

THE STATE ELECTRICITY OMBUDSMAN

Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,
Edappally, Kochi-682 024

www.keralaeo.org Ph: 0484 2346488, Mob: 91 9447576208

Email:ombudsman.electricity@gmail.com

APPEAL PETITION NO. P/112/2015

(Present: V.V. Sathyarajan)

Dated: 25th September 2015

Appellant : Sri. M Salim
Salim Manzil
Nagarukuzhi, Palamkonam P.O.,
Venjaramood

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
Kilimanoor, KSE Board Ltd,
Thiruvananthapuram.

ORDER**Background of the case:**

The appellant is a three phase industrial consumer with Consumer No. 554 under Electrical Section, Kilimanoor. The said electric connection was registered in the name of Sri. Chamikannu Chettiar and is issued for running an Oil and Flour Mill under the licensee ownership of one Aliyarkunju. On 27th April 2014 there was a lightning and the energy meter installed in the appellant's premises got damaged and the meter started running automatically. A complaint was given to the respondent on the next day and Overseer named Raju had inspected the premises and assured to reduce the bill. Based on the complaint the Assistant Engineer also inspected the premises and informed that the damaged meter will be replaced within a week's time.

Accordingly a new meter was installed and the existing meter was taken away. But the bill issued to the appellant for the month of July 2014 was amounting to Rs. 34,718/-. A complaint was given by the appellant and the respondent has directed to remit an amount of Rs. 310/- for testing the meter. It is alleged that the faulty meter was either made proper or replaced by the KSEB officials prior to the testing without the knowledge of the appellant. Aggrieved by this, the appellant approached the CGRF, Kottarakkara with a petition in OP No. 1331/2014 which was dismissed but allowed to remit bill amount in 10 equal instalments. Against the Order dated 23-03-2015 in OP No 1331 of 2014, the appellant filed this appeal.

Arguments of the appellant

The appellant stated that he is running an oil and flour mill under the licensee ownership of Aliyarkunju. The connected load is 7.76 kW and consume only very little power for running the mill. The appellant had always been up to date in paying the electricity

bills. On 27th April 2014 a lightning was struck on the consumer's premises. Subsequently the meter got damaged and started running automatically. The very next day i.e. on 28-04-2014 a complaint was given to KSEBL regarding this matter and paid an amount of Rs. 35.00. Next day Overseer named Mr. Raju came and verified the damage caused and assured to reduce the upcoming electricity bills. After 6 days a complaint was given to the Assistant Engineer regarding the meter damage and he came and inspected the same. Since the B phase of the meter was damaged, Assistant Engineer asked the consumer to wait till the arrival of new meter. After one week new meter got installed and then a week later the installed meter was taken back. Now the Assistant Engineer claims that there is no difference in the damaged meter and new meter.

After April 2014 no electricity bill was given to the appellant till July 2014. On July a penal bill of Rs. 34,718/- was given. A complaint was given against the penal bill and hence the appellant was asked to test the meter. Subsequently the appellant paid an amount of Rs. 310.00 for meter testing. The test report of the meter came up against the claim. Since the test report came against the consumer, appellant strongly believes that the faulty meter was either made proper or replaced by the KSEBL officials prior to the testing without the knowledge of the appellant. There are chances of dial jumpy malfunctioning of the electronic meter for a short span due to voltage surge or any other fluctuations like harmonics in the electric supply. Here due to the lightning also this can happen. Because going through the previous bills of the consumer it could be understood clearly the consumption of the appellant. Their average monthly consumption is only 432.8 units hence it cannot be admitted that the consumption went up to 4012 units and 2574 units just for two months because the consumers industry is just an oil and flour mill with 7.76 kW connected load. The mill is not operated for more than 8 hours a day and the diversity of the same is 2. There is no complaint that there is earth leakage or any other drain.

The appellant argued that it is the bound duty of KSEBL to ensure the appellant with uninterrupted supply and proper meter. The penal bill of Rs. 34,718.00, for 2 months, put forward by KSEBL is based on the faulty meter reading, which is not fair and just. When the meter is faulty, bills should be calculated by taking the average of previous 6 months. As the matters stood, the appellant approached CGRF, Kottarakkara for obtaining relief. But the CGRF put forwarded an order against the complaint. CGRF, Kottarakkara had put forward the order just based on the meter test report. CGRF failed to consider the fact that the consumption of the consumer had gone drastically high only for two months which cannot be accepted that had happened just because of the over consumption by the appellant. Hence it is not fair and just from the part of KSEBL to bill such a huge amount arbitrarily from appellant.

Relief Sought for:-

1. To cancel the impugned bill.
2. To Direct KSEBL to do the calculations for meter faulty period by taking average of 6 months.
3. Also to direct the KSEBL not to disconnect the supply till hearing and disposal of the petition.

Arguments of the respondent:

The respondent stated that the appellant is a LT IV A consumer with Consumer Number 554 under Electrical Section, Kilimanoor. The service connection is registered in favour of Sri Chamikkunnu Chettiyyar. It is true that the appellant had submitted a complaint regarding the inspection of the meter on 28-04-2014. The KSE Board Ltd is not aware of the lightning stroke on the consumer's premises. The Assistant Engineer directed Overseer to inspect the condition of the meter connected at the premises. On his inspection, no damage was noticed.

On the basis of the reading furnished on 01-05-2014 i.e. 67893 with a consumption of 4072 units bill was prepared on 07-05-2014 for Rs. 21,133.00. At the same time, the consumer again requested the Assistant Engineer to inspect the meter once again. The Assistant Engineer directed to install a parallel meter on 02-02-2014 to check the difference in reading if any. The parallel meter did not show any difference in consumption with the meter existing in the premises. The tested parallel meter is Elymer make 10-40, Sl. No. 1144964. The initial and final readings are 8727 and 9311 respectively and energy consumed is 584 units. The initial and final readings of the consumer premises are 67976 and 68564 and energy consumption is 588 units. Hence the parallel meter connected was removed and the bill was finalised and served. Next reading was taken on 07-06-2014 i.e. 70467 for Rs. 13,388.00 and served. In the next month, consumption came down to 340 units. Reading on 01-07-2014 was 70807. The consumption during the next month was 315 units. The very same meter is measuring the consumption which more or less agrees with the consumption prior to 01-04-2014.

No penal bill was issued as stated in the complaint. The unpaid amount is carried over to the next bill and shows the total amount. The unpaid amount in the bills issued in 5/2014 and 6/2014 are totalled to the bill in 7/2014. The total amount comes to Rs. 34,718.00 and this is only regular bill based on the consumption recorded. The respondent further stated that the appellant again requested for sending the meter for testing at Meter Testing Unit, Thirumala. It is true that the consumer has remitted Rs. 310.00 for meter testing in view of the finding of the accuracy of the meter. On 02-08-2014 the appellant came with willingness to pay Rs. 2,000.00 per month for the disputed period to avoid disconnection until the meter got tested and report received. He remitted Rs. 6,000.00 on 02-08-2014. On 08-08-2014, the meter was taken and sent for testing at MTU. The meter testing report No. Endt. On MTU/TP-245/14-15/950 dated 10-07-2014 received from TMR Division, Thirumala shows that the errors at various load conditions are within permissible limit. Hence the intimation letter was sent to the appellant asking him to remit the balance amount on the basis of the report.

The appellant is bound to pay an amount of Rs. 36,359.00 for three months out of which Rs. 1,641.00 was adjusted through excess SD refund and SD interest. Balance amount of Rs. 34,718.00 was shown in the bill for 7/2014. Out of Rs. 6,000.00 remitted on 02-08-2014, Rs. 322.00 was accounted towards surcharge and the rest Rs. 5,678.00 accounted towards bill amount. Balance Rs. 29,040.00 is to be remitted by the consumer.

The Kerala State Electricity Board Ltd has taken all steps to redress the complaint of the petitioner in time. Since there is no damage in the meter, the appellant is bound to pay for the recorded consumption in the meter. As the meter is in proper working condition, the bills

calculated is as per rules and the prayer for calculating the bills by taking the average of previous 6 months is not admissible.

Analysis and findings

The Hearing of the case was conducted on 16-07-2015, at KSEB Inspection Bungalow, Paruthippara, Thiruvananthapuram and Sri M. Salim represented the appellant's side and Sri Chandran M, Assistant Executive Engineer, Electrical Sub Division, Kilimanoor represented the respondent's side. On examining the petition, the argument note filed by the appellant, the statement of facts of the respondent, perusing all the documents and considering all the facts and circumstances of the case, this Authority comes to the following conclusions and findings leading to the decisions thereof.

On going through the consumption pattern of the appellant it can be seen that the average consumption is of the order of around 500 units. But the consumption recorded for the month of April 2014 is 4072 units and May 2014 is 2574 units. The appellant argued that the mill is not operated for more than 8 hours a day and their average monthly consumption is only 432.8 units. The testing of the meter in the laboratory was without the knowledge of the appellant and hence believes that the faulty meter was either made proper or replaced by the KSEBL officials prior to the testing. Another argument of the appellant is that there may be chances of dial jump/malfunctioning of the electronic meter for a short span due to voltage surge or any other fluctuations like harmonics in the electric supply.

But the respondent has argued that the parallel meter installed in the premises not showed any difference in consumption with the meter existing in the premises. The meter testing report received from the TMR Division, Thirumala also established that the errors at various load conditions are within permissible limits. According to the respondent no penal bill was issued. The unpaid bills issued in 5/2014 and 6/2014 was carried over in the bill for 7/2014 resulting total amount of Rs. 34,718.00. He further contented that as the meter is in proper working condition, the bills calculated is as per rules and the prayer for calculating the bills by taking the average of previous 6 months is not admissible.

The monthly consumption of the appellant for the period from 1/14 to 10/14 is as follows:

Month	Consumption
January-2014	521 Units
February-2014	470 Units
March-2014	387 Units
April-2014	446 Units
May-2014	4072 Units
June-2014	2574 Units
July-2014	340 Units
August-2014	315 Units
September-2014	410 Units
October-2014	421 Units
November-2014	396 Units

On a perusal of the above details it can be seen that the appellant's consumption has never exceeded 521 units during the above period except for the month of 5/2014 and 6/2014. As requested by the appellant the respondent had tested the energy meter by installing a parallel meter and the excess consumption of 4 units is recorded in the existing meter for a period of 7 days. Hence the respondent argued that the meter is in proper working condition. But the appellant's contention is that the excess consumption was due to the lightning occurred on 28-04-2014. The respondent has not conducted a proper inspection to find out the reason for the excess consumption. Further, the respondent sent the disputed meter to TMR Division, Thirumala for testing even without any intimation to the appellant.

On going through the records it can be seen that the respondent has not followed the procedure for testing the meter prescribed in the Regulation 115 of Supply Code, 2014. ***If the meter is found to be recording incorrectly or defective or damaged due to technical reasons such as voltage fluctuation or transients, attributable to the licensee the testing fee shall be refunded to the consumer by the licensee by adjustments in subsequent bill. Regulation 115 (7) stipulates that the consumer or his authorized representative and the representative of the licensee present during testing shall affix their signature on the test report issued by the authorized officer of the laboratory as a token of having witnessed the testing.***

According to Regulation 115(8) if a consumer disputes the result of testing at the laboratory of the licensee, the meter shall get tested at a laboratory selected by the consumer from among the laboratories accredited by the National Accreditation Board for Testing & Calibration Laboratory (NABL). Since the respondent has not followed the procedure prescribed above the test report submitted cannot be found as genuine.

It is the duty of the respondent to inspect and check the meter and the installations periodically and to ensure the correctness of the meter as specified in the Central Electricity Authority (Installation & Operation of Meters) Regulation, 2006. The respondent is also bound to insist Earth Leakage Protective Devices (ELPD) to find out any leakage in the appellant's premises. Here in this case the respondent failed to conduct a detailed checking to find out the possibility of earth leakage or short circuit and any defect in the installations of the appellant.

In few cases it is reported that there are instances of jumping of digits in the electronic meters and this jumping of digits cannot be detected in earth leakage testing / calibrating the meter at a later stage since it does not affect the functioning of the meter. Likelihood jumping of digits cannot be rejected at the face value as contented by the appellant. It is a fact that the respondent installed parallel meter and took the reading after a period of 7 days even without convincing the test result or acknowledging the test report instead installed a parallel meter in the appellant's premises. Further, when the meter was sent for testing at TMR, Thirumala no information was given to the appellant and denied the chances for witnessing the test which shows serious lapses on the part of respondent. Hence the test report submitted by the respondent is arbitrary and hence liable to be rejected.

Decision

In view of the above discussions this Authority comes to the conclusion that it is not just and proper to realize the charges for excess consumption recorded for the month of 05/2014 and 06/2014 under dispute from the appellant even without analysing or finding out

the reasons for the excess consumption. When the consumer disputes the result of testing at the laboratory of the licensee then the meter shall get tested by the NABL as per Regulation 115(8) of Supply Code, 2014 which was not followed in this case. Hence it is decided to quash the disputed bill. The respondent is directed to issue revised bill based on average consumption for the period preceding the date of bill challenged before this Authority at any rate within 30 days from the date of receipt of this order. The order of CGRF in OP No. 1331/2014 dated: 23-03-2015 is set aside. The appeal is allowed. No order as to costs.

ELECTRICITY OMBUDSMAN

P/112/2015 _____ Dated: _____

Forwarded to:

1. Sri. M Salim, Salim Manzil, Nagarukuzhi, Palamkonam P.O., Venjaramood
2. The Assistant Executive Engineer, Electrical Sub Division, Kilimanoor, KSE Board Ltd, Thiruvananthapuram

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.