

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/012/2022**(Present: A.S. Dasappan)****Dated: 25th April 2022**

Appellant : Sri. K.S. Sunilan,
Kalathil House,
Perakam, Chavakkad,
Thrissur Dist. 680506

Respondent : Asst. Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Guruvayoor, Thrissur Dist.

ORDER

The appellant is a Low Tension (LT) three-phase consumer of Electrical Section, Chavakkad with consumer No.1156983027007. The electric connection is provided in domestic tariff and the connected load is 7981 watts. The service connection was effected on 27-08-2016. The appellant received the regular bimonthly electricity bill on 17-12-2020 for an amount of Rs.1,00,421/-, which is exorbitant as per appellant. The appellant approached the Consumer Grievance Redressal Forum (CGRF), Central Region, Ernakulam vide OP No. 87/2021-22 and the Forum disposed of the petition vide order dated 17-04-2021 with the following decisions:

- (1) Impugned bill may be revised by taking into account of the average cumulative electricity billed.
- (2) The higher officers of the Licensee may initiate necessary action against the erring employees for ignoring to take the meter reading and violating Regulation III.

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

Arguments of the appellant:

The electricity connection was taken four years ago. The premises has been locked up since then as nobody is residing there from the date of connection onwards, the 'minimum charges for electricity use is only billed and the same is paid without any default. The gate of the house is always in closed position.

However, as per the bill dated 17.12.2020, the appellant was directed to pay a total amount Rs. 1,00,421/- as charges towards the consumption of electricity in the above said connection.

The above house is locked since constructed and nobody is residing there, and there is no consumption of electricity in the said house. There is no reason for such an exorbitant amount is billed towards the charges for consumption of electricity in the above connection.

On the basis of a request made by the appellant, the meter was sent for test at. Meter Testing Laboratory at Angamaly, and vide their report dated 22.12.2020 it is stated that meter percentage errors are within limits. The appellant was directed to remit the arrears within a period of 15 days, failing which the service will be disconnected.

Immediately thereafter the appellant preferred an application before the Consumer Grievances Redressal Forum, praying that after making necessary inquiry into the same, the exorbitant electricity charges, for the non-consumed electricity may be deducted and permitted to pay the bill thereafter.

Thereafter a revised bill was issued to the appellant, asking to pay an amount of Rs.1,42,031.54. Subsequently, electricity connection for the appellant was disconnected. The respondents are escalating the matter and issued a notice to the appellant that if the said amount is not paid immediately, the electric supply connection apparatus will be taken back.

The order passed by the CGRF without taking into consideration the actual facts and circumstances of the case and without application of prudence. The appellant has been promptly paying his electricity charges until now.

The appellant cannot be made liable for the mistake occurred on the part of the employees of the respondent and not liable to pay the exorbitant charges for unused electricity.

The order of the CGRF penalizing the appellant on account of the omission on the part of the respondent is arbitrary, illegal and not sustainable either in law or facts.

Arguments of the respondent:

Since the residence and the premises was in locked condition for years with full of bushings, the meter reader could not enter in to the premises and minimum bill was issued to the appellant.

The meter reading obtained on the reading for the month of October 2020 was 17038 whereas as per the meter reading data in Orumanet, the available previous reading was 4 on 07/08/2020.

The appellant approached the Section office with the dispute regarding the meter reading. Accordingly, the reading in the meter was verified and also a check meter was connected with the existing meter. The reading as on the date of installation of the test meter i.e, on 18/10/2020 was 17038 and no abnormalities were found in the functioning of the meter in the check meter test and the test meter and the appellant meter recorded the same consumption of 7 units during the test period.

As per further request of the appellant, the meter was disconnected installing new meter on 30.11.2020 and sent for testing the accuracy of the meter at the Accredited laboratory at TMR, Angamaly after collecting the required fees.

As per the test report, the meter was found good and the percentage errors were found to be within the limit. Since there is no defect for the meter it was concluded that the appellant is liable to make payment in accordance with the consumption recorded in the meter and a part bill was issued for Rs.1,00,436/- to the appellant on 15/01/2021 for 11519 units of recorded consumption which is the maximum permissible bimonthly units with 8kw connected load of the appellant can be billed with the software and the recorded balance 5515 units as per the reading kept pending as unbilled to include in the subsequent bills.

On receipt of the complaint notice from the CGRF, the downloaded data of the meter was sought from TMR, Angamaly and the available downloaded reading for the last 12 months as per the data is given below.

Date	Reading	Consumption
01/12/2020	17055.90	8.5
01/11/2020	17047.40	9.6
01 /10/2020	17037.80	0.4
01/09/2020	17037.40	0
01/08/2020	17037.40	0
01/07/2020	17037.40	3.6
01/06/2020	17033.80	0.3
01/05/2020	17032.50	0.5
01/04/2020	17037.00	0
01/03/2020	17032.00	0
01/02/2020	17032.00	0
01/01/2020	17032.00	0

The above downloaded data shows that the consumption as per the meter reading for the month of October 2020 has been recorded in the meter before 2020 itself. As per clause 109 (18) & (19) of the Supply Code, the appellant shall be responsible for safe custody of meter and accessories, if the same is installed within the premises of the appellant and the consumer shall promptly intimate about any fault, accident and abnormality noticed with the meter. No such intimation has been given by the consumer so far. Hence, the appellant is liable for the safe custody of the meter and there is no defect found upon testing of the meter at the NABL accredited Laboratory, the appellant is liable to make payment of charges for the consumption recorded as per the reading in the meter.

The appellant has been billed for a consumption of 4 units so far since the date of connection and the balance of 17034 units are to be billed as the meter reading of the appellant as on the month of October 2020. The bill issued on 15/01/2021 is for 11519 units and balance of 5515 units are yet to be billed as per the reading. The amount for the unbilled 5515 units is Rs.48,047/- and the bill for the same has not been issued to the appellant since the dispute is pending before the Forum.

The CGRF issued an order (dated 17.04.2021) by considering the above facts, which states that the "impugned bill may be revised by taking in account of the average units already billed and the higher officers of the licensee may initiate necessary action against the erring employees for ignoring to take the meter reading and violating Regulation 111". As per this order, the revised bill was issued to the appellant on 07.05.2021 along with the detailed supporting calculation statement with bill amount of Rs. 142031/-. Subsequently, electricity connection for the appellant was disconnected.

Analysis and findings:

The online hearing of the case was conducted on 06-04-2022 with prior intimation to both the appellant and the respondent. Smt. Lekshmi P. Nair, Advocate attended the hearing for the appellant and Smt. M. Biji, Assistant Executive Engineer, Electrical Subdivision, Guruvayoor 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 connected load in the premises of the appellant having three-phase supply is 7981 watts and the electric connection was provided on 27-08-2016 under domestic tariff. The billing of the consumption is done by the respondent bimonthly. The initial reading of the meter when the connection provided was "1". The respondent had not taken meter reading afterwards and took the meter reading only on 18-10-2020, which shows 17038 units. The reading available in the office was 4 units on 07-08-2020 and hence, the respondent computed the energy consumption from 07-08-2020 to 18-10-2020 as 17034 units. The respondent tried to issue the energy charge bill for the entire consumption, but failed to generate the bill since the consumption is mismatching with the connected load. As such, the respondent issued a bill for 11519 units amounting to Rs.100421 on 17-12-2020. The CGRF directed to revise the bill by taking into account of the average units already billed and issued a bill for Rs.1,42,710/- accordingly on 07-05-2021. But in the bill nothing is mentioned about the billed consumption.

The contention of the appellant is that from the date of electric connection itself, the premises was under locked position and minimum charge is being remitted. As such, there is no chance for the exorbitant consumption.

According to the respondent, meter reading from 27-08-2016 to 18-10-2020 could not be taken since the gate was closed. Also, stated that the exorbitant consumption was recorded in the meter before the month 01/2020, which is found from the downloaded data of the meter. The meter was tested in the meter testing laboratory and found good. Hence, the appellant is liable to remit the amount.

In the hearing conducted on 06-04-2022, the respondent was asked to furnish any other reasons for the non-availing of meter reading for a period of more than four years. Accordingly, the respondent reported that during the flood in the year 2018, the meter submerged in water and which might be led to the exorbitant recording of consumption due to leakage of electricity.

While perusing the document file submitted by the respondent, the following facts are observed. The initial meter reading "1" unit on 27-08-2016 continued up to 18-02-2017 and the 'meter reading "4" units from 22-04-2017 to 07-08-2020. The meter reading is seen recorded on 30-11-2020 as 17038 units. The meter was changed on 30-11-2020 and there is no recorded consumption up to the latest meter reading on 08-02-2022. From the above, it is revealed that the statement of the appellant that energy is not used in the premises is connect. From the downloaded data of the meter, it is understood that the monthly consumption from 12/2019 to 11/2020 varies between zero and 9.6 units.

This Authority views that the mechanism for taking meter reading was failure and there was no monitoring authority to bring the lapse of the staff responsible and to take corrective actions. Regulation 110 of Kerala Electricity Supply Code 2014 provides "Reading meters" and Regulation 111 of Kerala Electricity Supply Code 2014 provides "Consequences of making the meter inaccessible for reading". The respondent made serious lapses in the matter of taking meter reading. But the appellant has remitted the bimonthly bills issued by the Licensee without any default.

The respondent could not produce any document that the appellant had used this much of energy. Moreover, from the scientific data available, no

observation can be made that the appellant had used the high quantum of energy. "Flood" in the year 2018 may be the reason for the recording of the exorbitant consumption. As such, the generation of bill without ascertaining that the appellant had used energy is not sustainable.

The respondent has not acted in accordance with the provisions contained in Kerala Electricity Supply Code 2014. Not site mahazar was prepared by the respondent at any time. Hence, the action of issuing bill partially for an exorbitant consumption without finding any reason is not proper as per rules.

Decision: -

From the discussions and conclusions arrived at as above, I decide to quash the electricity bill for the bi-month amounting to Rs.1,00,421/-. Also, the respondent shall not issue another bill for the remaining consumption to the appellant. The respondent is directed to revise the bimonthly bill for tariff minimum amount as usual within 7 days from the date of receipt of the order. The Appeal Petition filed by the appellant is disposed of as such.

The order of CGRF, Central Region in OP No. P087/2020-21 dated 17-04-2021 is set aside. Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/012/2022/ _____ dated _____.

Delivered to:

1. Sri. K.S. Sunilan, Kalathil House, Perakam, Chavakkad, Thrissur Dist. 680506
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Guruvayoor, Thrissur 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.