

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION NO. P/272/2012.

(Present: T.P. Vivekanandan)

Appellant : Sri. Abdul Nazar P I,
Parakkat House,
Vazhakkala, Kakkanad,
Ernakulum - Pin 682 030.

Respondent : The Assistant Executive Engineer.
Electrical Sub Division, KSEBoard,
Vytilla, Ernakulum.

ORDER.

Background of the Case: -

The appellant is the electric consumer, No. 8516, of an industrial unit, under Electrical Section, Thrikkakara. The sanctioned Electrical connected load of the industry is 57000 watts. While so, the APTS of KSEB conducted an inspection in the premises of the consumer on 23/5/2011 and detected that one of the metering CT is not working and the other two CT's are saturated causing huge error and recording very low consumption in the meter. Accordingly a mahazar was prepared, noting the anomalies, found there during inspection. Then the meter was changed on 25.5.2011 and a short assessment bill for Rs. 5,54,862/- was served to the consumer on 16/12/2011, back assessing for the period from 5/2009 to 5/2011, based on the succeeding 5 months average energy consumption obtained after changing the meter. It is reported by KSEB that the average consumption, after the replacement of the faulty meter, has rose to 7208 units/month. Aggrieved by the bill, the appellant submitted a petition on 22/12/2011 before the CGRF, Ernakulum, seeking relief to set aside the short assessment bill issued. The Hon Forum dismissed his petition vide order No. CGRF-CR/Comp.64/2011-12 dated 22/2/2012. Hence the appellant has submitted this Appeal petition.

Arguments of the Appellant: -

The arguments advanced by the appellant in his petition are the following;

- 1).The CT saturation is generally occurring over a period of time. It will never happen instantaneously hence penalizing for average for entire two year period is not fair.
- 2).As stated in the original petition before CGRF there was a huge increase in production recently and hence the average cannot be considered for evaluation. The CGRF released the order without considering the proceedings to be adopted in case of a faulty meter.

- 3).As per Electricity Act 2003 and Central Electricity Authority (CEA), the responsibility of the accuracy of the meter is vested with KSEBoard. The KSEB has not properly informed the date of replacement of the meter nor has checked the accuracy of the meter during the intervals stipulated by the C E A.
- 4).The calculation of the average is not properly done because even after replacement of the meter the reading is not correct due to some technical error.
- 5).The date on which the meter has become faulty is not known and the meter does not have a MRI facility.

Arguments of the Respondent.

The respondent has denied all the averments raised in the petition by the appellant and has filed a statement of Facts along with connected papers as documents to support their claim. It is argued as follows;

During the inspection by the APTS, the following defects were noted;

- 1).The 100/5 Amp. Current Transformers (CT's) installed in the consumer's premise, were not working properly. The primary side current of the 3 Nos. of CT's provided to the meter, were measured to be as 60 A, 50 A and 58 A respectively, whereas the corresponding CT output current fed to the Energy meter was noted as 0.2A, 0.2 A and 0 A. This means that the energy consumption in one phase, i.e. the reading of (0 A) is recording zero in the meter and the output current in the other two phases, i.e. (0.2A each) were not in proportion to the ratio of the CT's fitted and hence records a very low energy consumption than the actual use, in the meter. Further, on testing the CT's by shorting the secondary side, it is noted that the primary currents in the 3-phases were 24.8 A, 29A and 22.5 A respectively and the corresponding secondary side currents were 0.13 A, 0.3 A and 0.12 A each. This test again proved the fact that the CT's provided to the meter (installed in the premises of the consumer), was faulty and hence the meter reading is less.
- 2).As per the data downloaded from the Meter, the B phase CT was seen failed from 22.04.2009 onwards. Copy of the data downloaded is marked as R2. On checking the Meter using the testing device 'ACCUCHECK', it was confirmed that the consumption recorded in the meter is only 11% of the actual energy consumed, i.e. 89% of the power consumed is not being recorded in the meter. Hence the meter was changed on 23.05.2011 itself.
- 3). From the above facts, it was concluded that the meter was faulty. One of the CT's is not working from 22.04.2009 onwards. The other two CT's also are in saturated condition causing huge error in the energy recordings. Thus it was proved that the meter was recording very low consumption i.e. the meter was recording only 11% of the actual consumption.
- 3).On the date of inspection, no the spare CT's were available in the Section Store and hence the CT was not replaced on that date. It may be noted that the meter was changed on that day itself. Later the faulty CT's were also replaced on 19.07.2011.
- 4).As per clause 24(5) of the Electricity Supply Code 2005, if the licensee establishes that it has under-charged the consumer either by review of otherwise, the licensee may recover the under charged amount from the consumer by issuing a bill. Based on this rule, a short assessment bill was served to the consumer for Rs.5, 54, 862/- on 01.12.2011, related to the period from 05/2009 to 05/2011, as

per the average consumption obtained for 5 months after changing the faulty meter. Copy of the bill along with the covering letter and detailed calculation sheet are marked as R3, R4 and R5.

Initial Reading on 25.05.2011 = 4

Final reading on 01.11.2011 = 1806 units x MF of 20 (MF= Multiplication factor)
= 36040 units.

Hence Average monthly consumption = 36040/5

After changing faulty meter = 7208 units

5).The downloaded MRI data clearly indicate that B phase CT is faulty from 22.04.2009. Based on the facts of MRI data, the short assessment bill was given for the period from 05/2009 to 05/2011 and is regular and legally binding on the consumer.

6). As per clause 33 (2) of the Terms and Conditions of Supply, “ if the Board is unable to raise a bill on meter reading due to its non recording or malfunctioning, the Board shall issue a bill based on the previous six months average consumption. In such cases the meter shall be replaced with in one month. If the average consumption for the previous six months cannot be taken due to the meter ceasing to record the consumption or any other reason, the consumption will be determined based on the meter reading in the succeeding three months after replacement of meter.

7).On scrutinizing the consumption pattern of the consumer, it can be noted that the consumption recorded is less from 11/08 onwards. This was due to the CT saturation that has occurred during this period and so the meter was recording less. Moreover, the MRI data down loaded showed that the meter fault has started from 22.04.2009 when one of the CT became open and non-operative. Any previous date indicating faulty conditions will get automatically erased from the metering instrument as and when the faulty condition is corrected. This confirms that the meter was recording less during the period prior to the date of change of meter. This is also evident from the meter reading of the consumer. The true average consumption was calculated based on the average energy used after changing the meter. Hence the bill was served for the entire faulty period. Previous six months average consumption prior to the date of changing of meter cannot be considered as the meter readings has huge error owing to the facts that the CTs are saturated and the meter itself is faulty.

8).The consumption pattern of the consumer itself explains that the meter has started recording less from 11/2008 onwards. As per clause 33 (2) of the Terms and Conditions of Supply, the licensee can adopt the average consumption of the consumer after changing the meter if the meter has ceased to record the consumption prior to meter changing. Therefore the short assessment bill issued is correct and legally binding on the consumer. The consumer had even argued that there is no MRI facility in the meter before the Hon CGRF to mislead the case. The consumer has another complaint on the lapse of periodical checking of the meter as stipulated in the Central Electricity Authority regulations. The KSEBoard has already taken steps to check the accuracy of meters installed in the premises of consumers having high consumptions.

Analysis and Findings: -

A hearing of the Case was conducted in my chamber at, Edappally, Ernakulam, on 25.07.2012. Sri. Abdul Nazar, the appellant and his counsel Sri. Shaji Sebastian and Smt. Telsy George, Asst. Exe.

Engineer, Electrical Sub Division, Vyttila, were present and they represented either sides and both have argued the case on the lines stated above. On examining the Petition, the counter statement filed by the Respondent, the arguments raised in the hearing and considering the facts and circumstances of the case, this Forum comes to the following findings and conclusions, leading to the decisions thereof.

The appellant's main contention in his Appeal petition and during the hearing is that, the average consumption taken for the calculation of the bill and the period for which, the short assessment bill was prepared, is not correct and reliable. According to the appellant, due to increased production the energy consumption was increased and hence the calculation of average energy consumption, based on the subsequent consumption, after the change of energy meter, is not correct. But the appellant has failed to produce any documentary evidence to prove his claim of the increased productivity in his Firm during this disputed period.

The IT/Microprocessor enabled facilities included in the modern energy Meters can pin point the cause of fault to a certain extent and the date from which it has started etc, but that all depends on the special features and the storage capacity available on the meter. Here, the Meter provided to the consumer was having the Data down loading facility and on perusing this data, this Forum feels that the contention of the meter faultiness, adduced by the respondent, that one phase CT is feeding zero current output to the Meter from 22.4.2009 onwards, is correct, resulting in nil consumption being recorded, even when the energy was consumed in that phase.

The short assessment bill was issued based on the findings in the inspection done by APTS (KSEB). The meter was found faulty and consequently it was replaced on 23/5/2011 and the CT's renewed in 7/2011. The bills for the period of 5/2009 to 5/2011, was revised for an average energy use of 7208 units per month, based on the average consumption (5 months) obtained after changing the meter. The consumer does not dispute the fact that the meter was faulty, but disputes the period of faulty. The main contentions of the appellant are that as per the rules, the responsibility of providing an accurate meter rests with KSEB only and if it appears that the metering equipment provided for supplying electricity to the consumer is defective, the licensee must test the metering equipment and repair and replace the metering equipment at the cost of the consumer.

Here, the Regulation 33 (2) of the KSEB Terms and Conditions of Supply, 2005, has to be referred, that deals with the procedure regarding preparation and issuance of a bill on meter reading, due to its non-recording or malfunctioning, which reads as follows; *"If the Board is unable to raise a bill on meter reading due to its non-recording or malfunctioning, the Board shall issue a bill based on the previous six months average consumption. In such cases the meter shall be replaced within one month. If the average consumption of previous six months cannot be taken due to the meter ceasing to record the consumption or any other reason, the consumption will be determined based on the meter reading in the succeeding three months after replacement of the meter"*.

The above Clause enjoins the Licensee, the obligation to replace the faulty electric meter of the consumer and how to assess a consumer during such periods. The respondent has stated that a checking of the meter using ACCUCHECK testing instrument, has confirmed that the energy recorded

in the power meter is only 11% of the actual energy consumed, i.e. 89% of the energy consumed is not being recorded in the meter. The appellant has admitted this fact during the hearing and has expressed his willingness, for settlement of the dispute, to charge him from 5/2010 onwards, till the date of meter replacement, at the rate of 89% added to the recorded consumption. The CGRF has opined in their order that 'the petitioner would have been at the adverse end, had the respondent has taken the 3 months average, from the date of change of CTs.'

The energy consumption details of the consumer for the last three years is reported as follows;

05/2008	4320 units	05/2009	3180 units	05/2010	1180 units
06/2008	6480 units	06/2009	3300 units	06/2010	680 units
07/2008	5360 units	07/2009	2920 units	07/2010	180 units
08/2008	7740 units	08/2009	2260 units	08/2010	220 units
09/2008	5780 units	09/2009	2660 units	09/2010	1800 units
10/2008	7120 units	10/2009	0 units	10/2010	1020 units
11/2008	6200 units	11/2009	7780 units	11/2010	1100 units
12/2008	3080 units	12/2009	2040 units	12/2010	920 units
01/2009	4780 units	01/2010	1660 units	01/2011	960 units
02/2009	3180 units	02/2010	2020 units	02/2011	840 units
03/2009	3660 units	03/2010	1900 units	03/2011	660 units
<u>04/2009</u>	<u>3020 units</u>	04/2010	3340 units	04/2011	420 units

DECISION: -

The Meter's Data down loaded shows that, one CT (out of 3 Nos. CT's) feeding the 'current' input to the meter is reading zero from 4/2009 onwards and hence the energy consumption recorded by that phase will be zero. The APTS inspection done during 5/2011, revealed that the other two CT's are also in 'saturated condition' which means the CT's are not measuring correctly and hence causing the Meter to record only a very meager quantity than the true energy consumption. The Test conducted with 'ACCUCHECK '(a 'standard Test Meter') during the inspection showed that the error of the Meter is 89% of the actual energy consumed. That is to say, only 11% of the true energy is being recorded and the balance 89 % is omitted from recording in the meter, due to error in the CT's.

The monthly energy consumption details for the last three years, listed above, were noted to have wide variation from month to month. Further, it is not possible to determine, from which date the meter fault has actually started. The respondent argue that it might have started from 11/08 onwards but raised the short assessment bill for the last two years only since the Data down loaded shows the CT fault in one phase had begun from 4/2009. Hence the period during which the meter was faulty cannot be ascertained inconclusively.

The appellant has expressed his willingness to settle the case, during the hearing day, by agreeing to assess him for this 89% energy lost for the last one year i.e. from 5/2010 to 5/2011. This seems to me in order, because the 'Test' done has established that the meter fault has caused a reduction in

the energy consumption recording by 89% only and since in this case, the period of meter fault is not known definitely, it is reasonable to fix the period of reassessment for the previous one year, prior to the date of inspection. More over, the meter readings from 5/2010 onwards shows a sharp droop in energy consumption rate, compared to the previous two years of 5/2008 to 4/2010. Hence I believe the reassessment for this period of 5/2010 to 5/2011 is justifiable and accordingly direct the respondent that the disputed bill may be revised as follows;

Total Energy consumption recorded from 5/10 to 5/2011 x (89/11), is the balance quantity of units of energy, to be billed and realized from the consumer for the meter faulty period. The disputed bill dated 1.12.2011 for Rs. 5, 54, 862/- shall be revised as decided above. The consumer shall be allowed 30 days time (due date) for making payment of the revised bill. The consumer may be allowed, up to 12 (Twelve) installments, if requested by him, for paying the bill, but has to pay interest at applicable rate for the installments, from the due date of the bill to the day of payment.

Having concluded as above, it is ordered accordingly. The Appeal Petition filed by the consumer is allowed to the extent ordered and stands disposed of with the said decision. The related CGRF order dated 22.2.2012 is set aside. No order on costs.

Dated the 20th of March, 2013.

Electricity Ombudsman

Ref. No. P/272/ 2012/ 1650/ Dated 20.03.2013.

Forwarded to: -

1. Sri. Abdul Nazar .P.I
Parakkat House,
Vazhakkala, Kakkanad,
Ernakulum-682 030.
2. The Assistant Executive Engineer.
Electrical Sub Division, KSEBoard,
Vytilla, Ernakulum.

Copy to: -

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