

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION NO. P/47/2016  
(Present: V.V. Sathyarajan)  
Dated: 31<sup>st</sup> October 2016

Appellant : Smt. T.P. Radha,  
Thachappilly House,  
Ayyampilly P.O.,  
North Paravur, Ernakulam

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd, North Paravur,  
Ernakulam.

### **ORDER**

#### **Background of the case:**

The appellant, Smt. T.P. Radha, is a domestic consumer with consumer No. 1372 under Electrical Section, Cherai. The grievance of the appellant is that the respondent issued an exorbitant bill amounting to Rs. 23,372.00 on 23-10-2015 for a bimonthly consumption of 2829 units. The appellant approached the respondent with a complaint against the impugned bill. But the respondent stated that they have checked the accuracy of the meter and no variations or discrepancies were noticed during the testing of the existing meter. Accordingly the respondent directed the appellant to remit the bill amount. Being aggrieved against the direction, the appellant filed a petition before the CGRF, Ernakulam and the Forum disposed of the petition vide order no. CGRF-CR/Comp.121/2015-16/124 dated 14-06-2016 with a finding that the bill dated 23-10-2015 issued to the appellant is in order. Not satisfied with the above decision of the Forum, the appellant has filed this appeal petition before this Authority.

#### **Arguments of the appellant:**

The basic allegation against the appellant is as if that she has deliberately done some offences in her house, such as wiring mistakes, household dilapidations etc., and that is why the power loss is happened. This is not absolutely true. This house is appellant's Tharavadu and since the appellant has

constructed a new house nearby, this is inundated. For a long period the appellant has been paying a minimum charge of approximate Rs. 100.00 and the same process was going on. But, abruptly, on April, 2015, the electricity bill shot up to Rs. 23,372.00, as indicated and, subsequently, the appellant was instructed by the KSEB, Cherai to pay the bill instantly or else face legal action, if denied.

The occurred power loss is understandably through earth wires and it is due to an accidental mistake only. The appellant has not at all consumed that much energy in her house or else deliberately carried out any attempts so as to cause this mishap. The KSEB Cherai Section has taken up this subject in a stringent and inhuman manner and levied Rs. 23,372.00 for 2829 units, an exorbitant rate of Rs. 8.00 approximate per unit, may be a slab basis calculation.

The normal domestic rate is Rs. 3.00 only. The KSEB, Cherai Section is even insisting the appellant to pay the amount or else to face revenue recovery proceedings. This has caused the appellant a lot of mental agony and grief. KSEB's attitude is one sided only and they are keen to safeguard their own interest and monetary benefits. Now, the appellant would like to close this matter permanently, and requested to inform what amount she should pay to KSEB for this tragedy. She is ready to pay the charges for the actual use of energy.

### **Arguments of the respondent:**

A complaint was received from the appellant on 07-12-2015, which was against the arrear electricity bill dated 23-10-2015 for Rs. 25,613.00. Based on this complaint, a report was called for, from the Assistant Engineer, Electrical Section, Cherai. As per his report the premises was a damaged one, and dangerous network of electric wires. The tiled roof is in deteriorated condition. Hence existing electric supply is to be dismantled for safety. The electric wiring was very old and hence electric supply is to be dismantled urgently. Accordingly, directions were given to Assistant Engineer, Electrical Section, Cherai, to disconnect the electric supply at once and to take necessary steps to dismantle this service connection as per rules, after remitting all the dues.

The respondent also stated that the energy meter was tested with the parallel meter, and the Assistant Engineer certified that the existing meter is not creeping and within the accuracy limits, which shows that the meter is good and recording only actual consumption. The consumption pattern recorded for the past few months from 4/2014 is shown below:-

Month	Meter reading	Consumption
4/14	620	
6/14	630	10 Units
8/14	635	5 Units
10/14	645	10 Units
12/14	650	5 Units
2/15	656	6 Units
4/15	3485	2829 Units

From the above it is clear that there is earth leakage. No meter change was carried out during this period, as certified by Assistant Engineer. In 4/2015, there is an exorbitant hike recorded, due to high earth leakage. At that time, the meter reader Sri Aji Raj noticed that the meter board and fuse unit including the wall and soil near to the earth conductor, had been heated up severely, and he has reported this fact orally, to the appellant, and confirmed them by showing the situation physically. Then the service connection has been disconnected in 4/2015 and asked the appellant to standardise this as per rules.

The appellant did not take any action for the regularisation, and hence issued the bill amounting to Rs. 23,992.00 on 17-04-2015, which was not remitted. Due to non realization of this amount, the revenue authority of the Electrical Section, recorded this as undisputed amount category, and collected, monthly minimum charges, till the site visit. Hence on 15-12-2015, an arrear notice has been issued to her, for which there was no response from the part of the appellant. According to the site inspection on 18-12-2015 and direction as such, the dismantling notice issued to this consumer, and the service connection was dismantled on 16-01-2016, as per rules. Aggrieved by this action, in 02/2016, the appellant has filed petition before the CGRF at Central Region.

The Honourable Forum heard this case and conducted site visit and issued order dated 14-06-2016. During the site visit, the Honourable Forum also found the dangerous condition due to which the service was dismantled. In the order dated 14-06-2016, the Honourable Forum has pointed out the fact that, "the exorbitant consumption was due to the earth leakage. It is the duty of the consumer to maintain the premises well and good without any earth leakage, since the meter was tested and found working within the accuracy limits, the disputed amount is liable to be remitted by the petitioner."

As this consumption or energy loss from our network system is attributable to the consumer herself, she is very much liable to pay for it, as per rules, to KSEB Ltd. The fact is very much transparent that the energy was received by the appellant through her installation and issued bill for the received energy only. The appellant said that they have not used the energy, but it was due to their fault.

**Analysis and Findings: -**

The hearing of the case was conducted on 25-10-2016 in my chamber at Edappally, Kochi. Smt Radha T.P. and Sri M.M. Varghese have represented for the appellant and Sri. Anandan P.B., Assistant Executive Engineer, Electrical Sub Division, North Paravur, 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.

**The point to be decided in this case is as to whether the energy meter provided to the appellant was faulty or not during the period and if so the consumption of 2829 units is actually consumed by the appellant?**

The respondent's contention is that the appellant's meter was tested by installing a good energy meter (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. According to the respondent, the test so conducted at the site shows that the two meters are recording exactly the same quantum of energy consumption and found that the meter is working in good condition. When the test is undertaken by the respondent on the consumer's meter, it is the best practice to prepare a site mahazar, in the presence of the appellant or her 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 her presence, would have cleared the doubts and the said mahazar so prepared will surely be a valid document before any legal Forum. It is pertinent to note that no such mahazar has been prepared in this case which shows serious lapses on the part of the respondent.

On a verification of the consumption pattern of the appellant it can be seen that the bimonthly consumption has never exceeded 10 units except in one instance. Hence it can be assumed that the excess consumption recorded may be either due to earth leakage or any malfunctioning of the meter. Even without conducting any proper inspection or testing the meter in an accredited and approved laboratory, the respondent arrived at the conclusion that the abnormal level of consumption was due to earth leakage is without any documentary evidence. Hence the contention of the respondent that the excess consumption was due to the leakage of electricity through the defective apparatus of the appellant and she is solely responsible for the same is arbitrary and cannot be justified.

The Kerala Electricity Supply Code, 2014 sheds light into the steps to be taken on electricity leakage. Regulation 65 (2) reads thus: **"In the event of any**

defect or leakage of energy being detected in the installation of the consumer or in any 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) “the installation of the consumer shall be reconnected by the licensee only with the approval of the Electrical Inspector. Regulation 34 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 reads thus- “Leakage on consumer’s premises(1) If the Electrical Inspector or the supplier has reasons to believe that there is leakage in system of a consumer which is likely to affect injuriously the use of electricity by the supplier or by other persons, or which is likely to cause danger, he may give the consumer notice in writing that he desires to inspect and test the consumer’s installation.

(2) If on such notice being given the consumer does not give all reasonable facilities for inspection and testing of his installation, or when an insulation resistance of the consumer’s installation is so low as to prevent safe use of electricity, the supplier may, and if directed so to do by the Electrical Inspector shall discontinue the supply of electricity to the installation but only after giving to the consumer forty eight hours notice in writing of disconnection of supply and shall not recommence the supply until he or the Electrical Inspector is satisfied that the cause of the leakage has been removed.”

On a perusal of the records, the reason for the leakage has not been established particularly by conducting a test as per the procedure laid down in the Regulations. The damage occurred to the electrical appliances of the consumer due to the reason beyond her control such as natural calamity; the consumer shall not be liable to pay charges to the licensee on account of such failures. The argument of the respondent that he inspected the premises and detected that the excess consumption was due to the earth leakage occurred in the premises is merely on the basis of assumption and without any evidence. The argument of the respondent that the excess consumption due to earth leakage rests with the appellant alone is in the absence of any documentary evidence and hence cannot be admitted.

***Regulation 138(j) of the Supply Code, 2014 grants the licensee to disconnect the supply of electricity” if the wiring, apparatus, equipment or installation at the premises of the consumer is found to be defective or unsafe or there is leakage of electricity.”***

***Regulation 139 depicts the procedure for disconnection. – (4) “ In the case of disconnection as per clauses (e) and (p) of sub regulation (1) of Regulation 138, the supply shall be disconnected only after giving a notice for a period not less than seven clear days and intimating the consumer about the grounds for disconnection.”***

***(5) the supply shall be disconnected only if the grounds of the disconnection as mentioned in clauses (e) to (p) of sub regulation (1) of regulation 138 are not removed or rectified within the notice period.”***

Regulation 175 of the Electricity Supply Code, 2014 reads as:

***Service of notice:- (1) Any order or notice issued on the consumer by the licensee, including the notice under Section 56 of the Act shall be deemed to be duly served if it is sent by registered post at the correct postal address of the addressee or delivered by hand, with signed acknowledgement to the person residing at the address notified to the consumer:***

As per Regulation 110 (7) of Supply Code, 2014, **it shall be the duty of the employee of the licensee or the person duly authorized by the licensee for reading the meter, to check the condition of light emitting devices (LED) on electronic meters.**

**110 (8) In case the LED indicator for earth leakage provided in the electronic meters is found to be ‘ON’ he shall inform the consumer that there is leakage in the premises and advise the consumer to get the wiring checked and leakage removed.**

**110 (9) The employee of the licensee or the person duly authorized by the licensee for reading the meter shall also inform the concerned officials of the licensee about the leakage.**

Here in this case, the respondent has not mentioned any details about the energy meter installed in the appellant’s premises at the relevant point of time. If the meter reader was aware of the above said Regulations and informed the appellant about the leakage, if any, in the premises, the appellant can get the wiring checked and rectified the same in time. But this is not done by the meter reader while taking the meter reading. Moreover, the respondent has not followed the procedures mentioned above, instead simply dismantled the meter alleging the dangerous situation. This is arbitrary, illegal and hence cannot be justified.

The appellant’s contention is that the respondent had not issued any invoice for the month of 04/2015. But the respondent had issued an arrear notice on 15-12-2015 for an amount of Rs. 26,127.00 for the period from 04/2015 to 12/2015. The respondent also failed to produce copy of monthly invoice issued to the appellant for the month of 04/2015. Moreover, the respondent dismantled the service even without issuing notice for disconnection and dismantling as per Regulations stipulated in the Supply Code, 2014 (Annexure 18 and 20 respectively). The statutory requirement of testing of the meter in an accredited lab or with a standard reference meter with better accuracy class is not done before issuing the arrear bill amounting to Rs.

26,127.00. There is patent illegality in issuing the arrear bill to the appellant. Without complying with the statutory formalities, the arrear bill issued in this case is not sustainable before law and liable to be quashed.

### **Decision**

The assessment made in this case is without conducting any testing of the meter in an accredited lab or even without verifying the statutory mandates mentioned above. So the assessment is arbitrary, illegal and not sustainable before law and is hereby quashed. However, the respondent is directed to revise the bill for the month of 04/2015 based on the previous average consumption. This shall be done at any rate within 15 days from the date of receipt of this order.

If the appellant desires to have a new service connection to her premises she can apply for the same as a fresh applicant after complying with the formalities required. When the appellant is making such an application then the respondent is directed to issue a new service connection to the appellant after observing the formalities without any delay. The order of CGRF-CR /Comp.121/2015-16/124 dated 14-06-2016 is set aside. No order as to costs.

### **ELECTRICITY OMBUDSMAN**

P/47/2016/\_\_\_\_\_ /Dated:\_\_\_\_\_

Delivered to:

1. Smt. T.P. Radha, Thachappilly House, Ayyampilly P.O., North Paravur, Ernakulam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, North Paravur, 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.