

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/081/2019
(Present: A.S. Dasappan)
Dated: 5th December 2019

Appellant : Sri. P.A. Chandran
Padiyath House,
Kecheri P.O.,
Thrissur

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

ORDER

Background of the case:

The appellant, Sri. P.A. Chandran, is a single-phase domestic consumer with consumer No. 5277 under Electrical Section, Kechery, who is aggrieved by the exorbitant electricity bill issued to him for an amount of Rs. 6549/- for the period from 12-10-2017 to 04-11-2017. The connected load in the premises is 240 watts effected from 18-03-1999. The appellant approached the Assistant Engineer with a complaint regarding the excess reading of the meter and the impugned bill. But without considering his request, 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 33/2019-20 dated 27-09-2019 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 25-10-2019.

Arguments of the appellant:

The appellant is a consumer of Electrical Section, Kechery, KSEBL in Thrissur District with Consumer No. 1156943005277. The appellant received a demand notice for Rs. 5,946/- being the excess bill as per RAO Audit. There are no details in the bill and as per request the appellant received a short assessment bill calculation statement. In the statement the energy consumption from 12-10-2017 to 14-11-2017 is seen as 861 units and at the same time it is recorded as "Meter faulty". The connected load of the appellant is 240 watts.

The appellant filed petition before CGRF and the Forum issued order against him. In the CGRF order it is stated that the meter was changed as a part of the programme of changing mechanical meter. If so, there is a possibility of entering wrong final reading by the employee who changed the meter. The energy consumption has reduced after changing the meter. Though the meter is found faulty, action had to be taken under Regulation 116 of Supply Code. The procedure for billing defective or damaged meter as per Regulation 125 of Supply Code, 2014 was not considered by the CGRF and issued order in favour of the licensee. The request of the appellant is to cancel the order of CGRF and revise the bill as per Regulation 125 of Supply Code, 2014.

Arguments of the respondent:

The existed meter was old mechanical type meter of Unitec make with Sl. No. 534946. As a part of changing the old mechanical type meter with static type meters, in order to change the meter of the' consumer it was declared faulty on 04/11/2017 and changed the meter on the same date. The initial reading of the new meter was Zero and the final reading of the faulty meter was 9980 as per the changing register.

Next bimonthly reading of the consumer taken on 13/12/2017 was recorded as 118 (FR 118 - IR 0). The consumption for the period prior to the changing of the meter is not included as per this reading. Its initial reading (IR) on 12/10/2017 was 9119. Hence the consumption for the period from 12/10/2017 to 04/11/2017 for 24 days seen as 861 units (FR 9980 - IR 9119). Office of the Assistant Engineer, Electrical Section, Kechery has revised the abnormal units 861 of 24 days to 77 units; taking healthy average of the months;

10/2016	196 units
12/2016	180 units
02/2017	198 units

574 units (for Six months as the reading is bimonthly) it was manually revised as 77 units based on the average consumption instead of the recorded consumption of 861 units in the faulty meter as per the meter changing register. Therefore, average units per day 3.19 units for 24 days (faulty period) taken as 77 units and the units for the rest of the period from the new meter from 04/11/2017 to 13/12/2017; 118 units (after changing the meter on 04/11/2017).

Hence total 195 units (77 units +118 units) was taken for the preparation of the bill for that period. The bill amount for the above 195 units (including the recorded units in the new meter and the old meter) Rs.613/- had been issued to the consumer and that amount Rs.613/- has collected in this section on 27/12/17 as per the demand issued vide Bill No. 5694171011175 on 13/12/17.

This error was noticed by the Audit team in the internal audit conducted by the RAO Thrissur. As per RAO Audit Report September 2018 of Electrical Section, Kechery, a short assessment bill for Rs. 6549/- for the unbilled units which was omitted to be included in the bill for the month of 12/2017, was issued to the consumer Sri. P.A. Chandran, Padiyath House, 6/355, Perumannu, Kechery on 14/3/2019 vide Bill No. 5694190312971.

This Short Assessment Bill was issued for the period from 12/10/2017 to 13/12/2017 (i.e. for 2 months); in which the meter has been changed on 04/11/2017 and its final reading (FR) has been recorded as 9980. The details of the unbilled units is explained in the tabular form below.

Initial reading date/status	Initial reading (IR)	Final reading Date/status	Final reading (FR)	Actual consumption in units	Billed consumption in units	Remarks
12/10/2017 (OK/AA)	9119	04/11/2017 (FY/AN)	9980	861	77	Meter changed on 04/11/2017
04/11/2017 (OK/AA)	0	13/12/2017 (OK/AA)	118	118	118	
Total				979	195	

It is submitted that there is no deficiency in service from the part of these Respondents who had acted only in accordance with the provisions of law. The demand raised against the consumer is liable to be remitted by the consumer which is issued as per the provisions of Regulation 134 of the Kerala Electricity Supply Code, 2014.

Analysis and Findings: -

The hearing of the case was conducted on 03-12-2019 in the chamber of Electricity Ombudsman at Edappally, Kochi. Sri P.A. Chandran, the appellant and Sri. P.M. Soman, Assistant Executive Engineer, Electrical Sub Division, Kechery, 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.

According to the appellant, he has not consumed that much of energy in the disputed period and no abnormal consumption prior and after changing the meter. There is a possibility of entering wrong final reading by the employee who changed the meter. No action was taken under regulation 116 of the Supply Code, 2014 by the respondent, though it is found that the meter

faulty. The procedure for billing in the case of defective or damaged meter as per regulation 125 of Supply Code 2014 was also not considered.

As per respondent, the meter was changed as a part of mechanical meter changing programme. The Assistant Engineer had a doubt on the excess consumption, he billed for 195 units in the disputed period and the appellant remitted the amount. The meter was not tested by the respondent while changing the mechanical meter whether the meter was faulty or not. But they recorded the meter as faulty in their office records and changed it.

On a perusal of records it is revealed that the disputed energy meter was not tested at the appellant's premises itself, by installing a 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.

As the appellant's premises is a domestic, the chances of getting such a huge consumption for 24 days for a connected load of 240 watts is not possible. If the entire connected load for 240 units in the premises is working for 24 hours in a bimonthly period, the consumption will never exceed 350 units. A defective meter can go wrong either way. It can go fast or go slow as well. The respondent has not carried out a detailed checking with a reference meter which is tested and calibrated. No earth leakage in the premises or in the KSEBL's installations in the disputed period was found.

On going through the details of consumption of the appellant for the period prior to meter changing and after installation of new meter (from 08/2015 to 10/2019), it is revealed that the consumption has never exceeded 200 units except 5 bi-months (maximum consumption recorded in a bimonth was 271 units) and for the period under dispute. The respondent did not conduct any checking of the installations in the appellant's premises in order to ascertain the reasons for the excess consumption and not prepared a site mahazar.

Regulation 116(6) reads as "If the meter is found defective, the licensee and the consumer shall follow the procedures as per Regulation 115". This was not done by the respondent.

In the instant case, there is no allegation that the appellant has connected additional loads to make the meter dysfunctional. Further it is found the Assistant Engineer has billed the appellant for 195 units for the disputed period and the appellant remitted the amount without any objection. The average consumption for three bi-months after changing the meter is 181 units only. Moreover, the usage of energy consumption pattern after changing the faulty meter with a good one also showed a lower consumption of around 200 units only. These findings corroborate the earlier method of assessment of 195 units per bi-month as reasonable and justifiable. In this background there is no justification for issuing such a huge bill to the appellant.

Decision

From the findings and conclusions arrived at as detailed above, I decide to set aside the short assessment bill amounting to Rs. 6549/- issued to the appellant.

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/33/2019-20/dated 27-09-2019 is set aside. No order on costs.

ELECTRICITY OMBUDSMAN

P/081/2019/_____ /Dated:_____

Delivered to:

1. Sri. P.A. Chandran, Padiyath House, Kecheri P.O., Thrissur
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Kechery, 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.