

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/090/2016

(Present: V.V. Sathyarajan)

Dated: 23rd March 2017

Appellant : Sri. Abdul Razak Aanathan
AMH Rice Flour and Oil Mill,
Valachery, Morayur,
Malappuram.

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

ORDER

Background of the case:

The appellant, Sri Abdul Razak Aanathan, is having a 3 phase service connection issued for industrial purpose, under Electrical Section, Valluvambram, Malappuram, with consumer No: 11392. The appellant's industry is named as 'AMH Rice, Flour and Oil Mill' and having a connected load of 11490 Watts. While being so, the appellant made a written complaint to the Assistant Engineer to test the meter as the energy meter was recording abnormal consumption. Accordingly the meter was tested by installing a standard reference meter and found that the existing meter is recording more than the actual consumption. So the meter was replaced with a new one on 19-01-2016. The energy usage in subsequent months after 1/2016 also showed considerable decrease in consumption.

The CGRF, Kozhikode, before whom the petition was filed by the appellant to get his bills revised from 6/2014 onwards and refund of excess amount collected, has ordered to revise the monthly bills during the period from 05/2015 to 01/2016 on the basis of average of 3 billing cycles after the replacement of faulty meter, vide Order No. 67/2016-17 dated 15-10-2016. The appellant is challenging the above decision of the CGRF especially on the period of billing from 05/2015 to 01/2016 and now demands the revision of bills with effect from 6/2014 to 01/2016. Feeling aggrieved against the order dated 15th day of October 2016 in OP No: 67/2016-17 of CGRF, Kozhikode, this appeal petition is filed before this Authority.

Arguments of the appellant:

The appellant has adduced the following arguments in the appeal petition. On the basis of the complaint preferred before the Assistant Engineer, regarding the abnormal reading in the meter, a parallel meter was installed for testing the consumption. The existing meter showed a consumption of 127 units for a specified period and during the period the consumption showed in the parallel meter was 50 units only. The contention of the appellant is that the consumption was found increased considerably with effect from 05-07-2014 onwards and the consumption decreased after the installation of the new meter on 19-01-2016. The appellant had remitted all the current bills regularly. There was collection of excess amount of current charges compared to the actual consumption, due the abnormal reading in the meter.

The appellant had submitted petition in the Section Office and to the CGRF for refund of the excess amount collected by the respondent. But the CGRF has ordered to revise the monthly bills during the period from 05/2015 to 01/2016 only. According to the appellant, the consumption of current in his premises is based on the season i.e., in summer season the consumption is high and it will be low in rainy season. This can be proved by examining the consumption pattern of the appellant in previous years. The prayer of the appellant is to refund the excess electricity charges remitted by him during the period from 06/2014 onwards as the meter was found recording higher than the actual usage during this time.

Arguments of the respondent:

The appellant is running a mill named AMH Rice, Flour and Oil Mill at Morayur, Valancheri in Malappuram District and having an LT 3 phase connection bearing Consumer No. 1787 with a connected load of 11490 Watts, being billed monthly in LT IV tariff which comes under the jurisdiction of Electrical Section, Valluvambaram under Electrical Sub Division, Malappuram.

Based on the complaint received from the appellant on suspecting the energy meter as faulty, a parallel meter was installed at the premises on 16-01-2016 with IR as zero and checked the consumption on 19-01-2016 and noted FR as 50, whereas the consumption recorded in the existing meter for the said period was noted as 127 and hence confirmed the existing meter as faulty and hence replaced the faulty meter on the same day.

After verifying the recorded consumption pattern the bill issued on 06-01-2016 for 1489 units was revised to 1025 units by taking the average of recorded consumption for six months for the period from 07/2015 to 12/2015. It can be seen that the recorded consumption on 05-01-2015 was 1064 units and 06-01-2014 was 717 units which are more or less comparable. The appellant filed petition before Hon'ble CGRF, Kozhikode vide OP No. 67/16-17. After having conducted hearing, Hon'ble CGRF vide order No. CGRF-NR/comp67/16-17/544 dated 20-10-2016 ordered to refund the additional

amount collected during the period from 05/15 to 01/16 on the basis of 3 billing cycles after the replacement of faulty meter.

Aggrieved by this order the appellant filed before the Hon'ble Electricity Ombudsman requesting to consider the meter faulty period from June 2014 onwards.

It may be noted that even after the replacing the meter with new one, the recorded consumption during the month of May 2016 (i.e. the bill dated 06-06-16) is 1195 whereas the consumption during May 2015 and May 2014 are 1882 and 1099 respectively. This indicates that as argued by the appellant the comparison of consumption pattern for the corresponding month of 2014, 2015 and 2016 can be taken into consideration for assessing faulty period. As per Regulation 115(9) of Kerala Electricity Supply Code, 2014, in case the meter is faulty, revision of bill shall be done for a maximum period of six months or from the date of last testing, whichever, is shorter and the excess or deficit charges on account or such revision shall be adjusted in two subsequent bills.

Consumption pattern of the appellant from 06-01-2014 to 05-07-2016 is detailed as follows.

| Bill date | Bill Number | Initial reading | Final Reading | Consumption | Amount |
|------------|-------------|-----------------|---------------|-------------|--------|
| 06-01-2014 | 581426 | 36471 | 37188 | 3787 | 717 |
| 05-02-2014 | 592154 | 37188 | 37816 | 3327 | 628 |
| 05-03-2014 | 603002 | 37816 | 38384 | 3017 | 568 |
| 05-04-2014 | 614832 | 38384 | 39051 | 3529 | 667 |
| 05-05-2014 | 625704 | 39057 | 39685 | 3358 | 628 |
| 05-06-2014 | 637384 | 39685 | 40784 | 5762 | 1099 |
| 05-07-2014 | 648936 | 40784 | 41720 | 4920 | 936 |
| 05-02-2015 | 734571 | 45770 | 46670 | 5883 | 900 |
| 05-03-2015 | 745510 | 46670 | 47735 | 6827 | 1065 |
| 06-04-2015 | 757493 | 47735 | 48925 | 7542 | 1190 |
| 05-08-2014 | 664233 | 41720 | 4204 | 1740 | 321 |
| 05-09-2014 | 677218 | 42041 | 42523 | 2572 | 482 |
| 06-10-2014 | 688896 | 42523 | 43323 | 4216 | 800 |
| 05-11-2014 | 699616 | 43323 | 43960 | 4379 | 637 |
| 05-12-2014 | 711588 | 43960 | 44706 | 5656 | 746 |
| 05-01-2015 | 722369 | 44706 | 45770 | 6822 | 1064 |
| 05-02-2015 | 734571 | 45770 | 46670 | 5883 | 900 |
| 05-03-2015 | 745510 | 46670 | 47735 | 6827 | 1065 |
| 06-04-2015 | 757493 | 47735 | 48925 | 7542 | 1190 |
| 05-05-2014 | 768572 | 48925 | 50155 | 7771 | 1230 |
| 05-05-2014 | 781201 | 50155 | 52037 | 1501 | 1882 |

| | | | | | |
|---|---------------|-------|-------|------|------|
| 06-07-2015 | 6554150702043 | 52037 | 53291 | 7908 | 1254 |
| 05-08-2015 | 6554150800236 | 53291 | 53853 | 3950 | 562 |
| 07-09-2015 | 6554150901316 | 53853 | 54782 | 6049 | 929 |
| 05-10-2015 | 6554151000910 | 54782 | 55955 | 7445 | 1173 |
| 06-11-2015 | 6554151102829 | 55955 | 56968 | 6530 | 1013 |
| 05-12-2015 | 6554151203744 | 56968 | 58048 | 6913 | 1080 |
| 06-01-2016 | 6554160102549 | 58048 | 59537 | 6467 | 1489 |
| Parallel meter installed in the premises on 16-01-2016 with initial reading 0 and dismantle the parallel meter on 19-01-2016 with final reading 50. Initial reading in the existing meter on 16-01-2016 is 60431 and final reading on 19-01-2016 is 60558. Consumption in the existing meter is 127 units and parallel meter is 50 units .Difference is 77 units. Bill is revised 1489 units to system average 1002 units | | | | | |
| 05-02-2016 | 6554160202655 | 0 | 366 | 1025 | 6462 |
| Meter faulty. Meter changed on 19-01--2016 with initial reading 0. Final reading on 01-02-2016 is 366. Average bill 1025 units charged. | | | | | |
| 05-03-2016 | 6554160303286 | 366 | 953 | 587 | 4063 |
| 05-02-2016 | 6554160403196 | 953 | 1736 | 783 | 5214 |
| 05-04-2016 | 6554160503224 | 1736 | 2435 | 699 | 4734 |
| 06-05-2016 | 6554160605082 | 2435 | 3630 | 1195 | 7571 |
| 05-07-2016 | 6554160703705 | 3630 | 4077 | 447 | 3292 |
| 05-08-2016 | 6554160802916 | 4077 | 4351 | 274 | 2303 |
| 05-09-2016 | 6554160902004 | 4351 | 4714 | 363 | 2812 |
| 05-10-2016 | 6554161003587 | 4714 | 5245 | 531 | 3773 |
| 05-11-2016 | 6554161103133 | 5245 | 5790 | 545 | 3853 |
| 05-12-2016 | 6554161202251 | 5790 | 6307 | 517 | 3693 |

Analysis and findings:

Hearing of the case was conducted on 28-02-2017 in my chamber at Edappally. Sri Abdul Razak Aanathan represented the appellant. Sri Rajesh, Assistant Executive Engineer, Electrical Sub Division, Malappuram appeared for the respondent. On examining the petition of the appellant, the statement of facts filed by the respondent, the arguments in 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.

The appellant's contention is that after the replacement of faulty meter his consumption reduced considerably and admitting this fact, the Forum directed the respondent to refund the excess amount collected from the appellant during the period from 05/2015 to 01/2016 based on the average consumption of 3 billing cycles after replacement of the meter. But the appellant raised an argument that his consumption recorded during the period

from 06/2014 to 01/2016 was abnormal and hence he suffered huge financial loss. So the appellant requested to refund the excess amount collected during the above said period. Refuting the above contentions the respondent stated that as per appellant's request the existing energy meter in his premises was tested on 16-01-2016 and found as faulty. Hence the same was replaced on 19-01-2016 and revised the consumption from 1419 units to 1002 units for the month of 01/2016.

On perusing the records it can be found that the respondent replaced the faulty meter on 19-01-2016 as per the appellant's complaint dated 16-01-2016, and reduced the consumption from 1419 to 1002 units for the month of 01/2016. While disposing the petition the Forum has noticed that as the defective meter was not tested in an accredited laboratory or in an approved laboratory as per Regulation 116(2) of Supply Code, 2014, the actual date when the meter became faulty cannot be ascertained. However, the Forum decided to consider this as a special case and to refund the additional amount collected during the period from 05/2015 to 01/2016 on the basis of average of 3 billing cycles after the replacement of faulty meter.

The grievance of the appellant herein is that the Forum has not considered his request to refund the excess amount collected from the appellant for the period from 06/2014 to 01/2016 when the meter was alleged to have recorded abnormal consumption. The foremost aspect which needs to be considered is whether there is any delay on the part of respondent to replace the faulty meter. As per Regulation 115(6) of Supply Code, 2014,

“the testing shall be done within a maximum period of 30 days from the receipt of the application”.

As per Regulation 115(8),

“if a consumer disputes result of testing at the laboratory of the licensee, the meter shall be got tested at a laboratory selected by the consumer among the laboratories accredited by National Accreditation Board for Testing and Calibration Laboratory (NABL)”.

Here in this case, the respondent had tested the appellant's meter at site with the help of a standard reference meter and the appellant accepted the test result. Hence the question of further testing at NABL does not arise. Further, Regulation 115(9) of Supply Code, 2014 reads as follows:

“in case the meter is found to be faulty, revision of bill on the basis of the test report shall be done for a maximum period of 6 months or from the date of last testing whichever is shorter and the excess or deficit charges on account of such revision shall be adjusted in the two subsequent bills”.

Since the actual date on which the meter found faulty could not be ascertained, the Forum decided to refund the additional amount collected during the period from 05/2015 to 01/2016 based on the average consumption after the replacement of the meter. Actually, there is no regular pattern of energy consumption, in this case under dispute. A consumer having such seasonal works will have energy consumption as per his needs and hence can vary substantially as per his usage in some months. However, the appellant has lodged complaint against the excess recording of meter, which stands proved. But the appellant complained against the exorbitant billing only in 01/2016 for which no reason is forthcoming.

However, the Forum decided to refund the excess amount collected from the appellant for the period from 05/2015 to 01/2016 without interest. Since the respondent has overcharged the appellant, this Authority is of the opinion that the excess amount shall be refunded to the appellant with interest at bank rate as on the date of remittance.

Decision

In view of the above facts, this Authority didn't find any reason to intervene with the findings of the Forum in this regard. However, the respondent is directed to refund the amount with interest at bank rate as per Regulation 134(3) of Supply Code, 2014.

The appeal is disposed of accordingly. The order of CGRF in OP No. 67/2016-17 dated 15-10-2016 is modified to the extent as ordered. No order as to costs.

ELECTRICITY OMBUDSMAN

P/090/2016/_____ /Dated:_____

Delivered to:

1. Sri. Abdul Razak Aanathan, AMH Rice Flour and Oil Mill, Valachery, Morayur, Malappuram.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Malappuram

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