

**THE STATE ELECTRICITY OMBUDSMAN**

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**APPEAL PETITION No. P/071/2022****(Present: A. Chandrakumaran Nair)****Dated: 14<sup>th</sup> December, 2022**

Appellant : Sri. Bimal. V.T.,  
Divisional Manager,  
Food Corporation of India,  
Divisional Office,  
Alappuzha 688012

Respondent : Asst. Executive Engineer,  
Electrical Sub Division, KSEB Ltd.,  
Alappuzha North, Alappuzha Dist.

**ORDER****Background of the case:**

The appellant Sri. Bimal. V.T. is the Divisional Manager of 'Food Corporation of India,' Divisional Office, Alappuzha. FCI Divisional Office is the consumer of the Licensee under Electrical Section, Alappuzha Town. The LT service connection is given to FCI with connected load 29.6 kVA and the energy meter is connected through a 100/5 CT. The average consumption was around 1700 units per month. While taking the meter reading during 08/2021, the consumption recorded was very low around 800 units. This was due to the error in the meter and then the meter was replaced on 06-09-2021. Then also the recorded reading in the meter was less than the consumption. During March 2022, the APTS inspected the premises and detected that, the voltage terminal of R & Y phases was wrongly connected and hence, the reading was 35.3% less than the actual. A site mahazar was prepared and a short assessment bill prepared and served to the appellant. The bill amount was Rs.32,684/- and the same is disputed by the appellant.

The appellant approached the Consumer Grievance Redressal Forum (CGRF), Central Region, Ernakulam and the CGRF(CR) ordered vide order dated 01-08-2022 that the appellant is liable to pay the short assessment bill. Aggrieved by the decision of the Forum, the appellant filed the appeal petition to this Authority.

**Arguments of the appellant:**

The Assistant Engineer, KSEB, Electrical Section (Town), Alappuzha had intimated appellant's office that due to the malfunctioning of some electrical items installed in the meter board installed at FCI Divisional Office, Alappuzha (Consumer Number : 1155026002043), erroneous meter readings were recorded. It has been pointed out that due to the malfunctioning of the Current transformer, only 64.70 % usage was being recorded till the date of inspection (22.03.2022) and as a result an amount of Rs.32,684/- has been additionally charged in r/o this Office as additional charge.

The appellant's office had requested the concerned authorities of KSEB Alappuzha to fully waive the additional charge thus imposed on this Office to which appellant is no way responsible and further to which the KSEB Officials intimated that this additional amount can neither be discarded nor be waived.

CGRF Ernakulam has arranged an online meeting on 24.06.2022 wherein the undersigned has requested to provide proof which states that only 64.7 % was being recorded from the beginning of the installation of the new meter. In this regard, CGRF, Ernakulam ordered Assistant Engineer, KSEB, Alappuzha to provide a copy of the meter data. The AE, KSEB Alappuzha forwarded the meter data to appellant's office. Due to the lack of technical expertise in this field appellant's office was not in a position or technically capable to review the report submitted by KSEB Officials and the same was forwarded to Regional Office, Trivandrum for technical expertise.

The FCI, Regional Office, Trivandrum had intimated that the report submitted by the KSEB Officials is a tamper data report of the meter and the figures mentioned are the values of parameters during the occurrence and restoration of the events listed. Further, they also intimated that they are not in a position to infer that only 64.7 % was being recorded from the beginning of the

installation of the new meter. Thus, the query raised by the appellant is not cleared as per the meter report provided by the KSEB officials.

The CGRF, issued an order that FCI is bound to pay the entire amount i.e. Rs.32,684/- to the KSEB authorities. In this regard, the appellant pointed out the following.

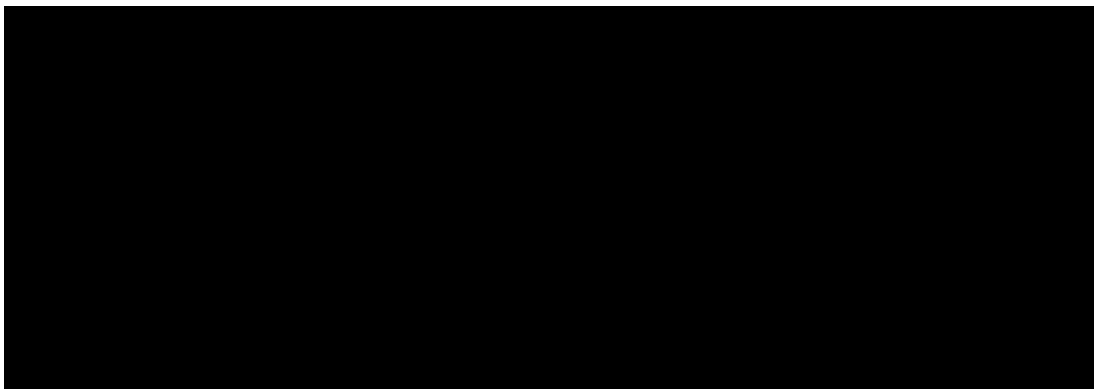
a) The alleged malfunctioned electrical components were installed and maintained by the officials of KSEB themselves and kind attention may be given to the fact that FCI is not responsible for the erroneous installation/malfunction of these electrical components. The said electrical components were sealed during the installation process and the seal was found intact/untampered during the investigation which clearly denotes that FCI is not responsible for these faulty electrical components.

b) On March 22nd 2022, an inspection was carried out by the KSEB officials using the electronic equipment carried by them and FCI employees who were present during the inspection were neither familiar with the equipment nor the procedure. Further, the accuracy of the devices used for the inspection is also questionable.

c) If the malfunction of the electrical items was due to the erroneous installation, then the additional charge should be recovered from the delinquent KSEB Officials or the concerned and it should not be imposed on FCI.

d) It is informed that the purpose of Food Corporation of India is to ensure food security of the nation. Being a Public sector organization working under Government of India, FCI is completely run by the subsidy provided by the Government of India: Hence, imposing of these types of additional charges is not only objectionable but also lay additional expenditure to the public exchequer.

e) The comparison of electricity consumed at this Office is depicted below



From the above data it can be seen that the units consumed for A, C and D are relatively comparable, but in B, i.e units consumed post to the inspection is not comparable to the other 03 and hence cannot be justified.

Based on the above facts, it is requested to this Authority to consider the plea and to discard the imposed additional charge of Rs.32,684/- and render justice. It is also prayed that till the resolution of this complaint, necessary directions to the concerned authorities of KSEB Alappuzha that the electricity connection/supply provided by KSEB to the FCI Divisional Office, Alappuzha shall not be disconnected in any case.

The delay incurred for filing the appeal may please be condoned as this Office had requested to extent the time period for filing the appeal due to heavy transaction in connection with the Onam festival.

**Arguments of the respondent:**

The service connection is given to the appellant, Food Corporation of India Ltd. and the sanctioned connected load of the consumer is 29.6KVA. The electrical energy is measured in the energy meter through the three numbers of 100/5A Current Transformers installed in the meter board. The average consumption of the consumer is 1700 units per month.

While taking the meter reading of the premises during August 2021, the consumption was seen decreased to 800 units and it was convinced that, the energy meter installed in the premises is ceased to work. Hence, the energy meter in the consumer premises was replaced by a good meter on 06.09.2021 and even after that, the consumption during the succeeding months were seen decreased.

During March 2022, the Anti Power Theft Squad, Alappuzha inspected the consumer premises and detected that, the R-phase of the CT is connected to the Y-phase voltage terminal of the energy meter and the Y-phase of the CT is connected to the R-phase voltage terminal of the energy meter. Angle between voltage and current of different phases will be different so the power factor measured by the Energy meter is wrong leading to incorrect measurement. This wrong connection was happened while replacing the faulty meter of the premises with good meter on 06.09.2021 and due to this fault, the energy meter recorded

the consumption by 35.30% less than the actual consumption. To make good the loss sustained by the KSEBL due to this wrong connection for the period of 06.09.2021 to 01.02.2022, a short assessment bill for Rs.32684/- was issued to the consumer

The consumer approached the Assistant Engineer, Electrical Section, Alappuzha Town and intimated that, they are willing to remit the demand if they are exempted from remitting the 90% of the bill amount. The consumer was then explained to and convinced that, there is no penal amount in the bill and they offered with the instalment facility to remit the amount considering the prompt payment of the energy charges by the consumer. Accepting the offer, the consumer requested 10 instalments and accepting the request, ten instalments was allowed to the consumer.

(a) No penal charges or surcharges are included in the short assessment bill issued to the consumer. Only the amount due to KSEBL in normal rate is included in the short assessment bill.

(c) As per the Supply Code, the licensee has the power to demand the due amounts from the consumer, if the faults in the billing is detected later, and is convinced by the orders of the Hon'ble Supreme Court also.

(d) As against the arguments of the appellant in para (5) of the appeal, the KSEBL has not imposed any penal charges on the consumer and also that, the Food Corporation of India Limited is billed under LT VIB tariff which is applicable for the Government owned institutions.

(e) As the energy meter of the consumer is found faulty, it was replaced by a good energy meter on 06.09.2021. As the period from 02.08.2021 to 06.09.2021 during which the energy meter was faulty, the actual average consumption cannot be calculated based on the consumption recorded in the energy meter for that period.

On the ground of the averments supra, it is pertinent that, the consumer is liable to remit the short assessment amount which is only the portion of the actual demand which was not billed due to the wrong connection of the

CT's to the energy meter. Hence, the contentions of the appellant are not sustainable and hence requested the dismissal of the appeal.

**Version of appellant against statement of fact of respondent:**

The Anti Power Theft Squad of KSEB department inspected the meter connections installed at FCI Divisional Office, Alappuzha (Consumer Number 155026002043) and pointed out that due to erroneous meter readings, only 64.70 % usage was being recorded till the date of inspection (i.e up to 22.03.2022) and as a result an amount of Rs.32,684/- has been additionally charged in r/o appellant's office as penalty. The Assistant Engineer, KSEB, Alappuzha has stated that the erroneous reading was caused due to the wrong connection which was made by the KSEB Officials on 06.09.2021 while replacing the faulty meter with a new one. From the statement it is clear that the KSEB officials had given the wrong connection on 06.09.2021 and failed to rectify the erroneous connection until the date of inspection (i.e up to 22.03.2022). The said electrical components were sealed during the installation process and the seal was found intact/untampered during the investigation which clearly denotes that FCI is not responsible for these faulty electrical components nor the connections.

Appellant had requested the concerned authorities of KSEB Alappuzha multiple times to fully waive the additional charge imposed on the appellant to which the appellant is no way responsible and further to which the KSEB Officials intimated that this additional amount can neither be discarded nor be waived. Appellant had requested for 10 instalments only because this office was unaware of the option for redressal, until the same was mentioned by Executive Engineer, Alappuzha on 09.05.2022 and not before.

The purpose of Food Corporation of India is to ensure food security of the nation. Being a Public Sector organization working under Government of India, FCI is completely run by the subsidy provided by the Government of India. Hence, imposing of these types of additional charges in the form of penalty is not only objectionable but also lay additional expenditure to the public exchequer. Further, if the malfunction of the electrical items was due to the erroneous installation, then the additional charge should be recovered from the delinquent KSEB Officials or the concerned and it should not be imposed on FCI.

The appellant requested to consider the plea and requested this Authority to discard the imposed additional charge of Rs.32,684/- and render justice. It is also requested that till the resolution of this complaint, directions to the concerned authorities of KSEB Alappuzha that the electricity connection/supply shall not be disconnected in any case.

**Analysis and findings:**

The hearing was fixed on 17-11-2022 and has been postponed as per the request of the appellant. The hearing of the case was conducted on 09-12-2022 in the office of the State Electricity Ombudsman, Near Gandhi Square/BTH, Ernakulam South. Sri. M.T. Rarichan, Manager (General), FCI, Alappuzha was attended the hearing on behalf of the appellant and Sri. Reghunathan, Assistant Executive Engineer, Electrical Sub Division, KSEBL, Alappuzha North and Sri. Siyad T.R., Sr. Superintend, Electrical Section, Alappuzha Town were 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 appellant is an LT 3 phase consumer of the Licensee (KSEBL) with connected load 29.6 kW. The energy meter is connected through a 3 phase 100/5 CT. The monthly average consumption was around 1700 units. During August 2021, the malfunctioning of the energy meter was noticed and hence, the meter was replaced on 06-09-2021. The recorded consumption after the replacement of meter was also lower than the average consumption earlier recorded. The APTS of Alappuzha inspected the consumer premises and detected the wrong connection of CT to the energy meter. The R phase of CT is connected to the Y-phase voltage terminal of the meter and that Y-phase connected to the R-phase voltage terminal of energy meter. The calibrated energy meter was connected parallelly and found the consumer meter was reading 35.3 % lower than the actual reading. The Licensee assessed that the wrong connection has happened while replacing the meter i.e., on 06-09-2021. Accordingly, the short assessment bill was prepared.

Bill month	Consumption Recorded in units	Actual Consumption in units	Difference in units	Rate	Amount Rs.
October 2021	1080	1669	589	7	4,124.70
November 2021	980	1515	535	7	3742.78
December 2021	1340	2071	731	7	5117.68
January 2022	1660	2566	906	7	6339.81
February 2022	1260	1947	687	7	4812.15
March 2022	1460	2257	797	7	5575.98
		Sub total			29,713.10
		Duty			2,971.30
		Total			32,684.40

The meter was found faulty while taking the reading on 02-08-2021 and faulty meter was replaced on 06-05-2021 only, which is about more than a month.

Section 118 of Kerala Electricity Supply Code 2014 deals with the replacement of damaged meter: -

Section 118 (3) The bypassing shall be removed by replacement with a correct meter within the least possible time, at any rate within three working days for LT meters and within fifteen days for HT meters.

This Section is clearly states that the defective LT meters are to be replaced within 3 working days. This is not done in time and the respondent explained that this delay is due to the shortage of the meter. As per the regulation, the meters are to be installed by the Licensee and to be sealed. The responsible official of the Licensee has to make the connection and to ensure that the same is made correctly. It is the question whether the official who has done the connection is not aware/experienced for this job. Licensee has to ensure that this type of mistake is not happening further as these results to revenue loss.

Section 134 of Kerala Electricity Supply Code 2014 is clear about the charging of undercharged bills: -

Section 134 (1) "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."



As per this Section, the Licensee is empowered to recover the undercharged bills from the consumer by raising the supplementary bills. This is a mistake happened from the Licensee and hence the Licensee cannot charge any penalty or surcharge on this issue.

**Decision: -**

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

- (1) The appellant is liable to pay the short assessment bill issued by the Licensee.
- (2) The Licensee shall grant 10 numbers of monthly instalments without interest for remitting the payment.
- (3) The order of CGRF, Central Region is modified accordingly.
- (4) The Licensee has to device the system to ensure the strict adherence of regulations.

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

**ELECTRICITY OMBUDSMAN**

P/071/2022/\_\_\_\_\_ dated \_\_\_\_\_.

Delivered to:

1. Sri. Bimal. V.T., Divisional Manager, Food Corporation of India, Divisional Office, Alappuzha 688012
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Alappuzha North, Alappuzha 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.