

THE STATE ELECTRICITY OMBUDSMAN

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**Appeal Petition No. P/05/2024
(Present A. Chandrakumaran Nair)
Dated: April-23-2024**

Appellant : Smt. Saleena Ismail,
Thadathil Pampil House,
Nedumkunnam,
Nedumkunnam P.O.,
Kottayam (Dist.)- 686542.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
Kerala State Electricity Board Ltd.,
Karukachal, Kottayam(Dist.).

ORDER

Background of the case

The appellant Smt. Saleena Ismail is a domestic consumer of the licensee with consumer no. 1146410030383 under their Karukachal Electrical Section. This is a single phase connection with connected load of 1.976 kW and connected on 06/03/2023. The first bill was issued on 24/04/2023 for Rs. 104 and the consumption recorded was 19 units. The second bill was issued on 21/06/2023 for 2767/- and the consumption recorded was 442 units. The appellant disputed the bill as there was no chance of consuming this huge quantum of power. A meter which would have not been accurate have connected parallel to the existing meter and the consumption recorded by this new meter was much less. The old meter have been send for testing at TMR pallom and report states that the error is within the limit and hence the meter is not faulty. The power have been disconnected as the payment was not made and have been reconnected as per the intervention of CGRF. The appellant is contenting that the meter would have been faulty as the test meter shows lower reading and also complaining about the disconnection without proper notice. CGRF had issued order dated 30/12/2023 on completing the procedural formalities. This petition is filed as the appeal to the order of the CGRF.

Arguments of the Appellant

I am a widow aged 58 years suffering from Knee osteoarthritis and a registered KSEB Consumer bearing Consumer No: 1146410030383 and meter serial no: 67314618 of Karukachal Electrical Section with a Connection Demand of 1.976 KVA situated at Kottayam district, Nedumkunnam Kara, Nedumkunnam Village, Ward 2, Building no: 30-B wef from the month of April 2023. The said premise consists of a small house with two rooms and a kitchen with asbestos roofing. The Initial Consumption of the house was about 19 Units up to 24-04-2023 worth an amount of Rs 104. and the same was paid. The said house is locked after the construction purpose and meant for rent purpose. During the month of June 21-06-2023 the Karukachal Section office issued a bill bearing Bill no: 4641230620137 with a consumption of 442 Units worth an amount of Rs 2767 for the Locked House. I am writing to formally appeal against the order issued by CGRF, Kottarakara in my recent electricity dispute case. The case reference number is [OP No: 52/2023]. I appreciate the efforts of CGRF, Kottarakara in handling electricity-related disputes; however, I believe there has been a significant oversight in my case. I would like to bring to your attention the following issues that were not adequately addressed during the dispute resolution process:

Non-Consideration of Parallel Meter Reading:

The dispute in question revolves around electricity readings, specifically the readings from a parallel meter. Despite bringing this to the attention of CGRF, Kottarakara, the parallel meter readings were not considered in the final order. The parallel meter reading is crucial evidence that could have a significant impact on the resolution of the dispute. A copy of the parallel meter readings submitted by the KSEB Karukachal section before the CGRF is as follows.

The Meter readings recorded in the testing register is as shown below

| Disputed meter readings | | | Newly installed parallel meter readings | | |
|-------------------------|---------------|-------------|---|---------------|-------------|
| Initial reading | Final reading | Consumption | Initial reading | Final Reading | Consumption |
| 466 | 473 | 7 | 70 | 72 | 2 |

It is evident and clear from the above readings that though the same amount of current passes through both the meter yet there is a difference of 5 Units in Consumption with the disputed meter.

Disconnection Without Prior Notice:

I was disheartened to discover that my electricity supply was disconnected without any prior notice, despite an ongoing dispute. As per standard procedures and regulations, consumers are entitled to receive adequate

notice before such disconnections take place. Unfortunately, in my case, this was not adhered to, causing unnecessary inconvenience and hardship. I kindly request that you review the details of my case, taking into consideration the points mentioned above. I believe that a fair and just resolution can only be achieved by considering all relevant information, including the parallel meter reading and the circumstances. Now I am residing in the said house and have been paying the bi-monthly bill of kseb since 01-07-2023 and the order of CGRF, Kottarakara was uploaded in the website on 04-01-2024 and I am afraid whether the kseb supply will be disconnected by the section authorities again hence I plead the appellate authority to consider the facts of the case and earnestly plead for your careful consideration of my appeal, and I respectfully request that you review the overlooked evidence, particularly the parallel meter reading, with the hope that a favorable decision will be rendered, ensuring a fair and just resolution to this matter and request you to direct the section authority not to disconnect the supply of the house until further orders.

I have attached the copies of relevant documents, including the communication with the electricity provider, meter readings, and correspondence with CGRF, Kottarakara. I trust that a thorough review of these documents will highlight the discrepancies and support my appeal for a fair and just resolution. I appreciate your prompt attention to this matter and trust that, with your intervention, a satisfactory resolution can be reached. I have mailed all the documents via post and mail dated 15-01-2024. Since I am not able to travel I have entrusted Advocate Safad Ismail to act on my behalf for all the proceedings and hearings with the appellate authority.

Arguments of the Respondent

The petitioner is the registered owner of consumer number 1146410030383 of KSEB Ltd. Karukachal, and the electric connection was effected with a single phase meter having serial number: 67314618 for domestic purpose on 06.03.2023 with a connected load of 1.976 kW. As per Section (45) of Electricity Act 2003, Charges for Electricity used by the consumer was issued on 24-04-2023 (48 Days after the date of effecting of service connection) after taking meter reading in the same day with an amount of Rs.104/- and the consumption is 19 units only. Initial bill paid by the consumer on 04-05-2023.

Non consideration of parallel Meter reading

After taking the bimonthly reading, the second bill was issued on 21-06-2023 with an amount of Rs.2767/- for the consumption of 442 units, through demand cum disconnection notice. After getting this bill, consumer approaches CGRF Kottarakara. Considering the facts and circumstances, Hon'ble Forum disposed the case and ordered that the

petitioner is liable to remit the bill served by the KSEB Ltd. After this, the consumer approached state Electricity Ombudsman by raising two points. After receiving the bimonthly bill amounting to Rs 2767, the consumer approaches KSE Ltd Office and submit a written complaint against this charge but refused to pay the meter testing fees. The Assistant Engineer, Electrical Section, Karukachal informed the consumer several times to remit the testing fees for calibrating the accuracy of the meter. But he refused to pay the testing fees. There was no such facility at Electrical Section Offices to calibrate the accuracy of the meter. So, a newly arrived single phase meter fixed parallel with the existing meter for measuring the accuracy of the disputed meter on 7-07-2023. After 7 days (on 14-07-2023) the reading of both the meters were taken and recorded in the register kept at the Office. As it is not practical to calibrate the accuracy of all meters, only a few of them are tested by KSEB so the accuracy of the newly installed parallel meter has not been authenticated.

The Meter readings recorded in the testing register is as shown below

| Disputed meter readings | | | Newly installed parallel meter readings | | |
|-------------------------|---------------|-------------|---|---------------|-------------|
| Initial reading | Final reading | Consumption | Initial reading | Final Reading | Consumption |
| 466 | 473 | 7 | 70 | 72 | 2 |

As there is a variation in both the meter readings, It is necessary to calibrate the accuracy of the meter at the meter testing laboratory, TMR Unit Pallom. But the consumer did not remit the testing fees nor energy charges till the date of disconnection. So the supply disconnected on 22.07.2023. Mean while the consumer paid the testing fee of Rs.615/- for calibrating the accuracy of the disputed meter on the same day. Hence the meter detached from the system and fixed another meter for avoiding interruption to the premises within the meter testing period and the consumer meter submitted to the Testing Lab at Pallom.

On 01-08-2023, test report received from the meter testing lab Pallom and the test result is as follows.

| Accuracy For Active Energy:- | | | | |
|---|--------------|---------------------|---------------------|---------|
| Meter is energised under reference condition with balanced load | | | | |
| Current | Power Factor | Maximum Error Limit | Observed Error in % | Remarks |
| 100% I max | UPF | ±1.0 | -0.09 | |
| 100% I max | 0.5 LAG | ±1.0 | -0.22 | |
| 100% I max | 0.8 LEAD | ±1.0 | 0.15 | |

| | | | | |
|---------|----------|------|-------|----------|
| 100% lb | UPF | ±1.0 | -0.04 | Conforms |
| 100% lb | 0.5 LAG | ±1.0 | -0.37 | |
| 100% lb | 0.8 LEAD | ±1.0 | -0.24 | |
| 100% lb | UPF | ±1.0 | -0.07 | |
| 100% lb | 0.5 LAG | ±1.5 | -0.25 | |
| 100% lb | 0.8 LEAD | ±1.5 | -0.36 | |

| | | | |
|---------------------------|-----|--------------------------|-----|
| Reading before test (KWH) | 474 | Reading after test (KWH) | 478 |
|---------------------------|-----|--------------------------|-----|

The test result stated that the error of the meter is found within the limits and the condition of the single phase meter with serial no:67314618 of Consumer 1146410030383 is good and hence the consumer is liable to remit the the entire energy charge issued by the KSEB Limited as per the demand cum disconnection notice dated 21-06-2023 for the 442 units energy used. The detailed test report also attached with the version.

Disconnection without Prior notice.

After taking the bimonthly reading, the second bill was issued on 21-06-2023 with an amount of Rs.2767/- through Demand cum Disconnection Notice with a notice period of not less than 15 clear days. AS per Regulation 138 1 (a), if the consumer defaults in payment of the dues payable to the licensee, shall disconnect the supply of electricity within the period stipulated therein. Further more the test report of TMR Division, Pallom, certified that the condition of meter is good and the consumer is liable to pay the energy charges issued by the licensee. Hence I prayed to dismiss the petition with a permission to recover the energy charges at an early time.

Analysis and findings

The hearing of the case was conducted on 20/03/2024 at 11:30 a.m. in the KSEBL, IB, Pallom, Kottayam (Dist.). The hearing was attended by the appellant’s nominee Sri. Safad Ismail, Thadathil Parampil, Nedumkunnam and the respondent Smt. Sandhya T.S., Assistant Executive Engineer, Electrical Sub Division, KSEBL, Karukachal, Kottayam (Dist.).

The appellant is a domestic consumer under the tariff LT 1A and the power was connected on 06/03/2023 with a connected load of 1.976 kW in single phase. The first bill was raised and the payment was made without any dispute. The second bill was for a higher amount as the meter was recorded higher consumption 442 units. The appellant disputed the bill doubting the accuracy of the meter. The licensee have connected a new meter parallel to the existing meter and found that the existing meter was read higher than the new meter. The licensee states that the new meter was not a calibrated meter and hence the consumption recorded by that new meter would have

been incorrect. Then the meter was tested at TMR division pallom and result shows that the meter is not faulty. The appellant is not ready to accept the test result and still argue that the meter is faulty as the reading in the parallel meter connected was lower.

The procedure for testing of meter is been detailed in the regulation 115 of the Kerala Electricity Supply Code 2014.

115(1) “The meter shall normally be tested in the laboratory of the licensee, approved by the Commission”.

115(2) “In case the licensee does not have a testing facility approved by the Commission, or if so desired by the consumer, the meter shall be tested at any other laboratory accredited by the National Accreditation Board for Testing and Calibration Laboratories (NABL)”.

115(4) “In the case of testing on the request of the consumer, he shall have to pay the testing fee as per the Schedule of Miscellaneous Charges given in schedule 1 of the Code:

Provided that if the meter is found to be recording incorrectly or defective or damaged due to technical reasons such as voltage fluctuation or transients, attributable to the licensee, the testing fee shall be refunded to the consumer by the licensee by adjustment in the subsequent bill”.

115(5) “Before testing a meter of the consumer, the licensee shall give an advance notice of three days, intimating the date, time and place of testing so that the consumer or his authorised representative can, at his option, be present at the testing”.

115(6) “The testing shall be done within a maximum period of thirty days from the receipt of the application”.

115((7) “The consumer or his authorised representative and the representative of the licensee present during testing shall affix their signature on the test report issued by the authorised officer of the laboratory as a token of having witnessed the testing:

Provided that the licensee and the consumer shall be eligible to get a copy of the test report which shall be dispatched to them within two working days of the date of testing, if not delivered in person at the time of affixing their signature”.

115(8) “If a consumer disputes the result of testing at the laboratory of the licensee, the meter shall be got tested at a laboratory selected by the consumer from among the laboratories accredited by the National Accreditation Board for Testing and Calibration Laboratories (NABL)”.

Then the procedures to be adopted for the replacement of defective meter is described in the regulation 116 of the Kerala Electricity Supply Code 2014.

116(2) “If the meter is found defective, the licensee may test it at site, if feasible, and if not feasible, the meter shall be replaced with a correct meter and the defective meter shall be got tested in an accredited laboratory or in an approved laboratory”.

116(3) “The consumer shall provide the licensee necessary assistance for conducting the inspection and the test”.

116(4) “A consumer may request the licensee to inspect and test the meter installed in his premises if he doubts its accuracy, by applying to the licensee in the format given in Annexure - 15 to the Code, along with the requisite testing fee”.

116(5) “On receipt of such request, the licensee shall inspect and check the correctness of the meter within five working days of receiving the complaint”.

116(6) “If the meter is found defective, the licensee and the consumer shall follow the procedure as detailed in regulation 115 above”.

Here the meter have been tested at site and then tested at the TMR division. The meter is not defective. The consumer disputed the result of testing at the TMR division, Pallom. Then in the hearing it is suggested that the meter could be tested at the meter testing lab of Kerala State Electrical Inspectorate and the same was agreed by the appellant. Accordingly, an interim order has been issued directing the licensee to test the meter again in the Lab of Kerala State Electrical Inspectorate. The licensee has send the meter for testing at the lab of Kerala State Electrical Inspectorate and the test result as per their test report dated 22/04/2024 shows that the errors are within the tolerance limit as IS for class I meter. This shows that the meter recorded the consumption correctly, the energy has been consumed during this period. The recorded data downloaded during the testing and the monthly consumption are as below.

| Sl. No. | Kwh reading | MD in kw | Consumption in unit/month |
|---------|-------------|----------|---------------------------|
| 1 | 484 | 5.56 | 22 |
| 2 | 462 | 0.49 | 156 |
| 3 | 306 | 0.44 | 243 |
| 4 | 63 | - | 62 |
| 5 | 1 | - | - |
| 6 | 1 | - | - |

It is noticed that there was heavy consumption during two months and was recorded by the meter. The consumption of power would have been due to earth leakage in between the meter and main switch. As it was before ELCB, it would have not tripped.

The second contention of the appellant was about the disconnection of the power without notice. The bill has been issued to the consumer for the billing period 06/2023 and bill date was 21/06/2023 and the due date of payment is 01/07/2023. The date of disconnection (DC date) is mentioned as 18/07/2023. This almost 17 days after the due date of payment.

The regulation 138 (1) (a) specify about the ground for disconnection.

138(1) “The licensee shall not disconnect the supply of electricity to any consumer except” & (a) “if the consumer defaults in payment of the dues payable to the licensee as per the bill or demand notice or any order issued by a competent authority, within the period stipulated therein;”

The procedure for disconnection is described in the regulation 139

139(1) “The licensee shall, in the case of disconnection proposed on the grounds mentioned in clauses (a) and (b) of sub regulation (1) of regulation 138 above, issue a disconnection notice in writing, as per Section 56 of the Act, with a notice period of not less than fifteen clear days, intimating the consumer about the grounds for disconnection and directing him to pay the dues with penal charges within the notice period”.

(2) “If the consumer fails to remit the dues within such notice period, the licensee may disconnect the service of the consumer on the expiry of the said notice period, by cutting off the supply in the manner as the licensee may deem fit:

Provided that the licensee shall not disconnect the supply to a consumer under this sub regulation, if the consumer deposits under protest, an amount equal to the sum claimed from him or equal to the electricity charges due from him for each month, calculated on the basis of the average charge for electricity paid by him during the preceding six months whichever is less, pending disposal of any dispute between him and the licensee:

Provided further that the supply shall not be disconnected after 1:00 PM on any day or on holidays so that the consumer is not deprived of a chance to remit the dues on the same day and get re-connection”.

The Section 56 of the Electricity Act 2003 clearly spelt about the procedure for disconnection. It is to be noted that the bill itself is the disconnection notice which clearly indicate the date of disconnection. As such the action of licensee is as per the provision of Act and Regulations.

Decision

On verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken.

1. The appellant is liable to pay the amount as per the bill raised by the licensee.
2. Licensee shall not charge any surcharge for this delayed payment.
3. No other costs ordered.

ELECTRICITY OMBUDSMAN

No. P/05/2024/_____ dated: 23/04/2024

Delivered to:

1. Smt. Saleena Ismail, Thadathil Pampil House, Nedumkunnam, Nedumkunnam P.O., Kottayam (Dist.)- 686542.
2. The Assistant Executive Engineer, Electrical Sub Division, Kerala State Electricity Board Ltd., Karukachal, Kottayam(Dist.).

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Kottarakkara - 691 506.