

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION NO. P/042/2016

(Present: V.V. Sathyarajan)

Dated: 27th September 2016

Appellant	:	Sri. John Vilangadan Vilangadan Arcade, Opp. Modern Bread, Edappally, Kochi 24.
Respondent	:	The Assistant Executive Engineer, KSE Board Limited, Electrical Sub Division, Palarivattom, Ernakulam.

ORDER

Background of the case:

The appellant, Sri John Vilangadan, is a commercial consumer with consumer No. 26286 under Electrical Section, Palarivattom, who is aggrieved by the exorbitant electricity bill issued to him on 16-03-2016 for an amount of Rs. 69,475.00. So, the appellant approached the Assistant Engineer with a complaint on 30-03-2016 regarding the excess reading of the meter and the impugned bill. Accordingly, the respondent verified the correctness of the meter by installing a Check meter in the premises of the appellant. During verification, no variations or discrepancies were noticed in the existing meter. Hence the respondent directed the appellant to remit the bill amount. Being aggrieved, the appellant filed a petition before the CGRF, Ernakulam and the Forum disposed of the petition vide order no. CGRF-CR/Comp.06/2016-17/100 dated 02-06-2016 with a finding that the bill dated 06-03-2016 issued to the appellant is in order. Against the decision of the Forum, the appellant has filed the Appeal petition before this Authority.

Arguments of the appellant:

The appellant's premises is having a connected load of 4956 Watts and comes under commercial tariff LT-VII A. It is alleged that the respondent has given an exorbitant bill for Rs. 69,475.00 on 16-03-2016 for the bimonthly consumption of January and February, 2016. The appellant has given an

objection against the exorbitant amount on 30-03-2016 and remitted Rs. 210.00 towards fixing of parallel meter. The meter was fixed and as per the findings of KSEB Limited there is no variation in meter readings. The appellant's average monthly consumption is only 60 units and average bimonthly bill amount is Rs. 2,800.00.

During the month of February, 2016 there was lightning storm. The consumption of 6671 units is impossible because if that much energy is dissipated it would have caused fire and heavy damages. Because appellant's physically connected load is only 4956 Watts. Even if appellant use entire load (which is practically impossible) the consumption will not be reaching that level. This exorbitant usage as indicated in the meter will not be the actual usage but have happened due to the dial jump. For digital meters this is happening due to heavy lighting surge or switching surge. When high voltage surge occurs it will directly affect the meter because this meter does not have any CT/PT.

The KSEB Limited without entering into the merit of the case have disputed appellant's contention that 'the exorbitant consumption may have occurred due to the dial jump'. If 6671 kWh is dissipated either in one instant or continuously as leakage it would have generated heat to a heavy magnitude causing fire hazard. It cannot assume that the full physically connected load 4956 Watts will be operational for 24 hours for 30 days. This is impossible because the load comprises of 10 light points, 6 fan points, 4 computers, 6 Nos. of 5A plug points and 2 Nos. of A/C having diversity 2.5 to 3. All of them have inherent diversity and hence appellant's average usage is only 220 kWh per month. Appellant's is an office working only on working days with a timing from 9.30 AM to 5.30 PM and Saturdays 9.30 AM to 1.00 PM. The A/C's were sparingly used.

Sl. No.	Items	Qty	Wattage	Total Watts
1.	Fan	6	60	360
2.	Light point	10	15	150
3.	Computer	4	100	400
4.	5A plug point	6	15	90
Grand Total				1000

Even if 4.956 kW is connected for testing purpose in a lab the total kWh consumption only be $4.956 \times 8 \times 50 = 1982.4$ kWh. This clearly shows that a consumption of 6671 unit will never happen in the installation. This is without considering diversity. If we take diversity and actual usage it will only be around 220 kWh. Dial jump is generally happening on digital meter because of instant surge by switching of lightning.

The appellant has not any dispute that the meter is wrong or faulty. The focus of the CGRF was tint; the meter is correct and hence the consumption will be correct. They concluded that if entire load of 4.956 kW is used without diversity for two months without any power failure the total consumption would have been 7136 unit. Please note that out of 4.956 kW other than 360 Watts fan point and 150 Watts light point no other load will consume continuous power. The A/C load 3 kW will consume 3 kW when the compressor is on and once it is cooled; only fan coil unit will work consuming less than 200 Watts. If the compressor is continuously working, either it will get burned or the room will be frizzed. Similarly no computer will take 100 Watts each continuously. No plug points will be connected to mobile phone or any other equipment continuously and used. The maximum possible continuous-consumption in test condition for 4.965 kW will be $60 \times 4.956 \times 24 = 7136$ kWh. The bill given for two months is for 6671 kWh. The difference in consumption is only $7136 - 6671 = 465$ kWh.

Moreover, the appellant cannot assume that for 60 days, there was no power failure from the part of KSEB Limited. CGRF thought that the word 'dial jump' means the jumping of the dial in a mechanical meter. In fact 'dial jump' is the word which is being used to indicate the error in display caused due to surge in a meter having LED/LCD display. In the above circumstances the appellant requests that the Hon'ble Ombudsman may admit their petition, extend an opportunity of hearing and may cancel the impugned bill with a direction to have the average charge only for the month of January and February, 2016

Relief Sought

1. The Hon'ble Ombudsman may cancel the impugned bill.
2. The Hon'ble Ombudsman may provide them with an interim direction not to disconnect the supply till hearing and disposal of the complaint/petition.

Arguments of the respondent:

The respondent stated that the petition is not maintainable either under law or on facts. But on the other hand, it is filed by on experimental basis in order to evade from remitting the bill. All averments in the appeal petition are denied, except those which are specifically admitted hereunder.

It is submitted that service connection 26286 stands registered in favour of the appellant and was effected for a total connected load to the extent of 4956 Watts. Tariff assigned to the above consumer is Low Tension, commercial (LT VII A) and the same is under the jurisdiction of the respondent. The appellant is conducting Aquasam Sale & Repair institution in the name and style of M/s Aquasam Technologies (Pvt.) Ltd. Energy meter installed in the premises of the petitioner is L & T Trivector meter, 10-60 Amps rating.

While so, on February 2016, bimonthly meter reading was taken by the meter reader and the meter reading during the above bimonthly period was 20196 kWh. On noticing the above reading, the office of the respondent arranged a rechecking the meter reading on the same day itself with another meter reader and realised that the reading was correct. Thereafter bimonthly invoice amounting to Rs. 69,475.00 (Rupees Sixty nine thousand four hundred and seventy five only) was served to the appellant.

It is submitted that on receipt of the above invoice, the appellant preferred a complaint regarding the consumption during the above period. The office of the respondent in turn, taken necessary steps to recheck the meter reading with another meter reader in the presence of the appellant and convinced that the meter reading recorded in the energy meter was correct.

On request of the appellant dated 30-03-2016 for checking the accuracy of the energy meter installed in his premises, the office of the respondent carried out an inspection using the reference meter which is tested, calibrated. The reference meter was installed in the premises of the appellant on 16-04-2016 and removed/taken back on 26-04-2016. The consumption recorded in the reference meter and party meter was 85 and 85 units respectively. The same has been convinced to the parties concerned at the time of installing and taken back of the energy meters. From the consumption recorded in the meters, it is pertinent to note that the energy meter installed in the premises of the appellant is a good one and it is working properly. After conducting an inspection as referred above, it is clear that percentage of error in the newly installed energy meter is within the permissible limit.

Regarding the averment of the appellant that even if they use the entire load, the consumption could not be reaching that level, it is submitted that if the appellant connected and used the entire load for the whole bimonthly period, the consumption will be 7136 units. Therefore, the contention of the petitioner is not eligible for consideration.

Another averment of the appellant that the exorbitant usage as indicated in the meter will not be the actual usage but have happened due to the dial jump, it is submitted that since the L & T make meter do not have dial system mechanism, but have electronic display. Hence, the argument adduced by the appellant that the excess consumption recorded due to dial jump is absolutely incorrect and not sustainable. The respondents are duty bound to serve invoice to the consumers based on the actual meter reading. Here, the same was done as far as the case of the appellant is concerned. The respondents are not responsible for the complaint developed from the installation of the appellant.

It is submitted that the appellant describes the consumption level and then mentioning about dial jump phenomenon of the meter which is from the

part of Kerala State Electricity Board Ltd., at the same time intentionally silent towards other possible reasons to which the attention is invited.

- a) The healthiness of his installation, if any of equipments or part of installation of which insulation resistance value-(IR) falls due to ageing or decay of insulation due to irregular use, chances of flowing leakage current causing excess current and records that amount of energy for which absolutely KSEB Ltd. not responsible.
- b) The consumer admits the reading of energy meter during the period prior to showing the excess reading were correct and also it is pointed out that the same meter is to record after the occurrence of excess reading. No complaint raised by the appellant regarding it's functioning after the above excess reading recorded.
- c) The said energy meter of the appellant installed at this ground floor along with other meter of the same building in the same panel box. If lightning and thereby any surge occurs why should the only meter has undergone where as no other meter involved with such phenomena.

Based on all such reasons the existing meter is a good one free from all such damages or errors due to any surges owing to lightning etc. and the appellant has to maintain the premises in a good condition.

As per Regulation 64 of the Kerala Electricity Supply Code, 2014, the point of supply in case of a Low Tension consumer is at the incoming terminal of the cut out installed by the consumer. Any discrepancy/defects noticed in the installation of the consumer is not liable by the Licensee/Board on the other hand, the consumer is liable for the same. Here, the case on hand, the energy meter recording checked by comparison and consumption recorded in the meter is found correct.

The Hon'ble Forum has passed an Order on 02-06-2016 directing the appellant to remit the bill Rs. 69,479.00 after examining all the possible grounds and found finally the bill is genuine, and also established the right to test the meter in an accredited lab as desired by the appellant.

The above being the true facts, averments to the contrary are denied being false. Therefore, the appellant shall be liable to pay the balance of invoiced amount within the time frame. This Hon'ble Ombudsman may be pleased to record the above submitted facts and dismiss the complaint with cost.

Analysis and Findings: -

The hearing of the case was conducted on 30-08-2016 in the chamber of Electricity Ombudsman at Edappally, Kochi. Sri Shaji Sebastine has

represented for the appellant and Sri. Ismael P.A., Assistant Executive Engineer, Electrical Sub Division, Palarivattom, Ernakulam, has appeared for the respondent's side. On examining the petition, the counter statement of the respondent, the documents attached and the arguments made during the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions thereof.

On a perusal of records it is revealed that the disputed energy meter was tested at the appellant's premises itself, by installing a check meter in tandem with the existing meter; so that both meters carry the same electric current and will measure the same energy, consumed by the appellant. The test so conducted at the site reveals that the two meters are recording exactly the same quantum of energy consumption which shows that the appellant's meter is working in good condition. Another contention of the appellant is that there was no defect or fault in the meter but the exorbitant reading was due to the dial jump.

According to the appellant, if the entire connected load of 4.956 kW was made operational for 24 hours for a period of 60 days, the consumption can be arrived at the order of 7136 units. As the appellant's premises is an office which functioning only on working days with timing from 9.30 AM to 5.30 PM and Saturdays 9.30 AM to 1.00 PM, the chances of getting such a huge consumption are very rare. The actual connected load of the premises comprises of 10 light points, 6 fan points, 4 computers, 6 Nos. of 5 Ampere plug points and 2 Nos. of A/C and considering the equipment's inherent diversity, the bimonthly consumption cannot be exceeded 220 units.

On the other hand, the respondent argued that the L & T make meters do not have dial mechanism, but have only display system. Hence the argument of excess consumption due to dial jump is absolutely false and cannot be justified. The respondent has also submitted that they have carried out a detailed checking with a reference meter which is tested and calibrated. During the inspection it is revealed that there is no difference in the consumption recorded in the appellant's meter and the reference meter. It is also contended that the respondents are not responsible for the defects, if any, noticed beyond the cut-out of the appellant.

The details of appellant's consumption for the period from 14-07-2014 to 15-07-2016 are as follows:

Bill Month	Conn Status Tariff	IR IR DATE Status: Mtr/Rdg	FR FR Date Status: Mtr/Rdg	Pricing Type	OMF	Consumption
201409	CN/IT-7A	11,288.00 14-07-2014 OK/AA	11,565.00 19-09-2014 OK/AA	Normal Tariff	1	277
201411	CN/IT-7A	11,565.00 19-09-2014 OK/AA	11,837.00 24-11-2014 OK/AA	Normal Tariff	1	272
201501	CN/IT-7A	11,837.00 24-11-2014 OK/AA	12,004.00 22-01-2015 OK/AA	Normal Tariff	1	167
201503	CN/IT-7A	12,004.00 22-01-2015 OK/AA	12,242.00 18-03-2015 OK/AA	Normal Tariff	1	238
201505	CN/IT-7A	12,242.00 18-03-2015 OK/AA	12,598.00 16-06-2015 OK/AA	Normal Tariff	1	356
201507	CN/IT-7A	12,598.00 16-05-2015 OK/AA	12,911.00 17-07-2015 OK/AA	Normal Tariff	1	313
201509	CN/IT-7A	12,911.00 17-09-2015 OK/AA	13,117.00 17-09-2015 OK/AA	Normal Tariff	1	206
201511	CN/IT-7A	13,117.00 17-09-2015 OK/AA	13,208.00 14-10-2015 OK/AA	Normal Tariff	1	91
201511	CN/IT-7A	13,208.00 14-10-2015 OK/AA	13,340.00 18-11-2015 OK/AA	Normal Tariff	1	132
201601	CN/IT-7A	13,340.00 26-11-2015 OK/AA	13,340.00 26-11-2015 OK/AA	Normal Tariff	1	0
201601	CN/IT-7A	13,340.00 26-11-2015 OK/AA	13,525.00 15-01-2016 OK/AA	Normal Tariff	1	185
201603	CN/IT-7A	13,525.00 15-01-2016 OK/AA	20,196.00 16-03-2016 OK/AA	Normal Tariff	1	6,671
201605	CN/IT-7A	20,196.00 16-03-2016 OK/NA	20,196.00 12-04-2016 OK/NA	Normal Tariff	1	161
201605	CN/IT-7A	20,196.00 12-04-2016 OK/NA	20,196.00 18-04-2016 OK/NA	Normal Tariff	1	
201605	CN/IT-7A	20,196.00 18-04-2016 OK/AA	20,530.00 17-05-2016 OK/AA	Normal Tariff	1	173
201607	CN/IT-7A	20,530.00 17-05-2016 OK/AA	20,679.00 15-07-2016 OK/AA	Normal Tariff	1	149

On going through the details of consumption of the appellant for the period from 14-07-2014 to 15-07-2016, it is revealed that the consumption has never exceeded 356 units except for the period under dispute. Though the respondent argues that the excess energy consumption was due to earth

leakage, they did not conduct any checking of the installations in the appellant's premises in order to ascertain the reasons for the same. It shall be noted that almost all meters used by the licensee are having data storage and downloading facility and using the downloaded data, actual date of voltage/current missing and wrong phase association etc. can easily be determined. Making use of downloaded data is very supportive in sorting out these disputes from consumer side.

In few cases it is reported that there are instances of jumping of digits/display error in electronic meters and this jumping/display error cannot be detected in earth leakage testing or calibrating the meter at a later stage since it does not affect the functioning of the meter. Likelihood jumping of digits/display error cannot be rejected at the face value. Regulation 65(2) of Electricity Supply Code, 2014 reads as:

In the event of any defect or leakage of energy being detected in the installation of the consumer or in apparatus connected to it, the same shall be disconnected forthwith and the incident intimated to the licensee and the Electrical Inspector. Also as per Regulation 65(4) reads "the installation of the consumer shall be reconnected by the licensee only with the approval of the Electrical Inspector".

As per Clause 18(2) of Central Electricity Authority Regulation (Installation and Operations of Meters), ***"it is the duty of the respondent to check the meter and associated apparatus and to ensure any defects in the installations so as to ascertain the possibility of earth leakage"***. Further, as per 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"***.

Regulation 116(4) reads as ***"a consumer may request the licensee to inspect and test the meter installed in his premises if he doubts its accuracy, by applying to the licensee in the format given in Annexure 15 to the Supply Code, along with requisite testing fee"***.

Regulation 116(5) reads as ***"on receipt of such request, the licensee shall inspect and check the correctness of the meter within 5 working days of receiving the complaint"***.

Regulation 116(6) reads as ***"If the meter is found defective, the licensee and the consumer shall follow the procedures as per Regulation 115"***.

In the instant case, there is no allegation that the appellant has connected additional loads such as Air Conditioners, motor pumps etc or to

make the meter dysfunctional. At the same time the respondent has not conducted any detailed checking in the appellant's premises to find out whether there is an earth leakage. Instead, the respondent installed a check meter to find out the accuracy of the existing meter. In case there is any anomaly in the existing meter it could have been easily detected after verifying the downloaded data through a meter reading instrument (MRI) within the stipulated time. This procedure was not seen followed in this case and hence the respondent failed to establish their claim. In this background there is no justification for issuing such a huge bill to the appellant.

Decision

In view of the above discussions, there is no justification for issuing such a huge bill to the appellant even without analyzing or finding out the exact reason for the excess consumption. Hence the disputed bill is hereby quashed. The respondent is directed to issue revised bill based on average consumption for the period preceding the date of the bill challenged before this Authority. The order of CGRF is set aside. The appeal petition is allowed. No order as to costs.

ELECTRICITY OMBUDSMAN

P/042/2016/ _____ /Dated: _____

Delivered to:

1. Sri. John Vilangadan, Vilangadan Arcade, Opp. Modern Bread, Edappally, Kochi 24.
2. The Assistant Executive Engineer, KSE Board Limited, Electrical Sub Division, Palarivattom, Ernakulam.

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, CGRF-CR, 220 kV, KSE Board Limited, Substation Compound, HMT Colony P.O., Kalamassery, PIN: 683 503.