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APPEAL PETITION NO. P/131/2015

(Present: V.V. Sathyarajan)

Dated: 03<sup>rd</sup> December 2015

Appellant : Sri. Bhaskaran N P  
Cheeniyampurath,  
Neelanji, Kurumbalangode,  
Chungathara, Malappuram

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
Edakkara, KSE Board Ltd,  
Malappuram District.

**ORDER**

**Background of the case**

The appellant is a domestic consumer, with Consumer No. 2781 under Electrical Section Chungathara. While being so, the appellant received an abnormal bill amounting to Rs. 2,046.00 on 27-08-2014. Hence the appellant approached the Assistant Engineer, Electrical Section, Chungathara with a complaint dated 29-8-2014 challenging the bill under question is not in tune with his previous consumption pattern. The appellant contented that the energy meter installed in his premises was faulty which may be the reason for the excess consumption. No action is seen taken by the Assistant Engineer and hence the appellant lodged a complaint before the CGRF, Kozhikode which was dismissed vide Order in OP No. 59/2014-15 dated 12-02-2015. Aggrieved by this order, the appellant has filed this appeal petition before this Authority.

**Arguments of the Appellant**

The appellant has raised the following arguments in his petition filed before this Authority.

The respondent has issued an exorbitant bill amounting to Rs. 2,046.00 for an abnormal energy consumption of 470 units, after replacing the faulty meter. The appellant has argued that his previous current charges were much less than Rs. 85.00. Though he submitted a complaint on 29-08-2014 to the Assistant Engineer, no reply received from him. The respondent replaced the existing meter without giving any information and installed another

meter in the premises. Then he filed complaint before the CGRF with a prayer to direct the respondent to issue an average bill in the place of the disputed bill, based on previous consumption. During the pendency of the petition before CGRF, the respondent disconnected the connection without considering his request. This caused much mental agony and hardships to the appellant.

The reliefs sought for by the appellant are:

1. Based on the previous consumption, direct the respondent to issue a bill for average consumption for the disputed bill.
2. To direct the respondent to find out the reason for loss of electricity in the premises of the appellant.
3. To direct the respondent to replace the existing meter with the old meter.

**Arguments of the respondent:**

The respondent has admitted that in the previous years the appellant was issued bimonthly bills for around Rs. 85.00 up to 6/2014. During that period the premises was unoccupied. On examining the meter reading register, this can be proved. The appellant has another domestic connection having consumer number 12740 and he is using electricity from this connection regularly. The meter reader, while taking the reading on 25-06-2014, has found some labourers are staying as tenants in the said premises. As the meter was not seen recording the consumption an average invoice for 28 units was issued. Due to the suspected meter faultiness, a new meter installed in the premises on 28-06-2014. The reading in the new meter as on 27-08-2014 was 470 units. Based on the complaint a "check meter" was connected to test the accuracy of the existing meter and it was found that the consumption recorded in both the meters were the same during the testing.

Accordingly, the appellant has been directed to remit the bill amount as it was proved that the meter was working in good condition. The appellant's contention that the energy meter is faulty simply on the reasons the consumption recorded was very high. The variations in the meter reading may be due to the excess usage of electricity. The correctness of the meter can be ensured by either testing the meter by a check meter or testing the meter at the Electrical Inspectorate or at any approved laboratory. By check meter method it was found that the energy meter at the consumer's premises is a good one. Further the respondent agrees that the consumption in the said premises of the appellant from 25-06-2014 to 27-08-2014 was on a higher side.

During the course of hearing, the appellant has expressed his dissatisfaction in the meter testing conducted by using the check meter method. Hence as per the direction received from the CGRF the meter was sent to TMR Division, Shornur, after receiving the application and testing fee from the appellant. As per the test report the meter is found in good condition and the errors are within permissible limits. The energy consumption has been recorded properly and bill has been issued only for the energy consumed by the appellant. The allegation that higher rate of amount has been extracted from the consumer is incorrect and therefore denied.

**Analysis and Findings: -**

The Hearing of the case was conducted on 08-10-2015, in my chamber at Edappally, and Mr. N. P. Bhaskaran represented the appellant's side and Mr. Suresh Kumar, Assistant Executive Engineer, Electrical Sub Division, Edakkara, represented the respondent's side. On perusing the appeal petition, the counter of the respondent, the documents submitted, arguments 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 there of.

***The first point to be decided is as to whether the replaced meter was faulty or not. The second issue is whether the consumption of 470 units recorded in the new meter is genuine and actually consumed by the appellant or not.***

On going through the records, it is pertinent to note that the respondent has not taken any action to test the old meter which was suspected to be faulty. Regulation 116(2) of Supply Code, 2014 which reads ***“if the meter is found defective, the licensee may test it at site, if feasible and if not feasible the meter shall be replaced with a correct meter and defective meter shall be got tested in an accredited laboratory or in an approved laboratory”***. In the case at hand while replacing the old meter the respondent has not complied with the above provision which shows serious lapses on their part.

Regarding the second issue it is noted that the disputed energy meter of the appellant was tested, at the appellant's premises with the help of Check meter in tandem with the existing meter; so that both meters carry the same electric current and will measure the same energy consumed. The test so conducted at site shows that the two meters are recording exactly the same quantum of energy consumption. This fact shows that the meter is working in good condition. But the appellant has disputed the 'test' done by the respondent. The installation of a "check meter" in tandem to existing (disputed) meter to verify its accuracy is justifiable as per clause 42(3) of KSE Board Terms and Conditions of Supply, 2005. The test being done on the consumer's premises and in his presence is more convincing than any other documentary evidence and would help the appellant to clear his doubts on the existing meter. However, in this case the respondent conducted the test in the absence of the appellant and not prepared any mahazar and hence cannot be found in order.

When the test is undertaken by the respondent on the consumer's meter, it is the best practice to prepare a mahazar, in the presence of the appellant or his representative, recording the facts of, Check meter installed, the details of both meters with their seals, recording their initial reading etc on the first day and got it witnessed and then leave both meters in service for one weeks time, for joint working. Similarly, after informing the consumer, a final recording of meter readings in his presence, would have cleared the doubts and the said mahazar so prepared will surely be a valid document before any legal Forum. But the respondent failed to do so and the consumer has raised the allegation that the testing was not done properly and the matter remains unsettled. The meter testing, by the Electrical inspector, can be resorted to,

if the consumer was not satisfied with the test undertaken by the Licensee, as per clause 42(1) in KSEBoard Terms and Conditions of Supply.

As the appellant was not satisfied with the test conducted by the respondent and its result, the disputed meter was sent to the TMR Division, Shornur, for testing. But the appellant again disputed the 'test' result and the method of test conducted at the TMR Division, Shornur, arguing that he was not informed. On going through the documents submitted by the respondent as "D6" it can be seen that though the respondent prepared a site mahazar after recording the details of existing meter and the new meter installed etc., the appellant has disagreed to sign the mahazar. However, the respondent proceeded further and carried out the test at TMR Division, Shornur. As per the test result the meter is found OK and the error is within the permissible limit. In this context, this Authority has accepted test report of the energy meter issued by the TMR Division.

On a verification of the energy consumption of the appellant, shows that the energy consumption pattern was not consistent, at least from 4/2008 onwards. The meter was reported faulty till 12/2008. The energy consumption was recorded as zero to 21 units during the period from 12/2008 to 6/2010. During the period from 6/2010 to 6/2014 the consumption was very low. On 25-06-2014 the appellant was served with an invoice for average 28 units and the appellant replaced the meter without conducting test as per Regulation 116(2) of Supply Code, 2014. As per the bimonthly reading taken on 27-08-2014 consumption has reached the abnormal level of 470 units. Bimonthly consumption from 27-08-2014 is as follows:

27-08-2014 to 25-10-2014	=	246 units
25-10-2014 to 28-11-2014	=	122 units
28-11-2014 to 26-12-2014	=	104 units
26-12-2014 to 24-02-2015	=	267 units
24-02-2015 to 25-04-2015	=	169 units
25-04-2015 to 20-06-2015	=	269 units

On going through the consumption pattern it can be seen that the bimonthly consumption has not crossed above 269 units. The respondent has neither conducted any checking of the installations of the appellant nor the conditions of wiring etc. If a prudent interference from the side of respondent is taken to verify the actual connected load of the appellant, the issue could have been resolved to some extent. But this was not seen done. Even a reasonable explanation was not given to the appellant to satisfy his queries. If that would have been given, an unnecessary litigation could have been avoided.

But, in view of the replacement of energy meter and the test conducted by the respondent in the appellant's premises and later at TMR, Shornur, it cannot be found that there is any defect in the meter. The consumption of the appellant after 27-08-2014 is much higher than the consumption recorded prior to 27-08-2014. So a probable conclusion can be arrived is that the meter installed in the appellant's premises earlier was neither defective nor in use / occupancy. So in view of the matter I don't find any reason to interfere with the present issue.

**Decision**

In view of the above discussions, I don't find any merit in the appeal. Accordingly the appeal is dismissed. The CGRF order in OP No. 59/2014-15 dated 12-02-2015 is upheld. No order as to costs.

**ELECTRICITY OMBUDSMAN**

P/131/2015/ \_\_\_\_\_ Dated: \_\_\_\_\_

Forwarded to:

1. Sri. Bhaskaran N P., Cheeniyampurath, Neelanji, Kurumbalangode, Malappuram
2. The Assistant Executive Engineer, Electrical Sub Division, Edakkara, KSE Board Ltd, Malappuram District

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, Gandhi Road, Kozhikode