

STATE ELECTRICITY OMBUDSMAN

Pallikkavil Building, Mamngalam-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

---

APPEAL PETITION NO. P/314/2012.

(Present: T.P. Vivekanandan)

APPELLANT : Sri.Varkey Mathew,  
Poickattil House, Iringole P.O.  
Perumbavoor. Pin- 683548.

RESPONDENT : The Asst. Executive Engineer,  
Electrical Sub Division, KSEB,  
Perumbavoor.

ORDER.

Background of the Case: -

The Appellant is having an electrical connection with consumer No.4195, for his industrial unit, a Flour mill under Electrical Section, Perumbavoor. The Audit wing of KSEB had audited the billing records of the consumer and observed that the power meter in the said premises remained faulty for the period of 9/2003 to 1/2005. An average consumption of 72 units per month was levied during the said period. The meter was replaced on 11/2/2005 and after the replacement, the consumption was found increased to an average of 164 units per month. A short assessment bill for a sum of Rs.5513/- was issued to the consumer as per the report of the audit wing. The appellant filed an objection before the Assistant Engineer, Perumbavoor which was forwarded to EE, Electrical Division, Perumbavoor for disposal. The EE heard the appellant and issued an order dated 28.5.2012, directing to revise the demand notice.

Accordingly a revised demand notice for an amount for Rs.8083/-, including the surcharge for delay for payment was issued. Aggrieved by this, the consumer filed a petition before the CGRF, Ernakulum on 26.6.2012 requesting to set aside the impugned short assessment bill and the order of EE, Electrical Division, Perumbavoor. The CGRF disposed of the petition vide order no. CGRF-CR/Comp.45 /2012-13 dated 24.8.2012 directing to revise the bill to Six months and the respondent revised the Bill to Rs. 1946/-. Aggrieved by the said order and the bill, the Appellant has filed the Appeal Petition, before this Authority.

Main Arguments of the Appellant: -

The appellant has adduced the following arguments in his petition filed before this Forum. The appellant has challenged the said bill mainly on the following ground among other things; The KSEB officials had not taken the meter reading in the premises during the period of 2003 to 2005 stating it was in door locked condition and the meter was replaced in 2005 due to fault-iness. After that a short assessment for 17 months was issued. The appellant submits that he

had not consumed the electricity as per the short assessment bill issued and the increased consumption in the subsequent periods was due to installation of a pulveriser installed in his premises in 1/2005 only.

**Arguments of the Respondent: -**

The Respondent has filed the counter statement against the contentions raised in the Appeal Petition, stating that all the averments in the petition except which are admitted, are false and hence denied.

(1). The premise was in prolonged door locked condition from 9/02 onwards. The power meter and the light meter were declared faulty with effect from 9/03. During the meter faulty period an average consumption of 72 units per month was charged. The meters were replaced on 11. 2.2005. The Audit Officer, Perumbavoor audited the billing records of the consumer and calculated a revenue loss of Rs.5513/- to KSEB as follows.

Consumption for 3/05	= 114 units
Consumption for 4/05	= 165 units
Consumption for 5/05 units	= 215 units, The Average consumption = $494/3 = 164$ units
Loss to Board	= $164 - 72$ units(already charged)
	= $92 \text{ units} \times 3.25 \times 17 \text{ months} = \text{Rs.}5083 + \text{duty Rs.}430 = \text{Rs.}5513/-$

(2). The previous six months consumption prior to the meter faulty period was not available. The average of succeeding three months consumption subsequent to the replacement of the faulty meter was taken for assessing the consumption for the meter faulty period. In this case, the previous 6 months was not available as the premises was in door locked condition for long period prior to meter turned faulty. The revision of the bill as per subsequent 3 months energy consumption after meter replacement is as per rules.

(3). No enhancement in the connected load in the premise was made in 1/2005. The consumer was charged for a connected load of 6 KW before and after the faulty meter replacement and hence the short assessment bill raised is as per rules and is for the charge for the energy he has consumed during the meter faulty period. Hence the consumer is liable to remit the same.

**Analysis and Findings: -**

The hearing of the case was done on 11.4.2013, in my Chamber at Edappally, Kochi, and the appellant was represented by his son, Sri. P.V.Paul and the respondent, by Sri. John Varghese, the Assistant Executive Engineer, Electrical Sub division, Perumbavoor and they have argued the case, mainly on the lines stated above. On examining the Petition and argument notes filed by the appellant, the statement of facts of the Respondent, the documents attached and considering all the facts and circumstances of the case, this Authority comes to the following conclusions leading to the decision thereof.

The appellant's contention is that he has not consumed the electricity of 164 units per month calculated by the respondent for the period from 9/2003 to 2/2005 and he has also challenged the version of the respondent that the appellant's premise was in door locked condition for quite some time, i.e. from 9/2002 onwards. A verification of the meter reading register reveals that the reading in the premises were not taken during the period from 9/02 to 8/2003 i.e. for one year, citing the reason as 'door locked' condition and after that as 'Meter faulty'.

The Regulation 19 (5) and (6) of Electricity Supply Code, 2005, deals with the meter reading in the locked up premises. It reads as; '19 (5)-when the meter reading cannot be taken due to the premise being locked up or made inaccessible, the consumer shall be provisionally charged the average consumption for the last 6 months'.

19(6) - During the second instance of locked up premises, the consumer shall be given a written 24 hour's notice to keep open the premises at a particular date and time and give facilities for reading the meter to the Licensee's designated employee. If the consumer fails to keep open the premises and give facilities for taking meter reading as aforesaid, without giving proper reasons the supply shall be disconnected with due notice. After taking the meter reading, the consumer shall be charged for the whole consumption since last reading less the charges already paid."

The non-compliance of the above provisions by the respondent has created a situation of uncertainty in deciding the actual date of meter faultiness and the previous readings correctly. During the period from 8/01 to 8/02, the monthly consumption of the consumer was seen as recorded below 76 units except 116 units for 1/02 and 91 units for 3/02. After the replacement of the faulty meter with a good one, the meter readings obtained for the succeeding 3 months were 114, 165 and 215 units respectively, which shows an average energy consumption of 164 units per month.

The KSEB has reassessed the consumer, during meter faulty period, as per the provision of Reg. 33 (2) of the Terms and Conditions of Supply, 2005. Regulation 33 (2) reads; If the Board is unable to raise a bill on meter reading due to its nonrecording or malfunctioning, the Board shall issue bill based on the previous six months average consumption. In such cases the meter shall be replaced within 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 the meter."

As per rules, the average of previous six months has to be taken to arrive at the true average, under the said clause of Reg.33(2). Only if the preceding energy use details were not reliable, say the meter was gradually slowing down etc., which make the assessment not a true average, then only the succeeding three month's average is resorted, to fix the true energy. Further, it is clearly specified that the faulty meter has to be replaced within a period of one month. Here, the faulty meter was not replaced for 17 months from 9/02. It seems the Board has not taken proper action in time or was negligent in its duties. The Board has failed in replacing the faulty meter in a reasonable time and reassessing the consumer, after a period of 5 years is not fair.

It is not known whether the connected load has been increased by installing a Pulveriser, as stated by the appellant in his petition. The respondent has stated that, no additional load has been sanctioned, during the disputed period. Normally, the machineries in a Flour mill are run using a Belt, connected between the Pulley of the Motor and a common 'Driving Shaft'. Hence there is no necessity of increase the connected load, if it is so. The Board has not conducted an inspection in the premises of the consumer in this regard to confirm the same.

**DECISION: -**

The allegation is that the consumer's meter was faulty from 9/2003 to 01/2005 and hence needs reassessment as per subsequent readings obtained after changing the meter, since the

previous readings are not reliable. Accordingly the consumer was issued a short assessment bill for Rs. 5513/- in the year 2009 i.e. after 4 years. The Respondent also states that the consumer premises was in locked up condition from 7/2002 onwards and hence was not able to take the meter readings regularly. The Respondent did not take any action, as contemplated under Reg. 19(5) to (6), of Electricity Supply Code, 2005, in such a situation of Door Locked condition in a consumer premise. The respondent has also failed to reassess the consumer as per the average energy consumption obtained, even after getting the subsequent meter readings, on replacing the faulty meter in 2/2005. The Audit party detected the reassessment omission in the year 2009 and accordingly the arrear bill was raised and served to the party by the end of year 2009.

The consumer has filed objection to the Asst Engineer against the Bill, which was forwarded to the Executive Engineer for a decision and he heard the parties on 21.01.2010. But the Order on the complaint was released only on 28.5.2012 i.e. after two years, confirming the bill. Based on the same order, the respondent revised the bill to Rs. 8083/- including the surcharge for the belated period. How the consumer can be levied surcharge, for the delay in releasing the order by KSEB on the complaint filed by the consumer, is not seen explained by the respondent? The CGRF has reduced assessment to 6 months and accordingly the revised bill comes to Rs.1946/-.

I find total negligence from the side of the KSEB in all the said dealings with the consumer. The respondent's lapse or omission should not cause a burden on the Consumer. Hence it is decided that no reassessment is needed in the present case for the reasons stated above. The revised bill dated 30.10.2012 for Rs.1946/-, pertaining to the Meter Faulty period of 9/2003 to 01/2005 is found as not payable by the consumer and is set aside. Accordingly, the CGRF order in Petition No. CGRF-CR/Comp.45 /2012-13 dated 24.8.2012 of CGRF, Ernakulam, is quashed.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the Consumer vide No. P/314/2012 stands allowed. No order on costs.

Dated the 11<sup>th</sup> of September, 2013.

Electricity Ombudsman.

Ref. No. P/ 314 / 2012/ 1963/ Dated 11.09.2013.

Forwarded to : (1). Sri.Varkey Mathew,  
Poickattil House, Iringole P.O.  
Perumbavoor. Pin- 683548.  
: (2). The Asst. Executive Engineer,  
Electrical Sub Division, KSEB, Perumbavoor.

Copy to :- 1). The Secretary, Kerala State Electricity Regulatory Commission,  
KPFChavanam, Vellayambalam, Thiruvananthapuram-10.  
2). The Secretary, KSEB,  
Vydyhuthibhavan, Pattom, Thiruvananthapuram-4.  
3). The Chairperson, Consumer Grievance Redressal Forum,  
KESB, Power House Building, Ernakulam- 682018.