

THE STATE ELECTRICITY OMBUDSMAN

Pallikkavil Building, Mamangalam-Anchumana Temple Road  
Opp: Kochi Corporation Regional Office, Edappally, Kochi-682 024  
[www.keralaeo.org](http://www.keralaeo.org) Ph: 0484 2346488, Mob: 91 9567414885  
Email:ombudsman.electricity@gmail.com

---

Appeal Petition No: P/ 185/2011.

(Present T.P. Vivekanandan)

Appellant : Sri. M. Muhammed Basheer,  
Plamoottil, Kollakadavu,  
(via) Mavelikkara, Alappuzha (DT).

Respondent : The Assistant Executive Engineer.  
Electrical Sub Division, KSEBoard,  
Kollakkadavu, Mavelikkara.

Background of the Case: -

The appellant is having an electric service connection with consumer No: 2188, in LT IA -tariff (domestic) under Electrical Section, Kollakkadavu. The Energy meter of the appellant was reported as faulty from 12/07 onwards and the same was replaced in 8/09. There after the energy usage in the meter recorded for 10/09 and 12/09 was noticed as 999 units and 1120 units respectively. In the subsequent month of 2/10, the Meter recorded a high consumption of 5344 units and the bill raised was for Rs.29, 917/=. The consumer aggrieved by the exorbitant bill raised dispute in the accuracy of the meter for the same. The consumer was allowed to remit an average sum as the bill for 2/10 and the balance amount was kept pending, till the test result of meter is made available. The meter was sent for testing, as per request of the consumer, at TMR (KSEB), Pallom, and in the test report it is found that the meter was working properly. Hence the consumer was directed to remit the balance electricity charges, and aggrieved by this notice, the consumer filed a Petition before the CGRF, Ernakulum, which was dismissed vide order No. CGRF/CR/Com.34/2010-11 dated 03.12.2010. The consumer still aggrieved against the CGRF's order, has filed the Appeal Petition before this Forum.

Argument of the Appellant: -

The defective meter of the appellant was replaced on 05.10.2009. Before this, the bi-monthly consumption was 440 units. After the installation of a new meter, in the bi-monthly bills dated 19/10/2009 and 18/12/2009, the consumption recorded was 999 and 1120 units respectively. The average energy consumption increased from 7.8 units to 28 units. In the next bill dated 17.02.10,

the consumption was 5334 units at a daily average of 88.9 units and the bill amount was 29,917/= inclusive of Rs.27, 635/= as energy charge.

The appellant had raised dispute as to the accuracy of the consumption recorded in the meter and the appellant was instructed by Sub-engineer either to remit fee for testing the meter or remit the bill amount demanded. The main allegation of the appellant is that the meter was removed by the licensee on 22.03.2010, for testing without any test being conducted at site, so as to determine the fault complaint, in violation of clause 42 (3), of the KSEBoard Terms & Conditions and Clause 19 (1) of the Kerala Electricity Supply Code. Another argument of the appellant is that the present meter with initial reading as 6751 was installed on 22.03.2010 itself and the two bimonthly bills dated 18.04.2010 and 18.06.2010 issued thereafter were for amounts of Rs.1499/- and Rs.1313/- respectively. No meter card is either kept in the meter board or was entrusted with the petitioner at any point of time.

The hearing of the case was done on 26.7.2011, and the Counsel for the appellant, Sri. S A Razack, has mainly stressed on the following points;

There was abnormal energy consumption of 89 units per day against a normal 8 units, taking the previous average during the disputed period and hence strongly suspects the meter as faulty. On the request made for testing of the Meter, the respondent did not follow, the clause 42(3) of T & C of Supply 2005. The replaced meter showed only the average consumption of the previous period. So it is justified to assess the consumer based on the average consumption. It is also brought to the notice that only two members are residing in the house.

The appellant has sought for the following reliefs: -

- (1).The excessive and faulty assessment of consumption and exorbitant demand against the appellant on the basis of faulty meter replaced on 22.03.2010 may be declared illegal.
- (2). The licensee may be diverted to settle the disputed demand dated 17.02.2010 based on the meter reading for the succeeding six months after replacement of the faulty mater as provided in clause 42 (3) of the KSEBoard Terms & Conditions of supply.
- (3). To set aside the orders of CGRF.

Argument of Respondent: -

According to the respondent, the meter of the appellant remained faulty since 2/2008 and based on the average consumption, the spot bill for 440 units per bi-month as average consumption was issued to him for the subsequent bi-months of 2/2008 up to 10/2009 and the faulty meter was replaced on 05.10.2009. The consumption for 10/09 and 12/09 were 999 units and 1120 units respectively which show average consumption per day for those months as 16.5 units and 18.67 units respectively. In the next bill raised on 17.02.10, it is noticed that the energy meter had recorded a consumption of 5344 units for which a bill for Rs. 29, 917/= was issued. Based on the complaint from the consumer, the Sub-Engineer -in- charge of the Electrical Section, inspected the meter and observed that the meter was working properly. Since the consumer was not satisfied

with this inspection, the meter was sent to TMR, Pallom, for testing, on request of the consumer. Consequently, the consumer was directed to remit Rs.1582/= as part payment towards the demand for 2/10, keeping the balance amount of Rs.28, 335/= under pending till the receipt of meter testing report. The respondent states that there was no violation from their side in complying, clause 42 (3) of the KSEBoard Terms and Conditions and Regulation 19(1) of Kerala Electricity Supply Code. The respondent has admitted the contention that no meter card was provided to the consumer. As per the meter testing report of TMR, Pallom, no defect in the working of the disputed meter was detected and so the consumer was bound to remit the balance amount of Rs.28, 335/= .

Another contention of the respondent is that the connected load of electrical appliances at the premises of the consumer was taken with his permission, in his presence and a site mahazar was prepared on 24.11.2010, as per the direction of the CGRF. The connected load of the consumer's electrical fittings, as on 24.11.2010 is found as 25.964 KW, which is more than his sanctioned load. The consumer was using 19.564 KW load more as unauthorized additional load during the disputed bill period. From the 'data' downloaded from this disputed electronic meter by TMR Pallom, it is seen that the maximum demand of this consumer was around 43.11 KW. The per day recorded units during the period was 88.9 units. Considering 6 hours consumption with a diversity factor of 0.6, the per day energy consumption with the present connected load of 25.964 KW comes to 93 units per day. So the respondent argues that the recorded consumption is almost equal to the one as calculated above.

He has put forward another contention that as per the data, the highest consumption occurred was in between 19 hours to 22 hours. So it can be believed that this has happened, when the faulty appliances which were put in service have caused earth leakage or by the use of additional loads. The highest per day consumption, were on 31.01.2010, 12.02.2010, 15.02.2010 and 16.02.2010 for 148.02, 144.78, 268.50 and 129.18 Units, respectively as per the Meter data records. Further the respondent argues that the consumer's installation was an old one and having more than 25 years old. Some of the electrical appliances were more than 20 years old. Since it is an old installation, the protective devices of ELCB/RCCB were not installed and because of this, the consumer could not identify the earth leakage due to equipment faults. During the period, 12/07 to 05.10.2009, the meter was faulty and he had been charged for an average consumption of 440 units, so it is not possible to take the actual consumption during this period. Finally the respondent has argued that since the report of the meter testing unit, TMR, Pallom, is a competent body to ascertain the accuracy of the energy meters, it is evident that the disputed energy meter is a defect free one.

Analysis and Findings: -

Both parties were heard on 26.07.2011 in my chamber at Edappally, Ernakulum. The appellant was represented by his counsel, Mr. S.A. Razak. On perusing the petition, the statement of facts furnished by the respondent and studying the arguments put in by both parties during the hearing, and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions thereof.

The appellant has filed the Appeal Petition being aggrieved by the order of the CGRF, Central Region, Ernakulum, dismissing his Petition and ordering as “ the consumption recorded in the meter is correct and the petitioner is liable to pay the bill dated 17.02.2010 issued by the respondent for 5344 units of consumption recorded in the meter”.

Is there any merit in the arguments adduced by the appellant to set aside the decision as stated above arises for consideration in this petition? The first point to be decided is whether the meter was faulty during the months of 01/10 and 02/10 and the consumption of 5344 units recorded in it during that period is genuine or actually consumed. The meter of the consumer was faulty during period from 10/06 to 05.10.2009 and the new meter was installed on 5.10.2009, replacing the old faulty one. The new meter showed the energy consumption of subsequent two bi-months as 999 and 1120 units respectively. During the next bi-month spot bill preparation, it is noticed that the energy usage (consumption) recorded was an exorbitant 5344 units for two months and a bill was issued for the same. In normal case, such a high consumption can happen only when there was an increase in usage of more electrical load of high energy consumption, or when there is earth leakage through faulty electrical appliances.

The site mahazar detailing the electrical load details of the consumer done after site Inspection ordered by the CGRF, shows that the consumer is using 26 KW load where as his sanctioned load is only 7 KW. Further, his Electrical load contains, the high energy consuming devices like, 3 Nos of A/C (Air Conditioner) of total 5 Ton capacity, Microwave oven of 2 KW and Water heaters, among other usual house hold appliances. If the consumer uses the above equipments freely, nobody can find fault with the high energy consumption recorded in the meter, as high as 5344 units per bi-month and it can go even higher. The Meter is also rated at 60 Amps, 3-Phase which is capable of carrying this much load. It is also true that the high consumption of energy can be caused by earth leakage.

The meter reading register shows that the consumer was having an average consumption of 765 units, during 02/2006 to 10/2006, and in 12/2006, it rose to 12536 units and in the next spot bill of 2/2007, it has recorded an abnormal consumption of more than 20000 units, but both times, the consumer was seen assessed on previous average only and not on the consumption recorded as above. The meter was replaced consequent to this abnormality and afterwards the average energy consumption of around 1000 units per bi-month was seen recorded in the new meter.

In the present case, the consumption before ‘meter dispute period’ and after replacement of meter with a new one, indicates a maximum use of around 1000 units per bi-month. The energy consumption for only two months i.e., for 1/10 and 2/10, combined reached the abnormal level of 5344 units. On getting complaint, the disputed meter was replaced by another meter on 23.03.10, and also arranged to send the Meter for testing at Board’s testing lab at TMR, Pallom. Hence the only question to be answered is to find the reason for such a high consumption of energy during the period of 1/10 and 2/10. It is established in the Test undertaken at the TMR, Pallom that the Meter (disputed) is not faulty and is working perfectly. In this context, it is required to analyze the Data downloaded from the Meter (by the TMR, Pallom), and submitted before this Authority, by the respondent as document. The following details are inferred from the said Data (down loaded from

the energy Meter provided to the consumer during the disputed period), after discussing with the APTS Unit, Ernakulam .

- 1). The total load of 43.11 KW (Active load absolute value) recorded is the maximum power the Meter can carry corresponding to the Capacity rating limit of 10-60 Amps range when there is surges or spikes in voltage or current and does not correspond to the usage of load by the consumer.
- 2). Under the item heading, Flags: - The magnetic tamper is recorded as 'No'
- 3). Under Supply Events: - The Magnetic tamper events are seen taking place very often, for short intervals which suggest that the possibility of voltage or current spikes causing the meter to record abnormal readings cannot be ruled out. Such cases of malfunctioning on electronic meters are reported rarely and some 'Case reports' have been collected by the APTS of KSEB.

Regarding the allegation of violation of relevant clauses 42(3) in KSEBoard Terms and Conditions and Kerala Electricity Supply Code, the Installation of a Good meter (standard reference meter), in tandem to the existing (disputed) meter would have been more reasonable as per the Rules, which would have helped the appellant to clear his doubts on the existing meter. However this was not done by the respondent, but the respondent has done the meter being tested at an authentic Lab of KSEB, which is also permitted as per clause 42(1). The test was arranged as per the request and knowledge of the consumer and he does not dispute the Test Report and hence the action of KSEB is not ultra vires. Further, the argument of the respondent that the present connected load of the consumer is 25.964 KW, out of which 18 KW is unauthorized load, is also worth mentioning. The Clause 42(3) says "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 replacement of meter". But as per the test report, the meter was not faulty as claimed by the appellant.

### Decisions: -

The average consumption of the consumer for the past few years and even after replacement with a new meter suggests that the average bimonthly consumption of the consumer is around 1000 units. The Data downloaded from the Meter suggest possibilities of abnormal reading when the meter components malfunction due to spikes (transients) in system voltages during times of lightning, arc welding etc. and is rarely experienced in some 'Make' (manufacturer) of meters. The APTS of KSEB who regularly tests different type of Meters has such case reports and from the field experiences, they concur that this type of abnormality of high consumption (supported by the Meter data downloaded available), is possible in this case (Make of Meter) as well. Hence, I am inclined to give the benefit and conclude that the consumer shall be assessed based on the average consumption prior to the meter became faulty and since the previous six months average (prior to 2/2010) is not available, I decide that the last month's (prior to the disputed period) energy consumption of 1120 units (of 12/2009), which the consumer has not objected shall be his true average consumption for the bi-month of 2/2010 also and the respondent shall revise the disputed

bill dated 17.2.2010 for Rs 29917/-, accordingly and the difference, if any, shall be paid by the consumer with in 30 days of the revised bill date.

Having concluded and decided as above, the respondent is ordered to revise the disputed bill for the month of 2/2010 at 1120 units as the average consumption instead of 5344 units, and the balance, if any, may be claimed by KSEB from the consumer. If there is any excess amount, payable to the appellant, it may be adjusted in his future bills.

The Appellant is advised to regularize the additional load connected within 60 days of this order and also got verify the House wirings tested through a Licensed Wiring contractor, as per rules since the respondent has raised serious safety concerns of earth leakage.

The Appeal Petition filed by the appellant, Mr. Mohammed Basheer, stands allowed to the extent ordered as above and the same is disposed of accordingly.

No order on costs. Dated the 7<sup>th</sup> of May, 2012.

ELECTRICITY OMBUDSMAN.

**No.P/185/2011/ 1224 Dated 07.05.2012.**

Forwarded to:

- (1). Sri.Muhammed Basheer.  
Plamootil,  
Kollakkadavu (via), Mavelikkara, Alappuzha (DT).
- (2) The Assistant Executive Engineer  
Electrical Sub Division, KSEBoard, Kollakkadavu, Mavelikkara.

Copy to:

- (1). The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam  
Vellayambalam, Thiruvananthapuram-10.
- (2). The Secretary, KSEBoard, Vidyuthibhavanam, Pattom, Thiruvananthapuram-4
- (3). The Chairperson, Consumer Grievance Redressal Forum, KESBoard, Power House,  
Ernakulam-18.