

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/076/2019
(Present: A.S. Dasappan)
Dated: 26th November 2019

Appellant : Smt. Yamuna Manoj
Nelliparambil House, Kunnathur,
Vellangallur P.O., Iringalakuda,
Thrissur-680012

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSEBL, Vellangallur,
Thrissur

ORDER

Background of the case:

The appellant, Smt. Yamuna Manoj, is a single-phase domestic consumer with consumer No. 26693 under Electrical Section, Vellangallur, who is aggrieved by the exorbitant electricity bill issued to her for an amount of Rs. 10758.00 for the period from 10-01-2019 to 11-03-2019. The connected load in the premises is 3623 watts from 11/2017 onwards. The appellant approached the Assistant Engineer with a complaint on 09-04-2019 regarding the excess reading of the meter and the impugned bill. Accordingly, the respondent verified the correctness of the meter by testing at TMR, Angamaly and found earth load tamper' indications. 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/OP 22/2019-20 dated 04-09-2019 with a decision that the petition is dismissed due to lack of merits. Against the decision of the Forum, the appellant has filed the Appeal petition before this Authority on 09-10-2019.

Arguments of the appellant:

The appellant has received an abnormal electricity bill in March 2019 for Rs. 10,758/-. The normal bills were in the range of Rs. 1,200/-, Rs. 2,000/- etc. The appellant filed petition before the CGRF but not received a justifiable

decision. The reason for the abnormal bill is said to be earth leakage, but KSEB could not clarify it. The appellant had not received any abnormal bill in earlier period. The request of the appellant is to exempt her from the present bill and issue a bill as usual. A parallel meter was provided to check the present meter and found same consumption in both meters. Also, the meter was sent to TMR, Angamaly for testing and the report shows the meter is defective.

Arguments of the respondent:

On verifying the reading register of the consumer No.26693, consumption during the period of 10/01/2019 to 11/3/2019 is 1295 units which is exorbitantly higher than the average consumption. On receiving a complaint from the consumer, the meter got tested at TMR. The test report from the TMR proved that energy meter is not defective. This is a clear case of earth leakage in the consumer premises. The increased consumption recorded in the energy meter is due to the earth leakage. Since the leakage of energy is occurred at the premises of consumer, which is evident from the test report of TMR, KSEBL, Angamaly the appellant may be requested to pay for the consumption of electricity as per the prevailing laws.

Analysis and Findings:

The hearing of the case was conducted on 19-11-2019 in my chamber at Edappally and Smt. Yamuna Manoj and Sri. Manoj represented the appellant's side and Sri Paul J. Puthur, Assistant Executive Engineer, Electrical Sub Division, Vellangallur represented the respondent's side. On examining the petition, the counter statement of the respondent, perusing the documents attached and the arguments in the hearing and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

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 1295 units for the period from 10/01/2019 to 11/3/2019 is actually consumed by the appellant?

As per the request of the appellant, the meter was tested and the test report showed that the errors were found within the permissible limits and there is no defect in the meter. The test report from the TMR proved that the energy meter is not defective and found earth load tamper' indications, but the respondent failed to conduct a detailed verification to ascertain the reason for the abnormal consumption. According to the respondent, this is a clear case of earth leakage in the consumer premises. Though the appellant filed a complaint against the abnormal consumption, the respondent directed the appellant to remit the amount.

On a verification of the consumption pattern it can be seen that the bimonthly consumption has never exceeded 367 units. Hence it can be assumed that excess consumption recorded may be either due to earth leakage or any malfunctioning of the meter. Here in this case, the appellant's contention is that excess consumption may be due to lightning occurred during the disputed period. Further, the appellant installed ELCB (Earth Leakage Circuit Breaker) in his premises. Against this, there is no material to show that the respondent had conducted any detailed checking of the installations in the appellant's premises to identify which are the defective installations. As regards the leakage as stated earlier there is no clarity in the matter as to whether the leakage is occurred in the appellant's premises or any malfunctioning of the meter. In this background, the issuance of the excess bill on the appellant is merely on the assumption that the leakage was happened in the appellant's premises.

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.

The respondent had taken reading on 06-02-2019, but not noticed any leakage. The energy meter is provided in the outside of the residential building and the respondent issued regular bimonthly bills in odd months. The date of reading in January is 10-01-2019 and the next date for the billing will be the first week of 03/2019 and the reading was seen taken on 11-03-2019. But a reading is seen taken on 06-02-2019 with remarks 'service disconnection'. The Assistant Executive Engineer, meter testing lab, TMR Division, Angamaly observed that earth load tamper recorded in the meter from 06-02-2019 to 10-03-2019 As per respondent, there is a D/C and R/C on that date. The appellant's meter box is kept usually under 'unlock'. In daytime normally nobody in the house, but the gate is opened. As per the appellant, no equipment became defective or any other defect detected leading to the high consumption.

Regulation 110 (9) of Supply Code 2014 says "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".

Further, the reason for leakage has not been established particularly by conducting a test as per the procedures laid down in the Regulations. The argument of the respondent that the excess consumption was due to earth leakage occurred in the premises is merely on the basis of assumption and without any documentary evidence. A detailed inspection was not conducted in the premises and a site mahazar not prepared. In this background, the demand

issued to the appellant without conclusively proving the real cause for exorbitant reading in the meter and even without complying with the statutory formalities is not sustainable before law and liable to be quashed.

Decision

From the findings and conclusions arrived at as detailed above, I decide to set aside the electricity bill amounting to Rs. 10,758/- issued to the appellant. The respondent is directed to revise the bill for the consumption period from 10-01-2019 to 11-03-2019 by taking the average of previous three bimonthly consumption i.e average consumption from 9-7-2018 to 10-01-2019 for 332 units.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is found having some merits and is allowed. The order of CGRF, Central Range in Petition No. OP/22/2018-19/dated 04-09-2019 is set aside. No order on costs.

ELECTRICITY OMBUDSMAN

P/076/2019/_____ /Dated:_____

Delivered to:

1. Smt. Yamuna Manoj, Nelliparambil House, Kunnathur, Vellangallur P.O., Iringalakuda, Thrissur-680012
2. The Assistant Executive Engineer, Electrical Sub Division, KSEBL, Vellangallur, Thrissur

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, CGRF-CR, 220 kV Substation Compound, KSE Board Limited, HMT Colony P.O., Kalamassery, PIN: 683 503.