

STATE ELECTRICITY OMBUDSMAN

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REPRESENTATION No: P 118/09

Appellant : Sri K.K.Kunchiraman
Karal Kuniyil, Kunnathara(Po) , Kozhikode (Via)

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division Perambra

ORDER

Sri K.K.Kunchiraman, Karal Kuniyil, Kunnathara , Kozhikode submitted a representation on 30.12.2009 seeking the following relief:

1. *Set aside the Order dated 30.10.2009 of CGRFR Kozhikode*
2. *Re-assess the Bill dt 26.02.2009 No 124216 based on average consumption during the preceding tenure*
3. *Restore the Electric connection to the complainant*

Counter statement of the Respondent was obtained and hearing conducted on 11.03.2010.

The Appellant has an electric connection under Naduvannur section with consumer number 24399. During 12/2008 a bill for Rs 23864/- was issued to him .The consumption for the bi-month was 3161 which was abnormally high when compared to normal months. The KSEB found that the abnormal reading was due to earth leakage in the wiring which was disputed by the consumer. The consumer agitated against the demand and finally approached CGRF who also upheld the claim of KSE.

The representation with the pleas noted above is submitted to the under signed in the above back ground.

According to the Appellant the abnormal reading could be due to the meter becoming faulty. Hence the assessment for the bi-month has to be based on averages for the preceding periods. There was no earth leakage in the premises when the wiring was examined by a skilled, qualified, licensed and experienced wire man. KSEB has not

properly tested the wiring to establish the presence of the earth leakage. The conclusion of KSEB on the earth leakage was only on mechanical basis arrived at by an Overseer. The Licensee has no entitlement to demand such an exorbitant amount as current charges.

The Respondent claims that when the installation was inspected by the Overseer and later by the Sub Engineer in charge of the Section it was found that the energy meter was working properly, there had been heavy earth leakage in the premises and one circuit fuse of out of two wiring circuits was burnt at fuse point due to flow of high current due to leakage. The premises was unoccupied and the tiled roof was under going repairs and maintenance. Electric connection to the building was disconnected to avoid accidents. The meter was sent for testing at TMR unit by the KSEB in order to clear misgivings. The test report showed that the meter was in good condition and errors are within statutory limits.

The main contention of the Appellant that the abnormal reading had occurred due to fault in meter has been disproved by the test results of the meter. Hence the claim that the assessments have to be done based on previous average can not be approved. According to statutes the assessment based on averages is to be done only when it is established that the meter was faulty for the relevant periods.

Hence one can conclude that the abnormal reading recorded in 12/2008 could be either due to unusual usages during the period or due to wastage consequent to heavy earth leakage . In either case, the Licensee has right to claim payment as current charge for the units.

Upon perusing the petition of the Appellant and the counter affidavit filed by Respondent along with all the connected records relating to the case and upon hearing the arguments of both sides I have come to the conclusion that the Bill No 124216 dated 26.02.2009 for Rs 23864/- is payable by the Appellant .

The Respondent may allow installments as per standards for the payment.

Orders:

Under the circum stances explained above and after carefully examining all the evidences, arguments and points furnished by the Appellant and Respondent on the matter, the representation is disposed off with the following orders:

1. *The arguments/claims/points raised by the Appellant in support of the reliefs sought for are devoid of merit and hence the reliefs are not allowed and the representation is dismissed*
2. *No order on costs.*

Dated this the 12th day of March 2010 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 118 /09/ 519 / dated 12.03.2010

Forwarded to:1. Sri K.K.Kunchiraman
Karal Kuniyil, Kunnathara(Po) , Kozhikode (Via)
2. The Assistant Executive Engineer
Electrical Sub Division Perambra Kozhikode Dt

Copy to :

1. The Secretary,
Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram 695010
2. The Secretary ,KSE Board,
VaidyuthiBhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF,KSE Board ,
Gandhi Road Kozhikode