

STATE ELECTRICITY OMBUDSMAN

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REPRESENTATION No: P 134/10

Appellant : Sri M.D.Pankajakshan
10/1008 St Vincent Road
Palarivattom Ernakulam 682025

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division, Palarivattom, Ernakulam

ORDER

Sri M.D.Pankajakshan, Palarivattom Ernakulam submitted a representation on 18.5.2010 seeking the following relief :

Refund the Excess charges collected from 1/2003 to 1/2005 with interest

Counter statements of the Respondent was obtained and hearing conducted on 22.7.2010. The Appellant is an LT 3 phase consumer under Electrical Section Palarivattom. The Respondent had realized current charges from him based on a bi-monthly average of 300 units from 1/2003 to 1/2005 since the meter was reported to be faulty. The meter was replaced on 28.2.2005 and correct readings are available only there after. The Appellant pleads that his bi-monthly average consumption had not been 300 units for any periods and requested for revising the demands based upon the average of the periods after changing the meter.

He approached the CGRF but the Forum did not approve his contention.

The representation with the pleas noted above is submitted to the under signed in the above back ground.

Since the dispute relates to the period 2003-2005 it would be fair to follow erstwhile the Conditions of Supply Regulations of KSEB on the matter. Section 31(C) of the Regulations state that during the meter-faulty periods 'the correct quantity of energy shall be determined by taking the average consumption for the previous three months due regard being paid to the conditions of working , occupancy etc. If the average consumption for the previous three months can not be taken due to the meter ceasing to

record the consumption or any other reason, the correct consumption will be determined based on the average consumption for the succeeding three months’.

The main question to be decided is whether the Respondent had taken the bi-monthly average of 300 units as per the above Section 31(C). The Respondent had stated that average of 300 units had been taken based upon ‘the bimonthly bills of 5/2001 and 7/2001, 360 units and 240 units respectively’.

Computing the demands from 1/2003 to 1/2005 depending upon the average of 5/2001 and 7/2001 is contrary to the provisions of the Regulations. Moreover the meter reading register produced by the Respondent do not show any such readings for the said months ,viz, 5/2001 and 7/2001 . The readings noted for the period in the Register are 4399 constantly. It was seen that the consumption of 360 and 240 units were taken from the Consumers Personal Ledger entries where these ‘assumed’ or ‘average’ figures had been taken for raising demands. The Respondent can not take such figures for raising demands for the periods after two years. In short the Respondent was not in a position to explain the rationale for taking the average of 300 units per bi-month.

The meter reading register also shows that the meter of the consumer had not been recording steadily, even from 1996 onwards and ‘MF’ entries, which means Meter is Faulty, appear on several dates. From the above one can only conclude that the Respondent had arrived at the bi-monthly average of 300 units without any basis and quite arbitrarily.

Since the correct quantity of energy can not be determined by taking the average consumption for the previous three months due regard being paid to the conditions of working , occupancy etc, as per the provisions of the Conditions of Supply Regulations of KSEB, the only option is to take the average consumption for the succeeding three months.

The Respondent will have to revise the demands from 1/2003 to 1/2005 taking the average consumption for 3 months after 28.2.2005, the date of changing the meter, and refund the excess realizations.

Orders:

Under the circum stances explained above and after carefully examining all the evidences, arguments and points furnished by the Appellant and Respondent on the matter, the representation is disposed off with the following orders:

- 1. The plea of the Appellant is allowed , setting aside the Order No CGRF-CR/Comp 73/09-10 dated 21.4.2010 . The demands from 1/2003 to 1/2005 shall be revised taking the average consumption for 3 months after 28.2.2005, the date of changing the meter, and the excess realizations shall be refunded by adjustment in future bills.*
- 2. The adjustment of the excess amounts should commence within 3 months from the date of this order failing which the Respondent shall be liable to pay interest from the date of the actual realization of the excess amounts as provided in the clause 24(6) of the Kerala Electricity Supply Code.*
- 3. No order on costs.*

Dated this the 23rd day of July 2010,

P.PARAMESWARAN
Electricity Ombudsman

No P 134 /2010/ 623 / dated 27.7.2010

Forwarded to: 1. Sri M.D.Pankajakshan
10/1008 St Vincent Road
Palarivattom Ernakulam 682025

2. The Assistant Executive Engineer
Electrical Sub Division, Palarivattom, Ernakulam

Copy to :

1. The Secretary,
Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram 695010
2. The Secretary ,KSE Board,
VaidyuthiBhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF,KSE Board , PowerHouse , Ernakulam

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