

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/083/2018  
(Present: A.S. Dasappan)  
Dated: 24<sup>th</sup> December 2018

Appellant : Sri. Rajan Menon P.  
Apsara, West GHSS Bypass Road,  
Kodungallur, Thrissur

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

### **ORDER**

#### **Background of the Case:**

The appellant is a domestic consumer with consumer number 1156041037571 under Electrical Section North Paravur, Ernakulam. He is aggrieved by the exorbitant electricity bill amounting to Rs. 18447/- issued to him on 07-06-2018. The appellant approached the Assistant Engineer with a complaint over the working of the meter and the impugned bill, who then installed a check meter in the premises from 12-06-2018 to 19-06-2018. However, no variation or discrepancies were noticed in the existing meter, as the recordings in both meters matched very closely. Being aggrieved, he filed petition before the CGRF, Ernakulam and still not satisfied by its decision in order no. OP 25/2018-19 dated 29-09-2018, the appellant has filed the appeal petition before this Authority.

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

Electric connection was availed in the building in Ward No. V/442 owned by the appellant in 2016 and he has been paying minimum electricity charge since then as there is no occupant in the building. The appellant has been using one fridge, one fan below one hour in day time and a television only. Hence minimum charge is being remitted.

But in the month of May 2018 the main switch burnt due to heavy thunder and leakage of current occurred, which was recorded in the meter. The appellant

has no role in this as this was happened in a natural calamity. The meter recorded 2237 units for May 2018 and bill amount is Rs. 18,447/-.

The request of the appellant is to exempt him from paying the bill and issue a fresh bill taking the average of the previous year's bill.

**Arguments of the respondent:**

Consumer No: 1156041037571 under Electrical Section, North Paravur, Ernakulam is provided to Sri. Rajan Menon, S/o Lakshmikkutty Amma. Apsara, Pariyadath House, Methala P.O, The above connection is provided for domestic purpose in IA tariff. As per the meter reading, the periodical bill has been issued to the consumer for Rs. 18,447/- on 07.06.2018.

On receipt of the bill the consumer raised a complaint before the Assistant Engineer, Electrical Section, North Paravur and the Assistant Engineer conducted site inspection on 12.06.2018 and a site mahazar was prepared. In the complaint given by the consumer, he admits that during May 2018 due to the heavy lightning, the terminal connection in the main switch was burnt and there was an earth leakage. A test meter was installed on 12.06.2018 with parallel to the existing meter and kept it up to 19.06.2018. Consumption of both the meters was the same. [6 units]. Hence the meter is working properly.

“22. Damage, tampering etc., of the meter and other equipment: - (1) In the event of any damage caused to any equipment of the licensee within the premises of the consumer, by reason of any act, neglect or default of the consumer or his employee or any person acting on his behalf, the residual cost thereof as claimed by the licensee, based on the guidelines approved by the commission, shall be paid by the consumer”. Hence the amount is due to the licensee and the appellant may be directed to remit the amount.

The CGRF views that the fault occurred on the portion of the premises of the petitioner i.e., on the part of the main switch of the petitioner. Further the energy was recorded in the energy meter. The consumer is liable to pay for the recorded energy consumption as per the prevailing rules and regulations. Hence, the Forum dismissed the case due to lack of merit.

**Analysis and findings:**

The hearing of the case was conducted on 11-12-2018 in the office of the Electricity Ombudsman, Edappally, Kochi and Sri. Prasanth Rajan represented for the appellant's side and Smt. K.S. Asha, Assistant Executive Engineer, Electrical Sub Division, North Parur appeared for the respondent's side. On examining the petition and the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, this Authority comes to the following conclusions leading to the decision.

The first point to be decided is whether the energy meter provided to the appellant was faulty during the period of two months i.e. from 07-04-2018 to 07-06-2018 and whether the consumption of 2237 units recorded in it during that period is genuine or actually consumed by the appellant. It is noted that the disputed energy meter was tested at the consumer premise itself, by installing a good energy 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 consumer. The test so conducted at the 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.

The energy consumption for only two months has reached the abnormal level of 2237 units. To verify the accuracy of the meter, by installing a standard reference meter is justifiable as per clause 116 of the Kerala Electricity Supply Code, 2014. The test done on the consumer's premises and his presence is more convincing than any documentary evidence and would help the appellant to clear his doubts on the existing meter.

The registered connected load of the consumer is 3523 watts. As per the records, it is revealed that he has been paying minimum electricity charge since 02/2016 as there is no occupant in the building. According to the appellant, he has been using one fridge, one fan below one hour in day time and a television only. The appellant has pointed out that in the month of May 2018 the main switch burnt due to heavy thunder and leakage of current occurred, which was recorded in the meter and the appellant has no role in this as this way happened in a natural calamity.

This Authority has a view that there is no possibility for such a high consumption in a house having 3523 watts connected load and previous average consumption never exceeds 100 units bimonthly. The appellant's contention is that the exorbitant consumption recorded may be due to lightening, but the respondent argued that it is due to earth leakage.

However, the energy consumed in a residential house cannot go high as much as 2237 units for two months, unless there is some earth leakage or any mechanical defects due to lightening etc. Normally such an irrational usage is rare. The appellant argued that since the premises is connected with ELCB, there is no provision for earth leakage without tripping mechanism. Considering the fact that the consumer is a domestic one, the possibility of such a high energy consumption of 2237 units for a bi-month is remote. Clause 22 of the Supply Code, 2014 is not applicable in this case since there is no allegation of any damage caused to any equipment of the licensee within the premises of the consumer, by reason of any act, neglect or default of the consumer or his employee or any person acting on his behalf.

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. 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.

Even though the respondent has established that the Meter is working in good condition, this Authority is of the view that, it is reasonable to assess the consumer at the maximum level he has consumed energy, since the date of taking the electric connection except the disputed months. Therefore based on the appellant's past consumption pattern records, I assess the reasonable consumption of the appellant for the disputed period, which was the average of previous three bi months.

### **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 of three bi months for the period preceding the date of the bill challenged before this Authority. The order of CGRF is set aside. Having concluded and decided as above, it is ordered accordingly. The appeal petition is allowed. No order as to costs.

### **ELECTRICITY OMBUDSMAN**

P/083/2018/\_\_\_\_\_ /Dated: \_\_\_\_\_

Delivered to:

1. Sri. Rajan Menon P., Apsara, West GHSS Bypass Road, Kodungallur, Thrissur
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.