

## STATE ELECTRICITY OMBUDSMAN

Thanath Building, Club Junction, Pookkattupadi Road,  
Edappally Toll, Kochi 682024

[www.keralaeo.org](http://www.keralaeo.org)

E-mail: ombudsman.electricity@gmail.com

Phone: 0484 2575488 Mob: +91 9567414885

### **Representation No: P/157/2010**

(Present: T P VIVEKANANDAN)

Appellant: The Assistant Executive Engineer,  
P H Sub Division, Kerala Water Authority,  
Wadakkera, Maikad P O, Pin- 683589, Ernakulam Dt.

Respondent: Kerala State Electricity Board.  
(Represented by)  
The Assistant Executive Engineer,  
Electrical Sub Division, KSEB, Chengamanad P.O, Ernakulam Dt.

### **ORDER**

The Appellant is representing Kerala Water Authority and is running a Water Treatment Plant at Chowara for Pumping water to Moozhiiyl pump house for distributing Drinking Water to the General Public with consumer No:7473 / LT IV under Electrical section, Athani in Ernakulam District.

#### **Background of the case:-**

A Surprise Inspection was conducted on the consumer's (No 7473/ LT IV) premises by the local Electrical Section Officials and the APTS (Anti Power Theft Squad) on 03.03.2009 and on testing found that two phases (out of three phases) of Electric Supply to the Energy Meter was missing and therefore the Energy meter provided for the water Treatment Plant was not recording the actual Electrical energy consumed. It was found that only one phase of energy is being recorded by the Meter. That is to say the Meter is recording only one third of the actual consumption of energy. The Inspection team observed that the fall in energy consumption was from the month of 4/2008 onwards and accordingly the consumer was assessed and served with an additional bill amounting to Rs 14,18,328/- for the short assessment realization of the unrecorded energy. The consumer was also seen billed for an unauthorized Additional load for the period 6/2007 to 6/2008. The relief sought by the consumer is 'cancellation of bill dated 10.03.2009 for Rs 14,18,328/-'.

#### **Averments of the consumer:-**

- 1) The Assistant Engineer, KSEB issued the bill, being the reassessed power charges from 4/2008 to 1/2009, on the insistence of APTS based inspection conducted on 3.3.2009 and on the assumption that two phases are missing from 4/2008.
- 2) The water supply at Nedumbassery, Kunnukara and Chengamanad Areas are fed from Chowara Water Treatment Plant and subsequently from Moozhiiyl Pump House. During 2008-

09, Water supply from Chowara Plant was decreased considerably as compared to previous years due to shortage of KSEB Power supply at the Plant. This Power shortage was rectified by providing a Direct Feeder (Dedicated Feeder) by KSEB on 22.02.2009. There was shortage of water from Chowara Plant to Moozhiyal Pump house during the period of 4/2008 to 2/2009. Therefore pumping of water supply to its areas was badly affected and this resulted in Public protest. After the commissioning of a Feeder, sufficiency in water supply was resumed from 23.2.2009 onwards and the Pump house is functioning smoothly since then. Hence the bill raised consequent to APTS inspection is unrealistic for the period of 4/2008 to 23.2.2009.

3) Monthly meter readings are taken by Sub Engineer or Assistant Engineer, who are qualified officials and if there was any huge difference in meter readings it, will be noted by them. Since there is no report from them or from billing wing regarding this shortfall of energy usage, it is actual reading only. From 23.2.2009 onwards, full pumping is being done. The missing of two phases might have occurred in between the last meter reading date and the inspection date. Since KWA has paid all the Power charges as per KSEB's monthly invoices during 4/2008 to 1/2009, the arrear bill of Rs14,18,328/- may be cancelled.

**Averments of the Respondent:-**

1). The Electric service connection was given to KWA for pumping drinking water with a connected load of 47 KW. During an inspection conducted by APTS in the premises on 3/3/2009 it is observed that two phases of electric supply were missing from 4/2008. Hence in order to collect the charge for the unrecorded portion of the energy consumed, an assessment bill amounting to Rs1418328/- was issued.

2). From the energy Consumption statement (Monthly Meter Readings register) for the period 1/08 to 1/10, it is noted that the energy consumption for the months of 1/08 was 20940 units, for 2/08 was 18730 units and for 3/08 it was 21250 units and in 4/08 it has decreased to 13550 units followed by 10990 in 5/08 and the consumption was around 10000 units till the Meter was changed in 4/09. Thereafter the energy usage has increased considerably. This shows that there was fall in energy recording in 4/08 and hike after changing the Meter.

3). The argument of the consumer that during the period under dispute, the consumption was less due to shortage of water from Chowara to Moozhiyal pump house is not correct as there is an exclusive feeder (dedicated feeder) for Chowara plant from Aluva 110 KV Station. The line work mentioned by the consumer is the duplicate feeder to Chowara plant. The same line work is not complete and not charged till date. Hence the argument of the petitioner that after commissioning of line only, receipt of water to Moozhiyal pump house increased and pumping from here attained full swing cannot be admitted. During 3/09 the recorded consumption was only 9460 units whereas the appellant has submitted that smooth functioning of the pump house commenced from 2/09 onwards. This proves the findings of APTS inspection team that two phases are missing from 4/08, is correct and reasonable. The CGRF has ordered that the bill is for unrecorded consumption of energy and hence in order. The consumer is liable to remit this amount.

**Hearings and Findings:-**

The Hearing was done twice i.e. on 8.2.2011 and 18.3.2011. Both parties were present in the Hearings and submitted additional documents and argued the case. The main points of their averments were on the lines as listed above. The petitioner submitted the copy of Complaint Register kept at his office to show the increase in complaints received from the Public, during the disputed period, regarding the acute Water Supply shortage experienced in Areas under his

control. On going through the same, it is noted that those were all general complaints which will be expected during normal seasons also. These do not prove directly or otherwise that there was poor electric power supply and hence pumping failure during the disputed period.

The respondent filed the statement of energy consumption (from Meter Reading Register) of the consumer, for the period April 2005 to Jan: 2011, to show the pattern of energy usage by the consumer, 'Before, During and After' the disputed period. On a perusal of the energy consumption of the consumer for the last five years, it is found that the consumption of energy was low during the period of dispute, compared to other periods. In normal course, the water supply distribution will increase over a period of time, as the population increases. Accordingly, the energy usage should have shown an upward trend. But this was not seen happened in this case. After changing the faulty Meter in March 2009, it is noted that there was a sudden substantial increase in energy consumption. This implies or suggests that the Meter was at fault and not recording the true energy consumed during the disputed period. Further the APTS has detected the error of the Meter and prepared a site mahazar, a fact which is not disputed by the petitioner. But the appellant argues that due to poor power supply, the pumping of water was less during the said period and only after commissioning of a dedicated feeder (an exclusive Electric Supply line) from Substation, the power supply at the pump house improved and pumping restored to its optimum level. The Respondent oppose this argument and deposes that there exists already, a dedicated feeder for the Pump house from the very beginning of its operation, and the feeder mentioned by the petitioner, is the 2<sup>nd</sup> dedicated feeder proposed for the pump house, which is still not complete nor energized. He further adds that, the argument of the appellant that after the commissioning of this new feeder, the pumping normalized and hence energy consumption increased from 2/09 is therefore not true to facts. Since KSEB asserts that, no new electric line (dedicated feeder) has been energized for the Pump house, during or after the disputed period; I think this statement can be accepted, as they are the custodians of the electric lines.

Another point raised by the appellant is that, there is remote possibility of becoming 2 phases of electric supply missing at the same time, and hence the back assessment of two times the recorded energy as the shortfall thereof, from a date one year back is not correct. This point, I consider has merit and a reading of the site mahazar prepared during APTS Inspection tells us that, due to corrosion and looseness at joints, the voltage on two phases (out of three phases) at the lead wires to Meter is negligibly low and hence not recording the true energy consumed by those two phases. The remaining one phase is only recording the energy consumption. This state of looseness or corrosion at joints of wires, preventing the flow of electric current to the energy Meter, cannot happen on two phases at the same time but may occur one after other in course of time. Therefore the reassessment of two times the energy recorded in the Meter, as the shortfall in energy from the true consumption, for the last one year before the inspection date, is not found justifiable.

The consumer also raises the question that the meter reading officials did not raise any doubt over the fall in energy consumption at that time itself and since they are technically qualified people it proves that there was no case of Meter faulty during that time. I think this claim cannot be accepted as such, since when there was substantial energy consumption shown in the Meter, the meter readers normally do not verify the correctness of meter unless there is a cause for suspicion.

**Decision:-**

There is no dispute regarding the APTS Inspection conducted and the finding of two phases of electric supply missing to the energy Meter, there by causing lesser recording of energy consumption in the Meter than that is actually consumed. The site mahazar does not allege any malpractice done by the consumer. The only dispute is regarding the quantum of energy lost and its period, for reassessment of shortfall in energy escaped from recording in the energy Meter.

On an analysis of the energy consumption statement from the Meter Reading Register it is noted that the average energy usage is: - (Rounded to 100)

From April 2005 to Sept: 2005 = 20600 units

From Oct: 2005 to March: 2006 = 21800 units

From April 2006 to Sept: 2006 = 21200 units

From: Oct: 2006 to March 2007 = 20300 units

From April 2007 to Sept: 2007 = 22200 units

From Oct: 2007 to March 2008 = 19100 units

From April 2008 to Sept: 2008 = 11200 units

From Oct 2008 to March 2009 = 13200 units (APTS Inspection on 3.3.2009)

From April 2009 to Sept: 2009 = 33600 units (Rectified the faulty Meter)

From Oct: 2009 to March 2010 = 34100 units

From the above, it is seen that the average consumption of the consumer was around 20000 units per month, during the period, April 2005 to Sept: 2007. But it is noted that the Meter was recording a lesser consumption of energy during the period of April 2008 to March 2009. Usually, the working of Pump houses for water supply distribution has a more or less uniform or gradually increasing working operation, to ensure proper Water supply Distribution. Of course, there are times of interruption in water supply mainly due to, power supply failure, pumps under repair, pipe line faults, low voltage problem and scarcity of water etc which affect the working of pump houses and may account for reduced consumption. But the appellant has raised only one point for the lesser energy consumption i.e. pumping low due to poor Electric power supply. The Respondent states that the same 11 kv dedicated Feeder (Electric supply line) supplies the electric power to the Pump house and no new 11 kv feeder has been energized for augmenting the pumping as claimed by the consumer. The argument of the petitioner seems to me as not correct since the possibility of poor power supply for almost one year is very remote. The power supply was reported as normal by the consumer from 2 /2009 onwards and this condition, (without any work being done by KSEB), shows that the averment of 'poor power supply', as the root cause for low energy usage during the disputed period, does not seem to me as maintainable.

The energy consumption pattern of the consumer from April 2005 to September 2007 shows an energy usage of 20600 to 22200 units per month. Hence I reassess the true consumption of consumer as 22200 units per month being the average consumption of the last half year (i.e. April 2007 to Sept: 2007), when the Meter was in good working condition, as the true consumption of the consumer for the disputed period of April 2008 to February 2009 (both months inclusive), which I believe is reasonable and justifiable.

The consumer is liable to remit the charges of Electricity he has consumed. In this case it is proved that the Meter was faulty for a certain period and the true average consumption of this period can be reasonably assessed. Hence I come to the conclusion that the consumer may be billed based on this new average consumption of 22200 units per month, for the period 4/2008 to

2/2009, cancelling the earlier bill based on the method of taking two times the recorded energy for the short assessment. The bill dated 10.3.2009 for Rs 14,18,328/- issued to the appellant stands modified to this effect. All other things remain the same. The revised bill, as ordered above, may be issued within one month from the date of this order. No interest or Surcharge is payable by the consumer till the due date of payment of the revised bill. No order on costs. The Appeal Petition stands disposed of as decided and ordered as above.

**Electricity Ombudsman.**

**No P/ 157/ 2010/831 / dated 25.04.2011.**

Forwarded to: 1) The Asst. Exe. Engineer,  
P H Sub division, K W A:  
Wadakkekara, Maikad P O  
Ernakulam Dt PIN-683589.

2) *The Assistant Executive Engineer,*  
Electrical Sub Division, KSEB  
Chengamanadu, Ernakulam dt.

Copy to:

1. The Secretary,  
Kerala State Electricity Regulatory Commission  
KPFC Bhavanam, Vellayambalam, Thiruvananthapuram 695010
2. The Secretary, KSE Board,  
Vaidyuthi Bhavanam, Pattom, Thiruvananthapuram- 695004.
3. The Chairperson,  
The CGRF, KSEB,  
Power house Building, Cemetery mukku,  
Ernakulam-10.