THE **STATE ELECTRICITY OMBUDSMAN**
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APPEAL PETITION No. P/005/2020
(Present: A.S. Dasappan)
Dated: 16th June 2020

Appellant	:	Sri. Joe I Mangaly Managing Partner, Mangaly Timber & Furniture Works, B.O.C. College Bypass Road, Palakkad
Respondent	:	The Assistant Executive Engineer, KSE Board Limited, Electrical Sub Division, Kalpathy, Palakkad

ORDER

Background of the case:

The appellant is engaged in the manufacture of pet bottles and running a firm in the name of Mangaly Timber & Furniture Works having consumer number 5101 under industrial tariff under the jurisdiction of Electrical Section, Olavakkode.

The appellant aggrieved by the action on the part of the Assistant Engineer, Electrical Section, Olavakkode who served a short assessment bill for Rs. 3,56,598/- on the appellant alleging that one CT was not working and charging 50% additional charges for the last 6 months, filed a petition before CGRF, Kozhikode. The CGRF, Kozhikode disposed of the petition by directing the respondent to take the average of three months power consumption immediately after the replacement of the CT's for the computation of energy prior to the six months of replacement of CT and revise the current bill for the period from 7/2005 to 12/2005 accordingly, since the power consumption per KW of lighting consumption is less during the period prior to the changing of CTs and more after replacement of CTs, vide order NO.CGRF/DCE/ COMP/DOP(R)/1/2006-07/235 Dated 5-3-2007.

Aggrieved by the order passed by the CGRF the appellant had filed appeal petition before this Authority. The appeal was disposed of by limiting the short assessment for the months of October and November, 2005 alone and with regard to the question of refund of the excess charges collected from the appellant, the refund was limited for a period of two years, vide order No.P8/2007 dated 01-06-2007. The appellant challenged the order by filing WP(C) 5466/2012 and the KSEB challenged the said order by filing WP(C) 26868/2009. The Hon'ble High Court, in its judgment dated 9-10-2018, remanded the matter to this Authority for fresh disposal of the case after

affording fresh opportunity of personal hearing to the parties concerned. Accordingly the respondent has produced a copy of the judgment on 24—01-2020.

Arguments of the appellant:

The short assessment is based on the finding in the mahazar that, at the time of inspection, the CT was found to be in burned condition and therefore there was no proper reading on the meter. The period of assessment was fixed on the sole reason that the consumption recorded during the said period, the consumption recorded was low. It is submitted that, merely because of the reason that the consumption was low, the respondents are not justified in fixing the period as six months, without any other proof. In order to ascertain the said aspect, in the earlier order, the Ombudsman was pleased to compare the consumption pattern of the appellant for that of the previous year and observed at page 3 of the said order as follows: ".....Further, consumption in 8/O5 is almost the same as that for 8/2004 and that for 9/2005 to that for 9/2004. All these facts lead to the conclusion that the CT circuit has not broken before October, 2005. The fact that, the date available in the meter was verified adds strength to this. Hence the claim of the Board is not acceptable. This has to be withdrawn. The claim should be limited to October and November, 2005"

The above reasoning clearly exposes the anomalies in the modalities adopted by the Board in fixing the period. As pointed out, it is an admitted fact that the meter was very advanced meter, with facility of storage of the data. However, no attempt was made by the respondents to retrieve the same and hence the best evidence available to prove the allegation was kept away. Therefore, adverse inference is to be drawn against the respondents.

Moreover, the meter in the premises was of such nature that, all the parameters were being displayed thereon being displayed thereon. Therefore, if there was any complaint as alleged in the mahazar was in existence, the Sub engineer, who had taken the meter reading would have note of that. Therefore, it can be safely concluded that, if at all there is any defect that must have occurred after the last meter reading and before the date of inspection. Therefore, the fixing the period of short assessment as six months is not reasonable.

With regard to the question raised by the respondent as to jurisdiction of the Ombudsman, it is submitted that the same is liable to be rejected. It is pertinent to note that, ongoing the definition of 'complaint" as defined under Regulation 2(f) of the KSERC (Consumer Grievance Redressal Forums and Electricity Ombudsman) Regulation 2005, it can be seen that, complaints of all nature, except those coming within the purview of section 126 of the Electricity Act, 2003 can be entertained by the CGRF. Once CGRF passed an order and the consumer is aggrieved by the same, he can file a complaint before the Ombudsman as per Regulation 21 thereof. In this case, it is evident that the demand raised is short assessment demand without any penalty for misuse of energy. Therefore, it is not a matter coming with the scope of section 126. Similarly, other grievance raised by the appellant is regarding the excess

collection of charges and this is also not a matter coming with the scope of section 126 and hence the said issue can also be entertained by the CGRF as well as the Ombudsman.

In the meanwhile, it came to the notice of the appellant that, right from the inception, the Light Meter installed in the premises was connected, in such a way that, there was duplication of recorded consumption for lighting. In other words, the lighting consumption was being recorded both in light meter as well as power meter and the bills issued to the appellant for the said period with excess charges. This remained unnoticed throughout and this was due to the defective wiring made by the respondents at the time of installing the meters, which was done at the time of giving connection in the year 1995.

After repeated requests, the same was inspected by the respondents in the presence of Executive Engineer, and the said mistake was rectified on 29.12.2005. In the said mahazar, it is specifically mentioned that, at the time of the inspection on 29.12,2005, it was found that light meter connection was provided below the CTs and therefore the same dismantled and reconnected at a point above the CTs. Thus, it is evident that, there was a mistake in the wiring while connecting the light meter and therefore, there was duplication of light meter reading until the said mistake was rectified on 29.12.2005. Since the installations as mentioned above, were done by the respondents, and the seals of the meter was intact on all the inspections, the only conclusion possible is that, it was a defective wiring done by the respondents. It is also discernible that such defective wiring resulted in excess consumption during the entire period.

The entitlement of the appellant for refund of the excess amount already collected from the appellant on account of the duplication in reading of lighting consumption for the entire period and question of unsustainability of limiting the said refund for the period of six months alone.

The fact that, there was defective wiring as far as the installation of the light meter is concerned, is an admitted fact. It is evident from the mahazar and it is also an undisputed fact that, the same was resulting in duplication of lighting consumption, as the same was being recorded in the light meter as well as power meter. It is also an undisputed fact that, there was no interference by the appellant in the matter of wiring of the installation. The wiring, including the defective wiring was admittedly done by the officers of the respondent. On account of the defective wiring, excess charges were collected from the appellant and the same is also not disputed. Therefore, the appellant is entitled to refund of the entire amount. Since the defective wiring must have been done at the time of installation of the meter, in the year 1995, the appellant is entitled to refund for the said amount for the said period onwards. However, without citing any proper reason the Deputy Chief Engineer, and the CGRF limited the period of refund to six months. However, the Ombudsman in the earlier order, limited the said period for two years, and failed to give refund for the entire period of excess collection. For limiting the said period, the Ombudsman relied upon the period of limitation of two years as prescribed in section 56(2) of the Electricity Act, 2003.

There is no provision in the Electricity Supply Code, 2005 limiting the period of refund of excess amount collected from the consumer. As per the provisions in the Conditions of Supply of Electrical Energy, 1990 which was prevailing during the period when the excess collection commenced and continued, there was no provision for limiting the period. Similarly, section 56(2) does not apply in this case, as the same is made applicable only in respect of the amounts due to the Board and not in respect of the amount due to the consumer from the Board. Even if it is assumed for argument sake, without admitting that section 56(2) can be extended to the amount due to the consumers, even then in this case, the same cannot be made applicable. This is because the section 56(2) is applicable only when the amount becomes first due. It is settled position of law in the case of revised demands based on erroneous assessment, the period of limitation commences only from the date on which the mistake came to the notice and the demand is raised. In the case of the appellant the mistake came to the notice only when the same was inspected on 29.12.2005 as evidenced by the mahazar. Immediately thereafter the claim for the same was raised by the appellant before the Deputy Chief Engineer. Therefore, the amount becomes first due only on 29.12.2005 or on the date of claim before the Deputy Chief Engineer. In any case, the said period of limitation is not applicable for any amount prior to 29.12.2005. Therefore, the appellant is entitled for refund of the entire amount collected from the appellant in excess, for the period from the date of giving connection to the appellant in the year 1995 onwards.

It is also to be noted as per Regulation 24(5) of the Supply Code, 2005, if the licensee has undercharged the consumer, the licensee can recover the entire amount and no time limit is prescribed therein. Therefore ,no limitation can be made applicable when the Licensee is overcharging the consumer.

(i) Directing the respondents to withdraw the invoice date 29/11/2005 (Annexure A2) and refund the amount collected from the appellant towards the same along with interest;
(ii) Directing the respondents to refund the excess amount collected from the appellant, by way of excess billing owing to the defective wiring for the period from the date of connection till 29.12.2005, (date of rectification of the said defect) along with interest.

Arguments of the respondent:

On 24/11/2005, an inspection was conducted by the APTS, Palakkad and a site mahazar was prepared. On inspection, APTS found that one CT is not recording energy and the three CTs are heated up and the insulation was found melted. The Y phase lead of CTs were sparked and the wires were seen charred. Team concluded that one CT was not recording consumption and the proper recording of the energy consumed was being prevented. On 29/11/2005, a bill was issued for Rs. 3,56,598/- for the unrecorded portion of energy for a period of 6 months.

A surprise inspection was conducted by the APTS, Palakkad on 24/11/2005 along with the staff of Section office, Olavakkode. The tariff applicable is that of industrial one i.e. LT IV. The APTS inspected the meter and other electrical instruments and noted some anomalies in the connection

and readings. Hence a site mahazar was prepared by the squad with the relevant details. In the mahazar it is mentioned that one of the three current transformers (CTs) i.e. (Y phase CT) was not working and the insulation of the 100/5 CT is completely, burnt and damaged. So, the power meter was not correctly recording the consumption of the energy used and recorded energy is only that through the other 2 working CTS. That means recorded energy is 66.66 of the actual energy and 33.33 of the consumption was not recorded due to fault in the CT of Y Phase. Also since their connected load is 109 KW, they have given direction to the Assistant Engineer, Electrical Section, Olavakkode to change the CTs to 200/5 Amperes, as the 100/5 CT, provided in the installation was not sufficient to cater the load. The representatives of the consumer one Mr. Rajan, Factory Manager and one Mr. Bhasker, Plant Engineer present at the premise refused to sign in the Mahazar. The mahazar is then properly witnessed and signed. Accordingly, as per the law, the APTS directed Assistant Engineer to issue short Assessment bill to the consumer as per rules.

The site mahazar clearly states that Y-phase CT is faulty and energy was not recorded. The bill issued vide Bill No. AD No 86571 dt. 29.11.2005 for Rs. 3,56,598/- (Rupees Three Lakhs Fifty Six Thousand Five Hundred and Ninety Eight Only) is only for the energy that has not recorded due to the failure of Y- phase CT.

The Assistant Engineer Olavakkode replaced the CT on 26/11/2005 as per the instruction of the APTS, and it is only a rectification work carried out on the metering equipment of the consumer. The Assistant Engineer is the competent person to do such activities and it is fully according to the duties and responsibilities assigned to the Assistant Engineer by the KSE Board. Normally such works are routine works and no repair works has been carried out as alleged by the appellant. The work has been carried out during the working hours of KSEB.

The bill No. AD 86571 dt. 29.11.2005 issued to the consumer is a short assessment bill. The bill amount is Rs. 3,56 598/- that represents Rs. 3,28,783/- as current charges and 27,815/- as duty. The six months average is taken as per the previous consumption of the appellant.

The bill issued to the consumer is legally binding. The bill demands only the portion of energy which has escaped billing. As per regulation 19 of Supply Code 2005 “if the licensee is unable to issue a bill on meter reading due to its non-recording or malfunctioning the licensee shall issue a bill based on the previous six months average consumption”. In the case on hand, the bill was issued based on the defectiveness of the meter due to faulty CT and a portion of the energy was not recorded in the meter. Hence the bill issued is as per the provisions of Supply Code and hence legal.

Analysis and Findings

The hearing of the case was conducted on 10-03-2020 in the chamber of Electricity Ombudsman at Edappally, Kochi. Smt. Geetha K.H., Assistant Executive Engineer, Electrical Sub Division, Kalpathy and Sri. Vipin N, Nodal

Officer, Litigation, Electrical Circle, Palakkad have appeared for the respondent's side. The appellant or his authorized representative was absent. Sri. Ziyad Rehman, advocate was present for the hearing on 12-03-2020 in the chamber of Electricity Ombudsman at Edappally, Kochi. 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 following facts are revealed in this case.

The dispute which is the subject matter of this case has arisen from the inspection conducted in the premises of the appellant by APTS on 24.11.2005. The inspection team arrived at the conclusion that the CT installed as part of the metering equipment got burnt and therefore no proper metering was being taking place. On the basis of the same, a short assessment bill dated 29.11.2005 was issued to the appellant for an amount of Rs 3,56,598/-. The amount as mentioned above was calculated by taking 50% of the recorded consumption as additional demand, for a period of 6 months preceding to the date of inspection.

The above demand was challenged by the appellant before the Honourable High Court by filing WP(C) 34317/2005, and the Honourable Court disposed of the said writ petition by directing the Assistant Engineer to consider the objection of the appellant and pass a fresh order after hearing him. On the basis of the said judgment, the matter was reconsidered by the Asst Engineer, but the earlier demand was reiterated. Challenging the same, the appellant filed WP(C) 1759/2006, before the Honourable High Court, which was disposed of directing the appellant to file an appeal before the Deputy Chief Engineer, Palakkad. As a condition for staying the disconnection the appellant was also directed to deposit 1/3rd of the demanded amount as well. The said judgment of the Learned Single Bench was challenged by the appellant before the Division Bench by filing WA 223/2006, which was disposed of as per judgment dated 31.03.2006 directing the appellant to approach the Deputy Chief Engineer, by depositing Rs 50,000/-.

While approaching the Deputy Chief Engineer, the appellant also raised the claim for refund of the excess amount collected from the appellant due to the defective wiring as well, in addition to the dispute relating to the short assessment demand made. The Deputy Chief Engineer, issued order directing the Assistant Engineer, to re-compute the bill after considering the production details of the appellant for the period from 1/2004 and 3/2006 and also directed to adjust the excess amount of' Rs 18,909/- in the bills. The deduction of Rs 18,909/- was ordered by limiting the refund of excess collection of the charges for 6 months alone.

A complaint was filed before the CGRF, Kozhikode challenging the said decision and the same was disposed of as per order dated 5.03.2007. The CCRF directed the respondent to revise of the short assessment demand by taking the average consumption recorded for a period of three months after

the rectification of the defect in the CT. With regard to the deduction/refund of excess collection of charges owing to defective wiring, the finding of the Deputy Chief Engineer to refund Rs 18,909/- was upheld.

Challenging this order of CGRF, the appellant filed a complaint before the Ombudsman and the Ombudsman was passed an order dated 31.05.2007, by limiting the short assessment far the months of October and November, 2005 alone. With regard to the question of refund of the excess charges collected from the appellant, the refund was limited for a period of two years. In order to arrive at the said conclusion, the Ombudsman relied upon section 56(2) of the Electricity Act, which provides for limitation of two years. The said order challenged by the appellant by filing WP(C) 5466/2012 and the KSEB challenged the said order by filing WP(C) 26868/2009. Both the above writ petitions were disposed of by remanding the matter back to the Ombudsman for fresh disposal, as per judgment dated 9.10.2018.

The main assertion of the respondent in the writ petition filed by him before the Hon. High Court of Kerala is that the Ombudsman has no jurisdiction, going by regulation 22 of the Kerala Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, to entertain the petition and several other issues have been raised by the appellant in his writ petition on the merits of the order issued by this Authority. Accordingly the Hon. Court held that "Needless to say when the said Authority considers the matter again, he shall consider the objections regarding maintainability of the appeal of Mr. Mangaly first and then simultaneously proceed to consider all the other issues on its merits, untrammeled by the earlier view taken in the order impugned in these writ petitions."

The respondent has challenged the maintainability of the petition stating that the complainant has no manner of rights to file above complaint before the Ombudsman, as the appeal pertains under Section 126 of the Electricity Act as per regulation 22 of the Kerala Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations 2005. As per Regulation 2.1 (e) of Kerala State Regulatory Commission (CGRF and Electricity Ombudsman) Regulations, 2005, a complainant is defined as

(i) any consumer of electricity supplied by the licensee including applicants for new connections;
(ii) a voluntary electricity consumer association/forum or other body corporate or group of electricity consumers;

(iii) the Central Government or State Government - who or which makes the complaint
(iv) in case of death of a consumer, his legal heirs or representatives

The version of the respondent is that the Electricity Ombudsman lacks jurisdiction to entertain the dispute since the case of the appellant comes under the purview of section 126 of the Electricity Act, 2003 and hence the appellant can approach the Appellate Authority constituted under Section

127 of the Electricity Act, 2003. Further the respondent contented that as per section 127(1) of the Electricity Act 2003, any person aggrieved by a final order made under Section 126 may, within 30 days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fees as may be specified by the State Commission, to an Appellate Authority as may be prescribed.

Rejecting the version of the respondent, the appellant has stated that complaints of all nature, except those coming within the purview of section 126 of the Electricity Act, 2003 can be entertained by the CGRF. Once CGRF passed an order and the consumer is aggrieved by the same, he can file a complaint before the Ombudsman as per Regulation 21 thereof. In this case, it is evident that the demand raised is short assessment demand without any penalty for misuse of energy. Therefore, it is not a matter coming with the scope of section 126.

In the order issued by my predecessor, it was observed that the definition of unauthorized use of electricity given in Electricity Act 2003 cannot be applied in this case because there is no misuse, theft or unauthorized connected load. The stand taken by respondent is totally baseless and is rejected. Further it is clarified that "coming to whether any appeal can be filed with Ombudsman against the order of CGRF, regulation clearly specified that an appeal can be filed which should be in Form B. appellant has filed the appeal in Form B. hence the stand taken by respondent is rejected."

The Apex Court in Executive Engineer & Another Versus M/s Sri Seetaram Rice Mill has laid down that **"In view of the language of Section 127 of the 2003 Act, only a final order of assessment passed under Section 126 (3) is an order appealable under Section 127 and a notice-cum-provisional assessment made under Section 126 (2) is not appealable."** In this case it is proved that an invoice under Section 126 was not served on the appellant, the demand assessed was not under section 126 (5) and (6) of Electricity Act 2003 and also the subject matter not comes under the definition of unauthorised use of electricity under Section 126 of Electricity Act 2003. Hence the only alternative solution available to the appellant for redressal of his grievance is to approach the CGRF and Ombudsman. In the statement filed by the respondent, he has not furnished any specific reason in charging the appellant under section 126. Hence this Authority is of the opinion that the appeal petition is maintainable before this Authority and the objections of the respondent cannot be sustained. In view of the reasons recorded above, I have no other option but to interfere with the impugned penal bill issued by the Assessing Officer.

The first prayer of the appellant is that to withdraw the invoice dated 29-11-2005 and refund the amount collected from the appellant towards the same along with interest. On 29-11-2005, the appellant was served with a short assessment bill for Rs. 3,56,598/- alleging that one CT was not working and charging 50% additional charges against the recorded consumption for the last 6 months. In a writ appeal filed by the appellant before the Hon. High Court of Kerala, it was held that this case will not come under Section 127 of the Electricity Act 2003 and directed the appellant to appeal before the Deputy

Chief Engineer of concerned Electrical Circle and to deposit an amount of Rs. 50,000/-. Accordingly, the appellant remitted Rs. 50,000/- on 13-02-2006. Aggrieved by the decision taken by the CGRF on 05-03-2007, the appellant approached Ombudsman by filing an appeal on 13-04-2007.

Regarding the above prayer of the appellant to withdraw the invoice dated 29-11-2005, my predecessor in his order dated 31-05-2007 in appeal petition no. 8/2007, the following observations were made and orders issued accordingly. "As pointed out by the appellant, Assistant Executive Engineer of Board has disposed before CGRF that the reason for taking six month's average includes the fact that future consumption was also high. This statement makes it clear that the conclusion is imaginary and not acceptable. Also, the consumption from April 2004 to October 2005 reveals that the consumption in June 2005 is close to the highest recorded consumption. Also the consumption in May 2005 is very close to the average for November 2004 to April 2004. This leads to two points. One is that the CT connection has not broken till June 2005. Further if CT circuit has opened in May 2005, the actual consumption in June 2005 should be 50% more than the recorded one and in this condition the CT secondary will develop very high voltage (under CT secondary open condition load current becomes magnetizing current) resulting in flashover and consequent damage to meter also. Also at such loads, other CT leads would have burned out which has not happened. Further consumption in 08/05 is almost same as that for 8/2004 and that for 9/2005 is close to that for 9/2004. All these facts lead to the conclusion that the CT circuit has not broken before October 2005. The fact that the data available in the meter was not verified adds strength to this. Hence the claim of the Board is not acceptable. This has to be withdrawn. Claim should be limited to October and November 2005."

The respondent has not produced any evidence to show that the meter started under recording of consumption for 6 months with retrospective effect from the date of inspection. As per respondent they could not obtain the previous data from the meter. The respondent has not put forward any valid grounds against the facts mentioned in the order of this Authority. Considering these aspects, there is no need to deviate the decision already taken regarding the invoice dated 29-11-2005 and the claim for the additional 50% should be limited to October and November 2005.

Another prayer of the appellant is to refund the excess amount collected from the appellant, by way of excess billing owing to the defective wiring for the period from the date of connection till 29.12.2005, (date of rectification of the said defect), along with interest. The Ombudsman has disposed of this issue in the order dated 01-06-07 by limiting the claim to 2 years instead of six months taken by Board on the basis of the fact that Licensee is limited by the provisions of Section 56.2 of the Act 2003 in the case of the arrears. In this regard, the Ombudsman has made the following observations. " Regarding double metering in the case of lighting load, no justification is seen for giving retrospective for six months only. Respondent has not given any argument supporting the stand of the Board. Appellant has stated that Assistant Engineer has disposed before CGRF that the CTs were connected on 01-09-1999. There is no argument from the side of the respondent challenging this. Hence this has to be accepted."

The appellant argued that the wiring, including the defective wiring was admittedly done by the officers of the respondent and on account of the defective wiring, excess charges were collected from the appellant which is to be refunded. Since the defective wiring must have been done at the time of installation of the meter, in the year 1995, the appellant is entitled to refund for the said amount for the said period onwards. So the appellant challenged the decision of the Ombudsman to limit the claim for 2 years quoting the provision Section 53 (2) of Electricity Act, 2003.

According to the appellant, there is no provision in the Electricity Supply Code, 2005 limiting the period of refund of excess amount collected from the consumer. As per the provisions in the Conditions of Supply of Electrical Energy, 1990 which was prevailing during the period when the excess collection commenced and continued, there was no provision for limiting the period. Further the appellant argues that as per Regulation 24(5) of the Supply Code, 2005, if the licensee has undercharged the consumer, the licensee can recover the entire amount and no time limit is prescribed therein. Therefore, no limitation can be made applicable when the Licensee is overcharging the consumer. The respondent has not offered any remarks on this point of issue.

The meter of the appellant was changed on 01-09-1999 with a static meter. My predecessor has also made the following observations. 1. Wrong connection did not exist prior to 04/1997 because in 04/97 lighting consumption is more than power consumption. 2. Lighting consumption meter was replaced on 09-02-1998. Wrong connection would have happened at that time. 3. APTS who conducted a detailed inspection on 24-11-2005 did not notice the wrong connection.

The defective wiring of the light meter was noticed only when the premise was inspected by the Executive Engineer and team on 29-12-2005 and immediately thereafter the appellant raised claim for refund of over charged amount.

The Limitation or Time Bar under Section 56(2) of Indian Electricity Act, 2003, reads ***"The licensee shall not recover any arrears after a period of two years from the date when such sum become first due unless such sum has been shown continuously in the bill as recoverable as arrears of the charges of electricity supplied".*** The question to be decided is on the point 'when the electricity charges become due for payment' i.e. the date from which the electricity charges are 'liable to pay' by the consumer, which is also termed as the 'due date'. This 'due date' is an important date as far as both consumer and KSEB (Licensee) is concerned. This is because after a period of 2 years from the 'due date' the bills are time barred and hence the consumer is not liable to pay the amount even if it is a legitimate claim otherwise.

Section 56 of the Electricity Act which deals "Disconnection of Supply in default of payment". The present case of the appellant relates to overcharging him due to the defective wiring connected by the respondent. These two subjects are different spheres of aspects to be dealt separately and

these two are distinct and different matters. In elaboration of Section 56 of the Electricity Act, there is specific regulation in the Supply Code 2005 under regulation 18 (8). Regulation 24 (2) of the Kerala Electricity Supply Code, 2005 deals with complaints regarding the correctness of a bill. It says "the Licensee shall immediately carry out a review. The Licensee may issue a revised bill and appropriately adjust the bill amount, if the review establishes that the bill is incorrect. If in the review it was found that the consumer was overcharged, the amount overcharged along with interest at twice the bank rate may be adjusted in subsequent bill." The regulation 134 in the Kerala Electricity Supply Code 2014 is also introduced with an aim to safeguard the consumer as well as the Licensee in the cases of overcharged and the undercharged amounts.

Decision

As directed by the Hon. High Court of Kerala, the subject case is re-examined and found that no revision in the order in Appeal Petition No. P/008/2007 is required in the matter of short assessment limited for the months of October and November 2005 considering the facts analyzed as above. Regarding double metering in the case of light meter, the respondent shall refund the excess energy charge collected from the appellant with effect from 09-02-1998, the date on which the light meter was replaced, till the date of rectification of the defective connection of the light meter as per regulation 24 (2) and (6) of the Kerala Electricity Supply Code, 2005. The decision taken in Appeal Petition No. P 8/2007 dated 01-06-2007 is modified to this extent. Having concluded and decided as above it is ordered accordingly.

ELECTRICITY OMBUDSMAN

P/005/2020/ /Dated:

Delivered to:

1. Sri. Joe I Mangaly, Managing Partner, Mangaly Timber & Furniture Works, B.O.C. College Bypass Road, Palakkad
2. The Assistant Executive Engineer, KSE Board Limited, Electrical Sub Division, Kalpathy, Palakkad

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, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Gandhi Road, Kozhikode