staff in the industrial unit was unaware of the inspection conducted by the Section staff. The price of the product of the industry was fixed considering the electricity bill amounts remitted and the revenue loss sustained to the appellant cannot be realized from the customers in the short assessment period.

According to the respondent, the inspection in the premises and meter was conducted in accordance with the time frame contained in the clauses 113 (6) & (7) of Kerala Electricity Supply Code 2014 and bill was issued in accordance with the provision of Regulation 152 of Kerala Electricity Supply Code 2014. As such, the short-assessed amount is to be realized from the appellant. Moreover, a site mahazar was prepared at the time of inspection and which was got acknowledged by the appellant.

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

A site mahazar regarding the change of metering system was prepared by the Sub Engineer of Electrical Section, Pallom Puncha on 18-07-2019 and the

site mahazar was got acknowledged by the appellant. In the site mahazar, the replacement of CTs having ratio 100/5 with CTs having ratio 150/5 was clearly mentioned. A site mahazar was also prepared by the Sub Engineer, Electrical Section, Pallom Puncha following the inspection on 16-07-2021 and confirmed the CT ratio 150/5. The minutes of hearing conducted by the Assistant Engineer on 26-07-2021 is also seen in the document file. In continuation to the hearing on 26-07-2021, a detailed letter showing monthly meter reading of the premises, short-assessed units, short-assessed amount etc. is also seen issued by the Assistant Engineer. From the meter reading details and from both site mahazr, it can be confirmed that the energy meter and CTs installed on 18-07-2019 is the same on the date of inspection of the premises on 16-07-2021.

Though it was a fault on the part of KSEB Ltd., it cannot be ignored that the appellant had actually consumed the energy and he is liable to pay for it. The appellant is required to pay the charge only and not any penal amount. But the consumer can be allowed to remit the amount in instalment eligible for him.

There occurs a mistake in the billing (calculation) due to wrong application of multiplication factor or due to some oversight. Amount of short payments became due only after realization of mistake. Amount of the short assessment bill was never demanded earlier and same cannot be said to be due at any earlier time. The appellant does not dispute the error in the application of multiplication factor occurred to KSEB in raising his monthly bills. The appellant is bound to pay the charge for the electricity he had consumed. As per Regulation 134(1) of Electricity Supply Code 2014, if the Licensee establish that it has undercharged the consumption, by review or otherwise, it is open to the Licensee to recover the amount so undercharged from the consumer by issuing a bill. In this case, the respondent had only done that and so it is found that the consumer is liable to honour the bill dated 22-07-2021 for Rs.3,25,232/- issued to him. The respondent issued the short-assessment as per Regulation 152 of Kerala Electricity Supply Code 2014 and the actual period of short-assessment was not exceeded 24 months.

This Authority feels that proper decision was taken by the Assistant Executive Engineer, Electrical Sub Division, Pallom for the inspection of CT

operated meters which restricted the continuation of inaccurate billing. Moreover, the Assistant Engineer of Electrical Section, Pallom Puncha has taken proper actions in preparing site mahazar, which replacing the metering system and at the time of inspection as directed by the Assistant Executive Engineer. A detailed hearing was also conducted by the Assistant Engineer and a proper electricity bill-cum-disconnection notice was given to the appellant.

Decision: -

From the analysis done and the conclusion arrived at, which are detailed above, this Authority upheld the decision taken by the CGRF, Kottarakkara in OP No. 56/2021 dated 07-12-2021.

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

ELECTRICITY OMBUDSMAN

P/007/2022/_____ dated _____.

Delivered to:

1. Sri. Liju Kuriakose, Neduvoppil House, Earra P.O., Neelamperoor, Alappuzha Dist. 686534
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.