

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/057/2022**(Present: A. Chandrakumaran Nair)****Dated: 08th November, 2022**

Appellant : Sri. Epronce, M.C.,
Anna House,
Adimalathura,
Chowara. P.O.,
Thiruvananthapuram 695 501

Respondent : Asst. Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Balaramapuram, Thiruvananthapuram Dist.

ORDER**Background of the case:**

The appellant is a consumer of Licensee under Electrical Section, Kottukal with consumer number 1146578016339 in the tariff LT IA. The appellant had been issued regular bimonthly bill and the bills were paid regularly. The registered connected load is 4840 W. This connection has been transferred from Kanjiramkulam Section to Kottukal Section on 26-07-2019. The meter reading was not taken for 8 billing cycle during the period since 06-04-2019 due to the door locked condition. The appellant has been issued a bill showing an abnormal electricity consumption of 5222 units for an exorbitant amount of Rs.33,546/-. As per the notice issued by the Licensee dated 24-03-2022, the total amount due is Rs.38,487/-. The appellant filed the petition to CGRF (SR) and CGRF (SR) ordered that the petitioner is liable to pay the bill issued by the Licensee.

Aggrieved by the decision of the Forum, the appellant approached this Authority by filing the appeal petition.

Arguments of the appellant:

The connection is obtained during 2019 as a domestic consumer. The bimonthly bill was between Rs.550/- and Rs.600/-. On 24-08-2020, the

appellant was received a bill for Rs.39,644/-. KSEBL's version is that several times the meter reading was not taken as it was under door locked condition. Before as well as after this incident also the bill amount is between Rs.500/- to Rs.600/-. The appellant and his wife only were in the house till December 2021. During day time, appellant and his wife leave the house around 9 AM and the appellant goes to work leaving his wife to her home and they may return home in the evening. The bimonthly bills raised were regularly paid and no outstanding. Assistant Engineer & Asst. Executive Engineer have inspected the premises and they could not find out the reason of this heavy reading. The house was constructed around 3 ½ years back. The wiring was new and no earthing or leakage were not found. No A/C or any other equipments of heavy energy consumption are in use. This has been brought to the notice of Asst. Executive Engineer, Balaramapuram Sub Division. The appellant is not capable of paying this high amount. Requested to find out the problem and exempt from paying this bill amount.

Arguments of the respondent:

The appellant is an LT-1A (single-phase) domestic purpose consumer under electrical section Kottukal. The registered connected load of the appellant is 4840W. The appellant having an electric connection with consumer number 1146578016339 has been transferred from electrical section Kanjiramkulam on 26/7/2019. An electricity bill has been issued on 23/6/2020 for the consumption of 5222 units. This was door lock revision bill after issuing of average bills meter reading was not available for the last 8 billing cycles. During the period from 6/4/2019 to 24/8/2020 meter reader can take reading only on 23/6/2020 and accepted the accuracy of 6047 units (Bill revised in each bill 630 units instead of 154 units) It is noticed that first two Door Lock bill in 4/2019 and 6/2019 issued from electrical section Kanjiramkulam. As per the report from the meter reader the gate was locked condition when he approached this appellant's premises in each time. The last period from 4/2020 to 6/2020 Covid 19 pandemic period, also this period no disconnection executed for all consumers due to the absence of house owner and his family of this premises leads to the issuance of door lock bill continuously.

This meter installed was purchased by the appellant vide meter number A18008 of make Vision Tek of single phase 2 wire. The consumer applied for meter testing on 1/17/2020 on the verification it is found that there is no difference between existing meter and tested meter. Then the appellant applied for testing the meter in the lab. The lab result (TMR Thirumala) also clarified that there is no abnormality in the functioning of the meter. After getting the result from the lab a notice issued to the appellant on 24/3/2021 by the Assistant Engineer electrical section Kottukal to remit the default amount of Rs.33546/- along with the result of lab test. Then the appellant approached at Kottukal section office on 29/04/2021 with Rs.10000 for remitting the bill by 3 instalments. Accepted his request and instalment plan generated in the software and issued instalment statement to him. When he identified the surcharge amount in the instalment statement, he collected back the cash and instalment statement from the cashier and he said that he is not ready to pay the interest portion. On 24/3/2022 a disconnection notice has been issued to the consumer by registered post. On receipt of the notice, appellant contacted CGRF and interim order OP.NO. 18/2022 ordered to KSEB for avoiding the disconnection until the final order. Due to the door lock period of 8 billing cycle an amount of Rs.38487/- due as on 10/5/2022. The energy meter tested at TMR division Tirumala stated that there is no abnormality in the functioning of the meter. Hence the due amount mentioned above needs to be paid by the appellant.

Then the appellant approach CGRF and filled a petition vide OP.NO. 18/2022 based on the petition hearing conducted on 30/6/2022 and issued a final order dated 23/7/2022 states that the appellant have to remit Rs. 33546/- with 6-month instalment. But surcharge and interest are not be levied on the amount of the bill for the period up to disposal of the case.

It is requested to dismiss the appeal considering the above facts.

Analysis and findings:

The hearing of the case was conducted on 28-10-2022 at the meeting room of Kerala State Electricity Regulatory Commission, Thiruvananthapuram. The appellant Sri. M.C. Epronce was attended the hearing and Sri. C.R. Vijayakumar, Assistant Executive Engineer, Electrical Subdivision, KSEB Ltd., Balaramapuram 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 appellant is a consumer of Licensee for a domestic connection under tariff LT IA and connected during 2019. The connection was transferred from Kanjiramkulam to Kottukal on 26-07-2019. During the period from 06-04-2019 to 24-08-2020, the meter reading had taken only on 23-06-2020. The regular reading was not taken as the gate and house was in locked condition. The appellant informed during the hearing that morning itself the appellant and his wife go to work after locking the house. On 23-06-2020, an electricity bill has been issued to the appellant for the consumption of 5222 units. As per the appellant's version, the house was in locked condition during day time and night only minimum electrical appliances are used. The consumption is highly abnormal and cannot be accepted. It is not affordable to him to pay this huge amount. As per appellant's request, the meter was tested at TMR Division, Tirumala and there is no abnormality in the functioning of the meter.

In the case in hand, the meter reading was not taken for 8 billing cycles.

Section 110 of Kerala Electricity Supply Code 2014 states as: -

- 110 (1) The meter shall regularly be read once in every billing cycle and on special reading occasions.
- 110 (2) The consumer shall extend all facilities to read the meter, to the licensee or his employee or to the person duly authorised by the licensee for the purpose.
- 110 (3) The meter shall be read only by an employee of the licensee or by the person duly authorised by the licensee for this purpose.
- 110(11) In case, for any reason, the meter is not read during a billing cycle, the licensee shall prepare a provisional bill based on the average consumption of previous three billing cycles when readings were taken.
- 110(12) Such provisional billing shall not continue for more than two billing cycles at a stretch, and the licensee shall not generate more than two provisional bills for a consumer during one financial year.
- 110(13) The amount paid as per the provisional bill shall be adjusted against the bill raised on the basis of actual meter reading during subsequent billing cycles.

As per these regulations, the provisional bill shall not continue for more than two billing cycles and the officials of the Licensee has not taken any action.

It is the responsibility of the consumer to extend all facilities for taking the meter reading and meter should be accessible for the officials to take reading. The appellant locked the premises, which is a violation of the regulation.

Section 111 of Kerala Electricity Supply Code 2014 states as: -

- 111 (1) If the meter is rendered inaccessible on two consecutive meter reading dates of two billing cycles, a notice shall be issued to the consumer to keep the meter accessible for reading and to get the meter read by the licensee after payment of a penal charge as approved by the Commission, on a date which shall be at least seven days after the date of notice and at the time specified in the notice.
- 111 (2) If meter is not made accessible even on the date specified in the notice, a disconnection notice shall be served on the consumer or affixed near the main entrance of the premises, if the consumer is not available.
- 111 (3) If the consumer fails to comply with the notice, the supply shall be disconnected and reconnection of supply shall be effected only after the reading is taken and all the dues are realised.
- 111 (4) The provisions of the above Sub Regulations shall not apply in the case of a domestic consumer who has given advance intimation to the licensee of the inaccessibility of his meter for reading due to the consumer being out of station and has also deposited an amount in accordance with regulation 129 of the Code.
- 111 (5) When a domestic consumer, who has paid entire dues up to date, gives prior information in writing to the licensee about inaccessibility of the meter due to continued absence from residence, the licensee shall not send any notice or provisional bill to the consumer if the consumer pays the fixed charge or minimum charge for such period in advance.

Licensee has not issued any notice to the appellant to made the meter reading accessible. During the hearing, the explanation given by Assistant Executive Engineer is that this has been informed during the Covid-19 pandemic period. This period was a Covid-19 affected period and disconnection procedure was not initiated. The officials of the Licensee have to ensure that the regulations were strictly followed.

No technical justification for the high consumption was produced either appellant or respondent. The meter was tested and found working all right. The data of the meter is not available to download. During the hearing, the Asst. Executive Engineer was asked to get the data from the meter, so that the pattern could have been known. Accordingly, Assistant Executive Engineer Assistant

Executive Engineer has submitted the letter by mail on 07-11-2022 stating that the meter data was not available.

The appellant states that the house and equipments are new. No earth leakage is there in the system and the wiring have been checked. The meter reading shows that the consumption of this power has happened.

Decision: -

From the analysis done and the conclusions arrived at as detailed above, following decisions are hereby taken:

- (1) The appellant is liable to pay the bill.
- (2) The Licensee may grant 12 monthly instalments for payments.
- (3) No surcharge is to be levied

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

ELECTRICITY OMBUDSMAN

P/057/2022/ _____ dated _____.

Delivered to:

1. Sri. Epronce M.C., Anna House, Adimalathura, Chowara. P.O., Thiruvananthapuram 695 501
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Balaramapuram, Thiruvananthapuram 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.