

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/009/2018
(Present: A.S. Dasappan)
Dated: 30th April 2018

Appellant : Sri. Gangadharan C.,
Chettiyamkandi House, Alayatt,
Thillankeri P.O, Mattannur,
Kannur

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd., Iritty,
Kannur

ORDER

Background of the case:

The appellant, Sri Gangadharan, is a domestic consumer with consumer No. 10105 under Electrical Section, Kakkayangad having connected load of 4250 Watts. The grievance of the appellant is that the respondent issued an exorbitant bill amounting to Rs. 23,119/- on 28-9-2017 for a bimonthly consumption of 2811 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, Kozhikode with a request to grant 12 equal monthly installments and the Forum disposed of the petition vide order no. OP 120/2017-18 dated 16-01-2018 allowing the petition. Now the appellant has filed this appeal petition before this Authority with a request to waive the bill amount of Rs. 23119/-.

Arguments of the appellant:

The appellant has an electric connection with Consumer Number 1167876010105 in the house owned by me at Alayad in Ward 10 of Thillankeri Panchayath. He had paid the first bill for Rs. 332/- and the second bill for less

than Rs. 400/-. He was given the third bill for Rs. 190/-. But the same was taken back by the Board saying that there is enormous difference in the bill. On 28-09-2017, the bill (No. 6787170910232) served to the appellant was for Rs. 23,119/- as electricity charges. The appellant is using only one Television, one refrigerator, one motor, 3 fans and 6 bulbs at home as electrical appliances. The appellant gave a complaint at Electrical Section, Kakkayangad and a test meter was installed. But on testing the meter no defect of meter was seen revealed. Later the authorities threatened that if the bill amount was not paid, actions will be taken such as disconnecting the electricity connection and revenue recovery. The Assistant Engineer showed an application and asked to sign and give such document and the appellant did so. But as a casual labourer, the appellant is not able to pay such an exorbitant amount. Thereafter the appellant was issued with 2 other bills for Rs. 413/- and Rs. 449/-.

Therefore, the appellant requests to this Authority to do the needful to waive the huge bill served, for no mistake of him.

Arguments of the respondent:

Sri Gangadharan, Consumer number 1167876010105 of Electrical Section, Kakkayangad had approached Hon'ble Ombudsman for cancellation of electricity bill for 9/2017 billing cycle. The service connection was effected on 03.03.2017 in LT IA tariff with connected load 4250W for domestic purpose

The appellant has reported to the Kakkayangad office about the excess billing during 9/2017 billing cycle. As per his request a parallel meter was installed on 22.9.17 for verifying the accuracy of the meter and the same was verified by taking a reading on 27.9.2017. Meter was purchased by the appellant himself. The appellant has mentioned in his complaint dated 28.9.2017 about the shock felt to his children while touching the bathroom wall. Based on the complaint Sub Engineer inspected the premises and during the inspection it was revealed that isolating rod of DP main switch was in burnt condition and earthing occurred along this path. Functioning of the meter was found normal and only abnormality seen was on DP main switch and same was replaced by the appellant on a later date. As the fault was within appellant's premises, he is bound to pay the amount due to him. Before and after 9/2017, he has no complaint over the meter purchased by him.

Based on the appeal received from the appellant, six equal installments in bimonthly billing cycle was sanctioned by the Executive Engineer, Electrical Division, Iritty even though the appellant had requested for 12 installments. Aggrieved on this, the appellant has approached the Hon'ble CGRF and again requested for 12 installments. Hence CGRF granted 12 installments as per his request.

Now the appellant has approached Hon'ble Ombudsman with another request that KSEBL officials are threatening and harassing him and he has given a letter by mistake to KSEBL as demanded by Assistant Engineer Electrical Section, Kakkayangad. Even if he has succumbed to the pressure of KSEBL officials, he has approached Hon'ble CGRF on his own and requested for 12 installments as he is not in a position to remit the amount in lump sum

Hon'ble CGRF pronounced their verdict on 16.1.2018 and as there was no response from the part of the appellant to remit the installment pronounced by Hon'ble CGRF, officials of KSEBL, Kakkayangad approached and tried to hand over an intimation letter to him on 29.01.2018. He refused to accept the letter hence a registered letter with acknowledgement was sent to him on 31.01.2018. Since the acknowledgement was not received at Kakkayangad office till 08.02.2018, a notice was affixed on his premises on 09.02.2018 vide regulation 175(2) (a) of Electricity Supply Code 2014.

The appellant is misusing the service and valuable time of Hon'ble Ombudsman for settling his displeasure towards KSEBL officials by accusing harassment by the staff. Also the appellant is misleading the Hon'ble Ombudsman from his earlier litigation and its verdict by Hon'ble CGRF. He is playing delaying tactics for paying the electricity charges due to him by unwarranted, unjustifiable litigation.

Analysis and Findings: -

The hearing of the case was conducted on 22-03-2018 and 06-04-2018 in my chamber at Edappally, Kochi. The appellant was absent on 22-03-2018. Sri. Biju M.T., Assistant Executive Engineer, Electrical Sub Division, Iritti, Kannur, has appeared for the respondent's side. The appellant Sri. Gangadharan appeared for the hearing on 06-04-2018. 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 contention of the respondent is that the petitioner is ignorant of the rules of the land and consent decrees are not challengeable before higher courts, since the appellant has asked 12 installments before CGRF which was allowed by the Forum. But on going through the records, the application to the Assistant Engineer was treated as the OP by the CGRF and no separate application was given to CGRF. The request made by the appellant is to cancel the bill as there is no source to remit such huge amount. The appellant complained that the higher consumption occurred during the period from 04-05-2017 to 28-09-2017 and there also occurred the failure of the meter reader to take meter reading on 04-07-2017 due to power supply failure and the

failure to take meter reading on the scheduled date for reading on 04-09-2017. The appellant has filed this appeal against the exorbitant bill issued to him for a billing cycle. During the hearing, he has stated that he was ignorant about submitting petition before the CGRF and his actual grievance is against the exorbitant bill. He had submitted a copy of the petition given to the Assistant Engineer as directed by the AE for consideration by CGRF. Hence I consider it as fair to give a chance to the appellant for filing a petition before the CGRF afresh.

Decision

The request of the appellant before the CGRF was for granting installments in the bill amount, but before this Authority is to waive the bill stating other arguments, which were not considered by the CGRF. Appellant shall be allowed to remit the previous bill amount for the month of 9/2017 for the time being.

In view of the above discussions, the appellant is directed to prefer a petition describing his grievances before CGRF by complying with the formalities for filing petition, if he desires so and the CGRF shall consider the same. Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/009/2018/_____ /Dated:_____

Delivered to:

1. Sri. Gangadharan C., Chettiyamkandi House, Alayatt, Thillankeri P.O, Mattannur, Kannur
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Iritty, Kannur

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