

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/060/2022**(Present: A. Chandrakumaran Nair)****Dated: 04th November, 2022**

Appellant : Smt. Shamsiya. A.P.,
'Asylum'
Thadaparamba Road,
Malankulam
Manjeri
Malappuram Dist.

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Manjeri South, Malappuram Dist.

ORDER**Background of the case:**

The appellant Smt. Shamsiya. A.P. is the consumer of the Licensee under the Electrical Section, Manjeri North with consumer number 1165479035958. The connection is LT single phase with tariff LT IA used for domestic purpose. During May 2021, the meter reading was not taken due to the Covid-19 lockdown and accordingly provisional bill was issued by considering the average of previous 3 billing cycles. The next meter reading after March 2021 was taken during July 2021. The total consumption is seen to be high. Accordingly, the Licensee has issued an arrear bill claiming Rs.3,274/-. This amount is very much on higher side and the consumer approached the KSEBL, but no resolution. Appellant filed petition to the Consumer Grievance Redressal Forum (CGRF), Northern Region, Kozhikode and as per the order dated 29-06-2022, CGRF ordered that the respondent has the right to demand the amount against the actual consumption.

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

Arguments of the appellant:

The reason stated by the electricity board for issuance of additional bill is that during Covid 19, they were not able to take meter reading and hence additional bill was issued as per the rules. The contention of this appellant was that additional bill issued is not in conformity with the actual consumption. When the additional bill was issued, it was simply exorbitant and doubled the actual consumption. Hence opposed by this appellant. The appeal was heard by the consumer grievance redressal forum Northern Region, Kozhikode and passed an order. The said order is impugned in this appeal, which was received by the appellant on 08-7-2022 by post.

Readings are taken on 16-1-2020, 13-2-2020, 14.5-2020, 14-7-2020, 15-9-2020, 12-11-2020, 13.1-2021, 16-3-2021, 17-5-2021 and 13-7-2021. It is to be borne in mind that Covid-19 broke out in 2019. The lock down was imposed in 2020. Immediately after lock down, certain areas were closed where the disease was found to be excessive. Everything was in 2020 and not in 2021. But here it is important to note that on 16-1-2020, 13-2-2020, 14.5-2020, 14-7-2020, 15-9-2020, 12-11-2020, 13-1-2021, 16-3-2021, 17-5-2021 and 13-7-2021 readings were taken. It means every two months readings were taken. It was the period during the lock down was also imposed and areas were closed, etc. But the electricity board was able to take reading from the appellant's house. Readings were not taken from 16-03-2021 to 17-05-2021. During those days, there was no lock down. No areas were closed. Every place was open, courts were open, hospitals were open and all the roads were simply open and buses were plying, trains, were running and vehicles were in plenty. Very interestingly, people have almost stopped wearing mask also. During those days, there was no necessity for abstaining from taking reading at all. That too for four months together from 13-1--2021 to 16-5-2021 there was no reading taken. So, the billing was actually beyond the billing cycle. The bills were actually double the

amount than it was paid during the previous times. It means, during lock down meter reading was taken and bill was perfectly correct. When additional bill was issued, bill amounts are doubled. It means, the meter was simply faulty. So far, the Licensee has not changed up the meter also.

The conclusion of the consumer forum is also incorrect. The consumer forum also simply repeated the earlier finding of the Assistant Engineer and Deputy Chief Engineer. There is no contribution from the Frum to any of the aspects in this case. The actual consumption is recorded incorrectly and meter may be faulty also. The subsequent bills were produced by this appellant. That also will go to show that the contention of this appellant is perfectly justifiable.

Arguments of the respondent:

This Respondent specifically denies all the averments and allegations contained in the petition except to the extent as are expressly and specifically admitted here under.

The Consumer No. 1165479035958 of Electrical Section, Manjeri North registered in the name of Dr. Shamsiya A.P is a LT 1ph Service Connection under LT 1A tariff, used for Domestic Purpose.

The argument of the appellant, that he was served with an additional bill is wrong. He was served with a provisional bill on may 2021, since spot bill was not possible due to covid-19 lockdown.

The area where the consumer number is located was under the covid-19 pandemic restrictions during the month of May 2021 reading period. Since spot billing was not possible, a provisional bill was issued based on the average usage of previous six months, as per the regulation 124 of the Kerala Electricity supply code 2014.

1) If the licensee is not able to access the meter for reading, a provisional bill may be issued on the basis of the average consumption of the previous three billing cycles.

2) The licensee shall ensure that such provisional billing does not extend to more than two billing cycle at a stretch, and there are not more than two provisional bills generated for a consumer during one financial year.

3) The provisional Bill shall be adjusted on the basis of the subsequent actual meter reading.

The consumption of 6 months = 878 units

Therefore average unit = $878/3$ = 292 units

Provisional bill amount was Rs.1,364/- for 292 units. The meter reading was made possible on 13-07-2021 and was 8811 units.

Since the spot bill reading available in July was 8811 units and the reading in March 2021 was 7923 units, the four-month usage was calculated as 838 units.

As per the regulation 124(3) of Kerala Electricity Supply Code 2014-the provisional bills shall be adjusted on the basis of the subsequent actual meter reading. Therefore, dividing the available 838 units for 4 months into 2 bills, 419 units were calculated for each monthly bill.

The provisional bill was readjusted and incorporated in July 2021 bill as shown below

Bill amount for May 2021	= Rs.2,319/- for 419 units
Amount already paid for may as provisional bill	= Rs.1,364/-
Balance to be paid during the month of May	= Rs. 955/-
Bill amount for July 2021	= Rs.2,319/-
Total bill to be paid	= Rs.955 + 2319 = Rs.3,274/-

Since the appellant had paid provision bill amount of Rs.1,364/- for the month of May 2021 on 11-06-2021, it was deducted from the provisional bill for the month of May 2021 and is calculated as Rs.955/-. Hence, the total adjustment bill will be Rs.955 + Rs.2,319 = Rs.3,274/-.

The provisional billing in this regard does not extend to more than two billing cycles at a stretch, also there are not more than two provisional bills generated for this consumer during the financial year as stipulated in the prescribed regulation 124(2) of Kerala Electricity Supply Code 2014.

The consumer had similar consumption pattern for the previous year's coinciding months consumption for the month of May/July of previous years. Hence the argument of consumer that his bill amount was doubled is incorrect.

The consumption for entire period shows that the meter is healthy. The statement made by the appellant that his meter is faulty is incorrect.

There is no irregularity in the calculation of the bill as alleged by the consumer has occurred. It was because of genuine reason of covid pandemic restrictions in that area, the spot billing was not possible during the month May-2021. Accordingly, the under signed was constrained to issue an average bill as per the rules during these months and the shortage was made good during the subsequent billing month i.e., July 2021 when reading could be taken. As such, the argument of the appellant has no merit at all and also stated that the appellant has not paid the disputed regular current bill so far.

Therefore, the respondent requested to consider the aforementioned statements of facts to dismiss the petition accordingly.

Response of the appellant on the statement of Respondent

The reason stated by the electricity board for issuance of additional bill is that during Covid 19, they were not able to take meter reading and hence provisional bill issued is not in conformity with the actual consumption. When the additional bill was issued, it was simply exorbitant and doubled the actual consumption. Even if it is admitted for the sake of argument that, the respondent has issued only provisional bill, the claim amount of Rs. 3274 calculated is not according to the Billing procedure as seen in regulation 124(3) of Kerala Electricity Supply code, 2014. It is also to be noted the reply did 05-08-2021 given by the public information officer attached to electrical section, Manjeri that "when the reading taken on 13-07-2021, four months total reading was arrived and an average unit was taken for billing on 17-05-2021, thereafter billed for the balance unit on 13-07-2021 thereby the bill amount was increased." So, which of the contradictory statement can be relied now for adjudication? Hence, opposed by this appellant.

The conclusion in all previous orders is also incorrect. They have simply repeated the earlier finding of the Assistant Engineer and Deputy Chief Engineer. There is no contribution from the Forum to any of the aspects in this case. Simply repeating the previous finding without any reasoning. The actual consumption

is recorded incorrectly. The subsequent bills details were produced by this appellant by way of an additional list today. These are as follows:

1. Rs. 1612 paid by way of G-Pay on 19.01.2022
2. Rs. 1254 Paid on 11.06.2021.
3. Rs. 1379 paid on 24.09.2021.
4. Rs. 1506 paid on 11.2021.
5. Rs. 1562 paid on 24.03.2022.
6. Rs. 1874 paid on 14.06.2022. (June Bill)
7. Rs. 1637 paid on 23.07.2022.
8. Rs. 2220 paid on 24.09.2022

That also will go to show that the contention of this petition is perfectly justifiable.

Hence, the appellant requested to this Authority to call for the records, hear the appellant, accept the contentions, and reverse the bills according to law.

Analysis and findings:

The hearing was conducted on 11-10-2022 in the conference room in the office of the Dy. Chief Engineer, KSEBL, Manjery, Malappuram Dist. Sri. Abdul Latheef. P.K., Advocate was attended the hearing on behalf of the appellant. On the respondent side, Sri. Baiju. C., Assistant Executive Engineer, Electrical Sub Division, Manjeri South of Licensee was 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 appellant is a domestic consumer under the tariff LT IA. Due to Covid-19 lockdown, the meter reading was not taken during May 2021. Accordingly, the provisional bill has been raised by taking the average consumption of three previous billing cycle. The average consumption was 292 units and the bill raised for Rs.1,364. As per statement of Assistant Executive Engineer during the hearing, when the spot billing was not possible, the Licensee has given an

option for the consumer for self-reading and intimating the reading to the Section Office. Here, this option was not availed by the appellant.

As per Section 124 of Kerala Electricity Supply Code 2014, "Procedure for billing when meter not accessible" states:

124 (1) If the licensee is not able to access the meter for reading, a provisional bill may be issued on the basis of the average consumption of the previous three billing cycles.

124 (2) The licensee shall ensure that such provisional billing does not extend to more than two billing cycles at a stretch, and there are not more than two provisional bills generated for a consumer during one financial year.

124 (3) The provisional bills shall be adjusted on the basis of the subsequent actual meter reading.

Then the physical meter reading was taken on 13-07-2021 and the consumption recorded by the meter was 838 units for 4 months. The reading was averaged out as bimonthly consumption of 419 units. Accordingly, the bill raised for July for Rs.3,274/- in which Rs.955/- was the arrear of May bill. As per Section 124 (3) the provisional bill has been adjusted subsequent to actual meter reading. Here in this case, provisional billing was not extended more than two billing cycles at a stretch and there should not be two provisional bills in a financial year, hence complying the Section 124 (2).

Appellant's arguments that there was no lockdown in Ward 17 & 18 as per the reply received from Municipality. The RTI reply states that Municipality by its own has not declared any containment zone. There was a general order issued by the Chief Secretary, Govt. of Kerala vide dated 06-05-2021 and dated 14-05-2021 and the order of District Collector, Malappuram dated 16-05-2021 states about the lockdown, which is applicable to all generally. According to these orders, there was lockdown and hence, the meter reading could not be taken and hence, the issuance of provisional bill.

The meter was not faulty and the appellant has not been able to prove that the meter is faulty. The consumption pattern of the appellant during May & July also records 392 & 338 units respectively.

Decision: -

From the analysis of the arguments and the hearing, following decisions are hereby taken:

(1) The appellant is liable to pay the bill raised by the Licensee.

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

ELECTRICITY OMBUDSMAN

P/060/2022/_____ dated _____.

Delivered to:

1. Smt. Shamsiya. A.P., 'Asylum', Thadaparamba Road, Malamkulam, Manjeri, Malappuram Dist.
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Manjeri South, Malappuram 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