

STATE ELECTRICITY OMBUDSMAN

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Appeal Petition No:P/ 239/ 2011.

(Present T P Vivekanandan.)

APPELLANT : Sri K.X.Lonan
Koroth House, H.No.58/2056D
Kasthurbha Nagar, Kadavanthra, Kochi 20

RESPONDENT : The Assistant Executive Engineer,
Electrical Sub Division, College, KSEB,
Ernakulam.

ORDER.**Back ground of the case:**

Sri K X Lonan, Koroth House, H.No.58/2056D, Kasthurbha Nagar, Kadavanthra, Kochi-20, is having a single phase domestic service connection with consumer number 9350, under electrical Electrical Section, Thevara, Ernakulam. The appellant has sent a letter on 30/8/08 under certificate of posting (COP) to the Assistant Engineer (AE), Electrical Section, Thevara, complaining that the energy meter in his premises is over reading and requested that the same may be replaced. Since no action was taken by KSEB officials on this letter, he personally approached the officials and gave the complaint directly. Again on 19/2/09, he sent a remainder to the AE, under COP but ended without any response. Then he directly approached the AE on 8/7/09 and was directed to remit Rs.10/- towards the application fee and the same was paid. After visiting office many times and after a lapse of 5 months, the KSEB installed a Check Meter on 24/1/2010 and found that the consumer's meter is faulty. The faulty meter was replaced on 30/1/2010. The appellant then represented to refund the overcharged amount from 08/08 onwards, but the KSEB was prepared to adjust only Rs. 2919/- as excess amount. Being aggrieved by this, he filed a Petition before the CGRF, Ernakulam on 5/5/2011 which was disposed of, ordering that the demands raised from the bills dated 23/4/09 onwards be revised taking the actual consumption as 48% of that recorded in the meter and the excess amount to be adjusted in future bills, vide Order No. CGRF/CR/ Comp.8 / 2011-12 dated 23/7/2011. Aggrieved by this, the consumer submitted the Appeal before this Forum.

Arguments of the appellant:

The arguments of the appellant are based on the same lines of the brief facts and circumstances narrated above. Further the appellant has adduced the following arguments. During 8/08 he noticed that the energy bill was overcharged, so he sent a complaint to the AE on 30/8/08 under certificate of posting to replace the meter. He approached the KSEB authorities several times with the same complaint but did not get any response till 24/1/2010. On that day, an additional Check meter was installed and it was found that the consumer's meter was faulty. During the period from 8/08 to 12/09, he had remitted the energy bills

without fail. On finding the meter as faulty by the authority, the appellant had requested to refund or adjust the excess amount paid by him from 8/08 to 12/09. He alleges that the Board instead of rectifying the mistakes is disturbing the consumer. His request for refund or adjustment of the excess amount recovered from him was not accepted by the Executive Engineer. Then he had sent a letter to the EE on 1/3/2010 under certificate of posting and requested a reply. But no reply was given. The reassessment of consumption was allowed only for six months from 7/09 to 12/09. As this is not a fair decision, the appellant preferred a petition before CGRF on 5/6/11. Though he had attended the hearing on 5/7/11, the Forum did not redress his grievances fully.

Relief sought: - Revise the bills from 8/08 to 12/09 and refund the excess amount paid thereof or adjust in his future bills.

Arguments of the Respondent: -

The respondent admits that a complaint was received from the appellant by post on 30-8-2008, regarding the faulty running of electric meter installed in his house. On getting the complaint, the KSEB officials inspected the meter, but could not find any abnormality. Being not satisfied with the decision of the inspecting team of KSEB, the appellant approached the Assistant Engineer of the section office, on 8/7/2009 and he advised to remit fee for the Meter testing registration and the appellant remitted the same. Considering the complaint of the appellant a standard reference meter was connected in series with the disputed meter on 24/1/2010 for a reasonable period. It is found that the consumer's meter is recording excess units than the recording of reference meter during the test period. So the consumer's meter was declared as faulty and replaced it on 30/1/2010 and action was taken to adjust an amount of Rs.3520/- as excess amount remitted by the appellant. Against this decision of the respondent, the appellant preferred a petition before the CGRF requesting to refund the excess amount remitted due to over reading of faulty energy meter for the period from 8/2008 to 12/2009. Another contention of the respondent is that the appellant was reluctant to remit the testing fee. In support of this argument the respondent reproduced the relevant provision of Regulation 42(1) of KSEB Terms and Conditions of Supply 2005 regarding dispute on the accuracy of meter. This provision insists remittance of testing fee along with a written application by the consumer. The respondent submits that the appellant had remitted the application fee in 7/09 only, and the KSEB had taken proper action to ascertain the accuracy of the meter. The respondent further argues that according to the findings of CGRF, though the appellant's consumption has increased from the bill dated 23/4/2009, the appellant had registered his complaint only on 8/7/2009 and the excess amount shall be adjusted only from that bill onwards. The excess amount remitted from the bills dated 23/4/2009 was ordered to be adjusted in his future bills. The respondent requests to dismiss the appeal petition as the order of the CGR Forum under challenge is perfectly legal and valid.

Analysis and Findings: -

On examining the Petition, the statement of facts filed by the Respondent, considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

It is proved from the records submitted by the appellant that he had sent two letters to the Assistant Engineer, KSEB, Thevara, i.e. on 30/8/2008 and 19/2/2009 regarding the complaints of over reading of the Energy Meter. The receipt of the letter dated 30/8/2008 has been admitted by the respondent and it is reported that they have inspected the meter and found no abnormality. But this version of the respondent is lacking the clarity like, what tests have been done on the Meter to arrive at such a conclusion. It is also noticed that because of no action taken or reply issued to the consumer, from the part of KSEB officials, the appellant had sent the second letter dated 19.2.2009 to the Assistant Engineer. Only on 8.7.2009, the

AE had directed the appellant to remit the application fee and the appellant remitted the amount on the same date. Even after remittance of the fee, the respondent took almost 5 months to arrange the testing of the Meter. During the period from 30/8/2008 to 8/7/2009 the respondent has not taken any action on the complaint and given any reply or letter to the appellant, including any direction to remit the application fee and testing fee, even though the appellant had sent many letters for which he has produced copies of Certificate of Posting receipts from the Post office. From this it seems to me that his statement that he had approached the office in person several times might also be true. Further, after the registration of the complaint, it took almost five months to install a Check meter in the premises of the consumer, for which there lay no excuse. The allegation of reluctance to remit the testing fee by the consumer will not stand worth since there is no evidence to prove the same or that the respondent had sent any letter in this regard. All this shows the lackadaisical attitude of the respondent in attending the genuine complaints of the consumers in time.

The consumption of the consumer before the date of complaint, during the period in question of complaint and after replacement of the faulty meter shows that the complaint of the consumer is genuine.

<u>Bill Date</u>	<u>Consumption in units</u>
01/02/08	289
01/04/08	320
01/06/08	293
01/08/08	426
01/10/08	571
01/12/08	482
01/02/09	486
01/04/09	596
01/06/09	598
01/08/09	575
01/10/09	545
01/12/09	613
01/02/10	297
01/04/10	301

It is established by testing of the Meter, that the existing Meter of the consumer was faulty and was recording around 48% excess consumption than a good meter. From the data of energy consumption of the consumer (listed above) for the period, from 08/08 to 12/09, it is evident that there was an over reading of the meter during the said period compared with the period prior to meter became faulty in 8/08, as well as after replacing with a good meter in 1/2010. Hence the denial of refund or adjustment of excess amount recovered from the appellant will be a violation of rules in force.

Decision: -

From the analysis of the case detailed above and the conclusions arrived at, I am of the opinion that the consumer is eligible for the refund of the excess amount recovered from him for the period, 08/08 to 12/09, and the excess amount paid by him has to be adjusted in his future electricity bills. The Regulation 42 (3) Of KSEB Terms and Conditions of Supply, 2005, says “ If the existing meter after having found faulty is replaced with a new one, the consumption recorded during the period in which the meter was faulty shall be reassessed based on the average consumption for the previous six months prior to the replacement of meter”. Hence it is decided that the average consumption of the previous 3 bi-monthly

bills of 2/08, 4/08 and 6/08, shall be the true average consumption of the consumer for the bi-months from 8/08 to 12/09, (both inclusive) and the bills of this period shall be revised accordingly and the excess amount, if any, shall be adjusted in his future bills, with due intimation to the consumer, with in 30 days of the receipt of this order.

Since the provision 42(3) insists ' the consumption recorded during period in which the meter was faulty shall be reassessed', the finding of CGRF that the date of registration of the complaint is the crucial date for taking reassessment has no legal validity.

Having concluded as above, the Appeal Petition filed by the consumer Sri K X Lonan, is allowed to the extent specifically decided as above and is ordered accordingly. No order on costs.

Dated the 1st of March, 2012.

Electricity Ombudsman.

No P/239/ 2011/ 1140/ Dated 01.03.2012.

Forwarded to: - 1) Sri K.X.Lonan, Koroth House, H.No.58/2056D,
KasthurbhaNagar, Kadavanthra, Kochi 20
2) The Assistant Executive Engineer, Electrical Sub Division, KSEB,
College, Ernakulam.

Copy to

1. The Secretary, Kerala State Electricity Regulatory Commission,
KPFCBhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSEB, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4
3. The Chairperson, Consumer Grievance Redressal Forum, Power House, Ernakulam-682018.