

THE STATE ELECTRICITY OMBUDSMAN

D.H. Road & Offshore Road Junction, Near Gandhi Square,
Ernakulam, Kerala-682 016

Ph: 0484 2346488, Mob: 8714356488

www.keralaeo.org Email: ombudsman.electricity@gmail.

APPEAL PETITION No. P/093/2022**(Present: A. Chandrakumara Nair)****Dated: 30th January, 2023**

Appellant : Smt. Thankamma.V.C.,
Kanakkanmarkunnath House,
Mulloorkkara,
Thrissur Dist. 680583

Respondents : Asst. Executive Engineer,
KSE Board Ltd.,
Electrical Sub Division, Kundannur,
Thrissur Dist.

ORDER**Background of the case:**

The appellant Smt. Thankamma. V.C. is a consumer of the Licensee (KSEBL) under Electrical Section, Cheruthuruthy with consumer number 1156924021643. The connection is a domestic power connection with tariff 1A and connected load 4705 W. The billing was done bimonthly and the charges were paid regularly. The meter reading could not be taken since 10/2021 to 04/2022 due to the door locked condition. When the meter reader attended the premises to take the reading on 04-06-2022 and found that no display was showing in the meter. Then the meter was replaced on 04-06-2022. The next reading was taken on 03-08-2022 and reading shown was 2000 units. Accordingly, the Licensee has raised bill for Rs.18,649/-. The reading was very abnormal and the house was normally in locked condition and they used to be in the house once in a while only. The appellant contented about the abnormal reading and abnormal bill. The appellant complained to check the meter, on checking by the officials of the Licensee, found that the meter was functioning normal. The reason for abnormal reading would have been due to the earth leakage in the wiring. The appellant filed petition to the Consumer Grievance Redressal Forum (CGRF), Central Region and CGRF (CR) order dated

15-11-2022 states that the petitioner is liable to pay the bill amount. Aggrieved by the decision of the Forum, the appellant filed appeal petition before this Authority.

Arguments of the appellant:

The appellant's meter reading taken on 03-08-2022 shows an abnormal consumption of 2000 units and accordingly the bill was raised for Rs.18,649/-. Earlier bimonthly bills were shown only below 50 units. The abnormal bill was raised after the replacement of meter by 4-6-2022. A complaint was given to the Electrical Section on 10-08-2022 against the exorbitant bill amount. Since the continuous occupancy was not in the house and also switched off the main switch when they leave the house, the exorbitant bill was received from the Licensee. This matter was verified with an electrician and found that the earth leakage was occurred due to the current passed to the metal box.

On a further enquiry, electric meter, fuse, ELCB were installed and if the occurrence of internal wiring leakage, ELCB will take care of the electric circuit. Though the ELCB was installed to prevent loss of electricity and accident by electric shock, it is assumed that the earth leakage was occurred due to fault of wire connection between meter and fuse.

The appellant is not using any high-power consuming items like AC, Fridge etc. and also not living in the house continuously. Still receiving the electricity bill with such an exorbitant amount is regretted. Under pressure from the Licensee, the bill amount was remitted. No consideration was given by the Licensee / CGRF even though the excess usage of electricity was occurred due to no fault from the appellant. Appellant requested to this Authority to verify the matter and take necessary action to reimburse the excess amount paid to the Licensee.

Arguments of the respondent:

The appellant was given a complaint to the Electrical Section on 10-08-2022 against the exorbitant bill amount of Rs.18,649/- and as such the meter is to be verified to confirm its working condition. The respondent informed that there is no fault in the meter and meter reading whereas the excess consumption was occurred due to the internal wiring leakage. This matter

was verified with an electrician by the appellant and found the earth leakage, which was rectified. The respondent further reported that the appellant's premises' gate was in locked condition for the last few months and hence, the meter reading was not taken in due dates. While taking the reading during 06/2022, it was found that the meter had no display and thus the bill was calculated on the basis of average consumption. The faulty meter was also replaced on 04-06-2022. When the meter reading was taken during 08/2022 after the replacement of meter, the excess reading was shown, which was informed to the appellant.

As per the request of the appellant, the Sub Engineer inspected the premises of the appellant and informed the appellant that there is no electric shock in the meter and the electric accessories in the metal board. As per Section 21 of the Kerala Electricity Supply Code 2014 & Amendment 2017, the safety of the meter and electric accessories are to be maintained by the consumer. The appellant is responsible for the remittance of the bill when the excess consumption occurred due to the leakage from the electric appliances except the meter. In accordance with the KSEBL order No. BO (FTD) No.96/2022/D(D&IT)D1/CMD/2021-22/ 0033/TVM dated 05-02-2022 the excess consumption due to earth leakage is to be remitted by the consumer. However, the remittance can be made in instalments.

The appellant had approached CGRF against the bill for Rs.18,649 issued to the appellant on 03-09-2022. The appellant contented that the earth leakage was occurred after replacement of the meter. Based on this, the meter data was downloaded and confirmed that the old meter was also shown the electric loss due to earth leakage. So, the CGRF also ordered to remit the bill amount.

On 01-11-2022, from the downloaded data, the total	
reading of the old meter	= 3659.65 unit
Billed	= 870 unit
To be billed	= 2769.65 unit

The appellant is responsible to remit the above balance unit of the current bill. With the above reasons, the respondent requested to reject the petition of the appellant.

Analysis and findings:

The hearing of the case was conducted on 17-01-2023 in the office of the State Electricity Ombudsman, Near Gandhi Square/BTH, Ernakulam South. Ms. Sreerekha. K.S. was attended the hearing on behalf of the appellant and Sri. Mujeebu Rahman. P., Asst. Executive Engineer, KSEBL, Electrical Sub Division Kundannur 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 appellant is a domestic consumer of the Licensee under the Electrical Section, Cheruthuruthy, Thrissur. The house was constructed and availed connection on 11-08-2018 and it is under tariff 1A with connected load of 4.705 kW. The billing was done every two months and the payments were regularly made by them. The meter readings from 10/2021 to 04/2022 were not taken as the house and gate was in locked condition. Daughter is staying elsewhere due to her job in State Govt. and the appellant is also staying with her. Once in a while they use to be in their home especially on holidays. As per the provisions of Kerala Electricity Supply Code, the average readings of previous 3 billing cycles were considered and arrived average reading and bills were issued accordingly during the period when the house was in door locked condition.

Section 110 – Reading of meter

- 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.

The Section 111 deals with the consequences of making the meter

- 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 53 consumer if the consumer pays the fixed charge or minimum charge for such period in advance.

The above Sections clearly explain the procedure to be adopted when the meter is not accessible for reading. The provisional billing should not be extended more than two billing cycles and if extends, the Section 111 is to be applied. Here the Licensee has continued the door locked status for 5 billing cycles. When the respondent tried to take meter reading during 06/2022, it is noticed that meter is not showing any display and accordingly the meter was replaced on 04-06-2022. While taking the reading on 03-08-2022, the consumption recorded by the meter is 2000 units, which is very high and

abnormal. Accordingly, the Licensee has issued a bill for Rs.18,649/-. The appellant has stated that the building was in locked condition and there is no other special domestic equipments like Air conditioners, washing machine etc., as such the consumption recorded by the meter is not correct and this would have happened only in the new meter. The respondent observed that there is a leakage of current to earth in the energy meter box. The phase wire connecting from meter to the cut-out fuse has insulation failure and it was touching the metal box and hence, result for earth leakage. This earths leakage is happened before the ELCB and hence, the ELCB would not have tripped during the earth leakage. Due to this earth leakage, heavy energy loss was suffered and this huge consumption was recorded. As this earth leakage is happened after the meter, the responsibility is with the consumer.

The Section 21 of Kerala Electricity Supply Code 2014 describes as: -

Section 21 (1) It is the responsibility of the consumer to keep in safe custody, the meter and other equipment of the licensee and seals on the meter and associated equipment installed within the premises of the consumer.

As per the request of the appellant, the meter removed from the appellant's premises had been sent for testing. The downloaded data from the meter shows that earth fault was there earlier also and heavy reading recorded in the old meter and that consumption was not billed. The bill amount of Rs.18,649/- has already been paid by the appellant to avoid disconnection and other inconvenience and requested to refund.

In this case, it is very pertinent to note that the Licensee has not adhere to the provisions of Supply Code. If the action as per Section 111 of Supply Code would have been initiated after the two-billing cycle of door lock status, this situation would not arise. The supply would have been disconnected and the and the leakage would have been avoided and hence, the loss of energy. As there is a major violation happened from the Licensee, the respondent shall not bill for the consumption recorded in the earlier meter. This much leakage has happened due to the delay in timely action from the Licensee.

Decision: -

From the analysis of the arguments and the hearing, following decision is hereby taken:

- (1) The appellant is liable to pay the bill amount already raised by the Licensee.
- (2) No further bills on this account are to be issued by the Licensee.

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

ELECTRICITY OMBUDSMAN

P/093/2022/_____ dated _____.

Delivered to:

1. Smt. Thankamma.V.C., Kanakkanmarkunnath House, Mulloorkkara, Thrissur Dist. 680583
2. Assst. Executive Engineer, KSE Board Ltd., Electrical Sub Division, Kundannur, Thrissur 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.