

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/106/2015

(Present: Sri. V.V. Sathyarajan)

Dated: 10th September 2015

Appellant : Sri N.A. Ashraf,
Nalappad House,
Chandragiri, Kizoor,
Kasaragode District.

Respondent : The Assistant Executive Engineer,
KSEBoard Ltd,
Electrical Sub Division,
Udma,
Kasaragode.

ORDER

Background of the case

The appellant is a consumer bearing consumer number 19881 under Electrical Section Udma, Kasaragode. The appellant has been issued a huge bill dated 20-11-2014 for Rs. 27,425/- for the consumption of 3260 units for the period from 22-09-2014 to 20-11-2014. The appellant objected the reading in the meter and bill and requested to test the meter. Accordingly a parallel meter installed in the premises which confirmed the correctness of the existing meter. Still unconvinced the result of the testing, the appellant requested to test the meter in an accredited laboratory. The test conducted in the TMR Division, Kannur also established the healthiness of the meter. Aggrieved by this, the appellant approached the CGRF, Kozhikode with a petition in OP No. 88/2014-15 which was dismissed with a direction to remit the amount in twelve equal instalments, on 11-03-2015. Not satisfied with the above order, the appellant filed this appeal petition before this Authority on 20-04-2015.

Arguments of the appellant:

The appellant stated that the respondent has directed to remit an amount of Rs. 27,425/- as per Bill No. 721067 dated: 20-11-2014/-. The average unit of electricity at the appellant's house is only 9 units per month.

The appellant and his wife alone are residing there. His contention is that it is a residential house only where such a huge bill is raised. The respondent had served another bill No. 19881 dated 18-03-2015 for an amount of Rs. 4,139/- for the month of February, 2015 and he is always willing to pay that amount. But the Board has not been accepting that amount from him and insisting to pay the disputed amount along with the present bill. This is highly illegal. At any rate the appellant is not liable to pay that disputed amount and therefore without adjudication the Board cannot insist the appellant for the payment of disputed bill to the tune of Rs. 27,425/- dated 20-11-2014. It is further submitted that on plain examination of previous bills it could be seen that the appellant is an average user of electricity and he paid all the amounts without any default.

The property where the disputed bill is raised is a residential one in which the petitioner and his wife are residing, therefore at any rate such a huge bill could not be there, more precisely, without any verification a huge bill is served on him. The appellant is not a defaulter of any previous bills and all the bills would go to show that he is an average consumer of electricity. It is further submitted that the Board has served another bill for the month of March, 2015 which the appellant is ready to make the payment, but the Board is insisting to pay the disputed amount also, and threaten otherwise they will cut the supply.

The CGRF passed the impugned order without verifying the actual facts and circumstances of the instant case and the same is liable to be interfered with.

The reliefs sought for are:

1. To set aside the order passed by the CGRF, Kozhikode in OP No. 88/2014-15.
2. To set aside the bill dated 20-11-2014 for Rs. 27,425/- issued by KSEB.
3. To declare that the appellant is not liable to pay the amount covered by the bill dated 20-11-2014.

Arguments of the respondent:

The appellant is a three phase consumer with consumer number 19881 under LT 1 A tariff of Electrical Section, Udma. The billing history of the appellant indicates that the energy meter at the premises of the appellant became faulty on 23-11-2013. Subsequently, the appellant was billed for average units of electric energy from 23/11/2013 to 19-02-2014. On 19-02-2014, the faulty meter was replaced with L&T make TOD meter. The TOD meter continued to be in service till 15-12-2014. However the meter indicated a consumption of 3260 units for the period from 22-09-2014 to 20-11-2014. Consequently a bill for an amount of Rs. 27,425/- was

served to the appellant. However the appellant disputed the bill and requested to test the meter, considering his request, a standard meter was placed in the appellant's premises on 20-11-2014. The standard meter established the service goodness of existing TOD meter.

The appellant remained unconvinced about the testing of existing meter with a standard meter. He requested to test the meter in a KSEB Ltd Laboratory. Subsequently the meter was dismantled from the appellant's premises and sent to TMR Division, Kannur on 15-12-2014 for inspection and testing. The Test Result of TMR Division, Kannur once again re-established the service worthiness of the Meter Based on the TMR Division's retrieved data, the billing Section of KSEB Ltd reworked the current charges of the appellant for the period from 21/01/2014 to 20-11-2014. An amount of Rs. 27,512/- is seen outstanding against the appellant as current charge based on the revised calculation.

The outstanding amount as per the downloaded data of TMR Division, Kannur is nearly equal to the disputed demand amount vide bill no. 721067 dated 20-11-2014. It shows that the appellant had actually used that quantum of electricity proportionate to the disputed bill amount. It is admitted that the appellant is not a defaulter of electricity bills. The bi-monthly electricity consumption details of the appellant for the period from 23/01/2010 to 20/03/2013 shows that the bi-monthly consumption of the appellant varies from 1982 units to 851 units. The respondent allowed the appellant to make payments of his bi-monthly Current charges, pending the final decision of the honourable Ombudsman in the petition. Hence the respondent argued that considering the above facts it is requested to dismiss the appeal petition.

Analysis and findings

The hearing of the case was conducted on 17-06-2015 in the CGRF Court Hall, Kozhikode. The appellant was absent but Sri S. Manoj, Assistant Executive Engineer, Electrical Sub Division, Udma, Kasaragode appeared for the respondent's side. The appellant made a request to postpone the case to another date. Accordingly, a hearing was posted on 18-08-2015, but the appellant has not appeared on that date without any intimation. On examining the petition and the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, this Authority comes to the following conclusions leading to the decision.

The point to be decided is as to whether the consumption of 2455 units recorded during the period from 22-09-2014 to 20-11-2014 is genuine or actually consumed by the appellant. The consumption pattern of the appellant from 23-01-2010 to 18-03-2015 is as follows:

Period			Units	
23-01-2010	To	20-03-2010	1,261	
20-03-2010	To	20-05-2010	1,800	
20-05-2010	To	21-07-2010	1,029	
21-07-2010	To	22-09-2010	851	
22-09-2010	To	22-11-2010	889	
22-11-2010	To	22-01-2011	1,040	
22-01-2011	To	19-03-2011	940	
19-03-2011	To	23-05-2011	1,982	
23-05-2011	To	20-07-2011	1,040	
20-07-2011	To	22-09-2011	1,048	
22-09-2011	To	22-11-2011	995	
22-11-2011	To	21-01-2012	1,008	
21-01-2012	To	21-03-2012	900	
21-03-2012	To	23-05-2012	1,419	
23-05-2012	To	23-07-2012	948	
23-07-2012	To	22-09-2012	891	
22-09-2012	To	22-11-2012	973	
22-11-2012	To	28-11-2012	482	
28-11-2012	To	21-01-2013	336	
21-01-2013	To	20-03-2013	726	
20-03-2013	To	21-05-2013	1,140	
21-05-2013	To	22-07-2013	863	
22-07-2013	To	24-09-2013	823	
24-09-2013	To	23-11-2013	228	meter faulty
23-11-2013	To	21-01-2014	638	average units
21-01-2014	To	19-02-2014	319	
15-02-2014	To	20-03-2014	126	meter changed on 19-02-2014
20-03-2014	To	21-05-2014	511	
21-05-2014	To	21-07-2014	557	
21-07-2014	To	22-09-2014	436	
20-09-2014	To	20-11-2014	3,260	
02-12-2014	To	15-12-2014	109	
15-12-2014	To	19-01-2015	414	
19-01-2015	To	18-03-2015	636	

On verification of the consumption pattern, it can be seen that the bi-monthly consumption of the appellant is above 1000 units. But the consumption for the period from 24-09-2013 to 23-11-2013 was only 228 units which may be due to the fault in the meter. Since the meter shows the same reading as 4122 units on 23-11-2013 and 21-01-2014 it was ascertained that the meter is faulty. Hence an average of 638 units charged for the period from 23-11-2013 to 21-01-2014. Even though the faulty meter was changed on 19-02-2014 with a TOD meter, subsequent readings taken by the meter reader are not correct. The meter reader who taken the reading was not fully aware of the TOD Meter reading. Hence the consumption recorded for the period from 21/1/2014 to 20/11/2014 was

not based on the actual reading and these facts were revealed only on testing at TMR Division, Kannur. The retrieved data submitted by the respondent can be taken as an evidence in this case.

After replacement of faulty meter in the appellant's premises the consumption pattern of the appellant for the period from 21/1/2014 to 20/11/2014 is as follows:

Sl. No.	Period	Average Consumption (As per Test report) Units	Total Days	Consumption	Revised Amount	Amount Remitted	Balance	Remarks
1	21-01-14 to 19-02-14	10.63	30	319				Meter faulty
2	20-02-14 to 28-02-14	11.11	9	100				Total 811 Units
	01-03-14 to 20-03-14	18.64	20	373				
			59	792	4951.6	1967	2984.6	
3	21-03-14 to 31-03-14	18.64	11	205				
	01-04-14 to 30-04-14	23.2	30	696				
4	01-05-14 to 21-05-14	19.58	21	411				
			62	1312	10262.4	2439	7823.4	
5	22-05-14 to 31-05-14	19.58	10	196				
	01-06-14 to 30-06-14	19.3	30	579				
6	01-07-14 to 22-07-14	13.32	22	293				
			62	1068	8383.6	2768	5615.6	
	23-07-14 to 31-07-14	13.32	9	120				
	01-08-14 to 31-08-14	13.13	31	407				
	01-09-14 to 23-09-14	19.26	23	385				
			63	912	7487.5	1903	5584.5	
	24-09-14 to 30-09-14	19.26	7	135				
	01-10-14 to 31-10-14	19.73	31	615				
	01-11-14 to 20-11-14	13.46	20	269				
			58	1019	8557	3053	5504	
					39642.1	12130	27512.1	

SPLIT UP DETAILS

Date	Units	Fixed Charges	Meter Rent	Current Charge	Duty	Total	Remitted	Balance
20-03-2014	792	120	40	4356	435.6	4951.6	1967	2984.6
21-05-2014	1312	120	40	9184	918.4	10262.4	2439	7823.4
21-07-2014	1068	120	40	7476	747.6	8383.6	2768	5615.6
22-09-2014	912	120	36	6665	666.5	7487.5	1903	5584.5
20-11-2014	1019	120	30	7643	764	8557	3053	5504
Total						39642.1	12130	27512.1

On going through the details it can be seen that there is no much difference in the consumption pattern of the appellant before and after the replacement of faulty meter. But the bi-monthly current charges remitted by the appellant are not at par with the consumption. This is not because of the fault on the part of the appellant and the reason for the improper billing rests with the respondent. While introducing TOD Billing System proper

training has not been given to the meter readers which may be the reason in issuing huge bill to the appellant for the above said period.

Decision

In view of the discussions it can be found that much difference in the consumption pattern of the appellant is noted before and after the replacement of faulty meter. The retrieved data submitted by the respondent after testing the meter at TMR Division, Kannur also justifies these facts. Since the appellant has actually consumed the energy, the short assessment bill issued for the period from 21/1/2014 to 20/11/2014 is in order and the appellant is liable to remit the same. But the appellant cannot be penalized for the failure on the part of respondent to issue bi-monthly invoices against actual consumption. Hence no surcharge shall be levied from the appellant.

In the above circumstances the appellant is directed to remit the amount of Rs. 27,512.00 in twelve instalments without any surcharge. The appeal is dismissed. The order of CGRF is affirmed. No order as to costs.

ELECTRICITY OMBUDSMAN

No.P/106/2015/_____ /Dated.

Forwarded to:

1. Sri N.A. Ashraf, Nalappad House, Chandragiri, Kizoor, Kasaragode District.
2. The Assistant Executive Engineer, KSEBoard Ltd, Electrical Sub Division, Udma, Kasaragode.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, CV Raman Pillai Road, Thiruvananthapuram-10.
2. The Secretary, KSE B Ltd, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSEBoard Ltd, Gandhi Road, Kozhikode