

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/022/2022**(Present: A. Chandrakumaran Nair)****Dated: 21st June, 2022**

Appellant : Sri. Sasidharan
Sreepadam
Vengalam, Elathur,
Kozhikode Dist. 673 303

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Koyilandi, Kzhikode Dist.

ORDER**Background of the case:**

The appellant is the consumer to the Licensee with consumer number 1166218009557 and tariff applicable is LT-IA and connected load is 2.745 kW. The appellant was served with an invoice amounting to Rs.10,938/- during 06/2020. The appellant did not make the payment. When the Licensee contacted the appellant to inform about the disconnection, the appellant approached Section Office and claimed that the bill amount was excessive. The attitude and behaviour from the officials of Licensee was not at all acceptable to the appellant. The appellant approached the Consumer Grievance Redressal Forum (CGRF), Northern Region, Kozhikode and registered the petition vide OP No. 2/2021-22. The CGRF ordered vide order dated 25-10-2021 that the consumer is liable to pay the amount and also directed that the Executive Engineer to instruct the Staff to behave with the consumers properly and politely under all circumstances.

Arguments of the appellant:

The appellant received an excessive bill on 06/2020 amounting to Rs.10,938/-. When the appellant approached the Section Office, the behavior of the Assistant Engineer and Sub Engineer was very irresponsible. The complaint regarding the abnormal bill was mentioned to CGRF-NR on 16-06-2020 and reply has been received from Assistant Executive Engineer of Sub Division, Koyilandy North. When contacted it is told that the complaint has been sent to Assistant Engineer, Section Office, Koyilandy South. Assistant Engineer attended the appellant's complaint after 4 days as he was out of station and tried to convince him. Appellant being unaware of the technical matter was unable to understand properly.

The meter reader checked the meter and directed the appellant to submit application for installing parallel meter. The application could not be submitted as the Section Office was closed due to Covid-19 protocol. The Staff of Licensee has approached to disconnect the service connection and not done as the case was pending with Consumer Grievance Redressal Forum. The appellant could not remit the current bills online as the outstanding amount has been shown along with the disputed amount. The appellant approached Section Office on 29-03-2021 for sanctioning additional load for the purpose of renovation of his house. As per the advice of Assistant Engineer, Sub Engineer, rejected the application, because of non-remittance of current charges. Assistant Engineer pretended that he was unaware of the complaint.

The appellant alleges that the behaviour of Assistant Engineer of Section Office was very arrogant. CGRF-NR has passed the order dated 25-10-2021 stating that the consumer is liable to pay the balance amount in 6 monthly instalments and the Executive Engineer, Vadakara has been directed to instruct the Staff to behave properly and politely with the consumers under all circumstances.

The officials of Licensee are taking some revenge as they disconnected the power. This resulted difficulties for grand daughter to study for exam properly

and also faced difficulties for his son who was on work from home due to Covid-19 condition.

Aggrieved on the decision of the Forum, the appellant filed the appeal petition to this Authority. The appellant has not submitted the appeal petition within the stipulated time of 30 days from the date of receipt of the CGRF order. Appellant mentioned that there was a delay in receiving the CGRF order due to Covid and appellant was also affected with Covid and hence, the appeal was accepted.

Arguments of the respondent:

The appellant was served with an invoice amounting to Rs.10,938/- during 6/2020. The appellant did not come forward to remit the bill within the stipulated time. Because of the Covid-2019 pandemic situation, proper disconnection was not initiated at that time. In compliance with the Board order regarding the realization of arrears, all defaulted consumers with arrears more than Rs.10,000/- were contacted over telephone from Electrical Section/Koyilandy South. The appellant approached the Section Office after receiving the intimation to clear the arrears and claimed that the bill amount of 6/2020 was excessive. The details of the bill were described from the Section Office. Owing to the restrictions imposed during the pandemic Covid-19, it was unable to take the reading in 04/2020. All the consumers were issued Door-locked bill in 04/2020. As such, the appellant also was served bill for an average consumption of 211 units (average of previous 3 spot bills – 6 months). It was a system generated bill. But upon taking the reading in 06/2020, it was found that the consumption for 4 months was 1454 units. Hence, the bill amount for 06/2020 came to be Rs.10,938/-.

The appellant has been defaulted in 02/2020 and remitted the bill amount on 04/03/2020 after entering the disconnection status. By mistake the reconnection was entered only on 07/04/2020. Thus, the bill amount for 6/2020 was arrived by splitting the total consumption of 1454 units into 451 units and 1003 units. After identifying the mistake, the bill was revised for Rs.10,854/-by

splitting the consumption equally for the 2 bi-months. Later by reducing cash deposit interest of Rs.327/- and Covid subsidy of Rs.974/- the bill amount is fixed as Rs.9,583/-.

The defaults of tariff and the reason behind the hike in bill amount 06/2020 were illustrated to the appellant. The appellant was of the opinion that the reason behind such a huge bill amount is the fault of the meter. The appellant was directed to apply for checking the meter accuracy by connecting a parallel meter. The appellant could not do it in the first time because of the covid status of the Section Office. Later, the appellant approached KSEBL Office for that. As per the consumption pattern of this appellant, the high consumption recorded during covid-19 lock-down period (04/2020 to 06/2020) was found to be the actual consumption. Consumption pattern is given below.

MONTH	CONSUMPTION
06/04/2016	648 units
07/06/2016	627 unils
06/04/2017	560 units
06/2017	794 units
04/2018	478 units
06/2018	512 units
04/2019	M/F
06/2019	M/F
04/202	451
06/2020	1003 (consumption for 06.02-2020 to 06-06-2020 is 1454 units)

The reason for (less consumption of D/L bill is that there was delay on the side of KSEBL in changing the disconnection status of appellant in the Orumanet as the consumer was defaulted in 02/2020. So, no consumption was recorded for the disconnection period. The appellant was served with average consumption bill for 211 units during the period. For consumers having

consumption below 240 units/bi-month, there is a subsidy. The appellant was eligible for this subsidy as the average consumption was 211 units because of the issue of door-locked bill in the pandemic period from 02/2020 to 04/2020. But for the revised bill 04/2020 and 06/2020, the appellant was not eligible for subsidy. Besides this, the appellant came under non-telescopic tariff as consumption exceeded 500 units/bi-month.

The appellant has mentioned that his son working in corporate office was in work from home at that time. Work from home system is a major reason in the case of many domestic consumers for having high consumption. Here also comes work from home. The meter installed in the premises of the appellant is working properly till date and has no issues. Generally, during lock down period, the consumption of domestic usage increased and the use under other tariff reduced because of the lock down.

The disconnection and reconnection were done as per rules following the procedure strictly. All Staff well behaved with the appellant all the time he visited the office. As Covid protocol has to followed during that time, the appellant may be faced some inconvenience during that period.

CGRF (Northern Region), Kozhikode in its order dated 25-10-2021 in OP No. 2/2021-22 has rightly observed that the petitioner is bound to remit the bill as per bill under dispute allowing 6 instalments for payment. The appellant is bound to pay the bill amount of Rs.9,583/- in this regard. As the appellant approached the Ombudsman in a later stage, disconnection notices were issued to the appellant in compliance with CGRF Order.

As per the order, the appellant would approach Electricity Ombudsman within 30 days on receipt of the order. The order has been mailed to the appellant and published in the website on the same day of order. It is also sent by post on the same day. The appellant had made a delay of more than 3 months in filing the petition.

In the above circumstances, it is prayed that this Authority may be pleased to accept the version submitted by this respondent and dismiss the representation of the appellant.

Analysis and findings:

The delay in submitting the appeal was mentioned due to the delay in receiving the order of CGRF and also because of the appellant was affected by Covid and hence, accepted.

The hearing of the case was conducted on 14-06-2022 in the office of the State Electricity Ombudsman, Edappally, Kochi. Sri. Bibin Sasi, son of the appellant was attended the hearing and Smt. K.R. Latha, Assistant Executive Engineer, Electrical Sub Division, Koyilandi of Licensee was 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 Licensee raised the Door-locked bill in the pandemic period from 02/2020 to 04/2020. The appellant was served with the bill with an average consumption of 211 units. The appellant was eligible for the telescopic rating during this period and will not be eligible for the telescopic tariff when the bimonthly consumption exceeds 500 units.

The meter reading on 06-02-2020 – 1240 kwh.

The meter reading on 06-06-2020 – 2694 kwh.

On 07-04/2020 billed as average bill for Rs.211/kwh

Total consumption for two spot bills = 2694 – 1240 = 1454 units.

Averaging the consumption for one spot bill = $1454/2 = 727$ units.

Accordingly, the bill for 04/2020 is arrived as Rs.5,837/- and that 06/2020 is arrived as Rs.5,838/- and the total amount is Rs.11,675/-. As

Rs.871/- is already paid, the balance amount payable was Rs.10,854/-. After adjusting the interest on CD and Covid Subsidy, the balance amount payable is Rs.9,583/-.

The Section 45 (1) of Indian Electricity Act 2003 states that “Subject to the provisions of this section, the prices to be charged by a distribution licensee for the supply of electricity by him in pursuance of section 43 shall be in accordance with such tariffs fixed from time to time and conditions of his licence.”

Kerala Electricity Supply Code 2014 Regulation 31(1) states “Recovery of charges for supply of electricity - Subject to the provisions of this Code, the charges to be levied on the consumer by the distribution licensee for the supply of electricity in pursuance of the provisions of the Act, shall be in accordance with the tariff fixed by the Commission from time to time and the conditions of the licence”.

These Act and Regulations clearly spelt about the right of Licensee to recover the charges for the supply of electricity.

As per Regulation 134(1) of Kerala Electricity Supply Code 2014 states, “If the licensee establishes 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.”

This regulation is clear about the right of Licensee to recover the charges in case undercharged bills.

Decision: -

From the analysis of the arguments of appellant and respondent and the hearing, the decision is taken as follows:

- (1) The appellant is liable to pay the amount as per the revised bill i.e., Rs.9,583/-.

- (2) The respondent shall grant 06 numbers of monthly instalments without interest.
- (3) Concerned senior officers of the Licensee may instruct the staff to behave properly and politely with the consumers.
- (4) Agree with the order of CGRF, Northern Region in OP No.02/2021-22/161 dated 25-10-2021.

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

ELECTRICITY OMBUDSMAN

P/022/2022/ _____ dated _____.

Delivered to:

1. Sri. Sasidharan, Sreepadam, Vengalam, Elathur, Kozhikode Dist. 673 303
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Koyilandi, Kzhikode 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, Gandhi Road, Kozhikode