

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/018/2020
(Present: A.S. Dasappan)
Dated: 30th June 2020

Appellant : Sri. Babu Mathew
Manchery House, Moozhikulam,
Kurumassery P.O.,
Ernakulam

Respondent : The Assistant Executive Engineer
Electrical Sub Division, KSEBL,
Angamaly, Ernakulam

ORDER

Background of the Case:

The appellant, Sri Babu Mathew, is a domestic consumer with consumer No. 6476 under Electrical Section, Parakkadavu having connected load of 7234 Watts. The grievance of the appellant is that the respondent issued an additional bill amounting to Rs. 65146/- on 28-01-2019 for consumption of 9476 units for the door lock period from 21-11-2016 to 28-01-2019. The appellant approached the Assistant Engineer with a complaint against the impugned bill and the meter was tested with a parallel meter. But the respondent stated that they have checked the accuracy of the meter in the TMR Division, Angamaly and no variations or discrepancies were noticed during the testing of the existing meter. Being aggrieved against the bill, the appellant filed a petition before the CGRF, Ernakulam with a request to cancel the bill and the Forum disposed of the petition vide order no. OP 51/2019-20 dated 16-12-2019 with direction to the respondent to reassess the disputed bill according to the readings available from the downloaded data as well as from the readings taken. Now the appellant has filed this appeal petition before this Authority with a request to waive the bill amount on 03-03-2020.

Arguments of the appellant:

The appellant having a three-phase domestic connection with Consumer No. 11558004006476 received an additional bill for Rs. 64,428/- on 28/01/2019. The house is usually occupied only for one month in two years. The appellant had given a petition to the respondent two years ago regarding 'meter complaint'. The last flood was also affected the appellant. The house was occupied in February 2019 for one month and some welding works were carried out during these days. The bill amount after the additional work was Rs.

1,699/-. It is suspected that the meter was faulty. The meter was changed recently and the bill amount received on 23/05/2019 was Rs. 320/-. As meter reading is not taken in the scheduled date it is unknown in which month the meter recorded high consumption. Therefore, the appellant approached the Assistant Engineer, Assistant Executive Engineer and CGRF for the redressal of the grievances regarding the additional bill for Rs. 64,428/- and no satisfactory action was taken by them. It is requested for justifiable action on the subject.

Arguments of the respondent:

The appellant is a consumer under Electrical Section, Parakkadavu bearing consumer number 1155804006476 under LT I A tariff with a connected load of 7234 Watts

The domestic premises was door locked from January 2017 and also an advance amount of Rs.5000/ is seen remitted on 12.01.2017. Last reading available was on 21.11.2016. The reading details prior to door lock is as follows:

1865.00 25-11-2015 (OK/AA)	1975.00 23-01-2016 (OK/AA)	110
1975.00 23-01-2016 (OK/AA)	2083.00 22-03-2016 (OK/AA)	108
2083.00 22-03-2016 (OK/AA)	2163.00 21-05-2016 (OK/AA)	80
2163.00 21-05-2016 (OK/AA)	2213.00 25-07-2016 (OK/AA)	50
2273.00 23-09-2016 (OK/AA)	2333.00 21-11-2016 (OK/AA)	60
2333.00 21.11.2016	11800.00 28.1.2019	9467/26months

The FR on 21.11.2016 prior to door lock was 2333.00 & FR on 28.1.2019 after door lock was 11800. Consumption recorded during door lock period from 21.11.2016 to 28.01.2019 is 9,467 units.

Hence bill during door lock period was divided equally in to 728 units bimonthly for the entire door lock period and bill amounting to Rs 65,146/- was served to the appellant.

Aggrieved the bill the appellant approached the Assistant Engineer and the meter was tested with a parallel meter and no anomaly was noticed. Since the appellant challenged the bill, the meter was sent to TMR Division, Angamaly with his consent during 03/2019. As per the TMR report dtd.23.03.2019, meter is found o.k. and complied the requirement of the standard meter with a noting that consumption found high during 01/2019 & 02/2019(568 units &124 units).

From the downloaded data of the meter namely, Larsen & Toubro Limited and Previous Billing Energies Report the Cumulative readings from 1.10,2018 to 1.3.2019 was as follows:

1/10/2018 -	11329.45
1/11/2018 -	11361.65
1/12/2018 -	11399.26
1/1/2019 -	11432.62
28/1/2019 -	11800 (taken by meter reading)
1/2/2019 -	12000.81
1/3/2019 -	12124.19

Moreover, consumption 'Reset wise' is as below

1/10/2018 -	1/11/2018 -	32.2 kWh
1/11/2018 -	1/12/2018 -	37.61 kWh
1/12/2018 -	1/1/2019 -	33.36 kWh
1/1/2019 -	1/2/2019 -	567.89 kWh
(split up is: 1.1.19 to 28.1.19 -		367.35 &
28.1.19 to 1/2/2019	-	200.54 kWh
1/2/2019 - 1/3/2019	-	123.68 kWh

From these data, it is clear that the consumption from 1/10/18 to 28.1.2019 is 470.55 unit and 1.1.19 to 28.1.19-367.35 unit for 28 days (13.1 unit/day) and 28.1.19 to 1/2/2019 - 200.54 unit for 4 days (50 units day). No abnormality found in readings from 1.10.2018 to 1.1.2019, after the flood and meter working condition is healthy as per the report of the TMR Meter testing lab. it shows intermittent abnormal consumption pattern.

As per the version of the appellant only during the month of 2/2019, there was occupation in house and welding works were done during that time. As far as the meter is found normal, there should be some reason for the disparity. The consumption of one month in January 2019 (from 01-01-2019 to 28-01-2019) is found more than 10 times 9367.35 units) that of preceding 3 months of 10/18, 11/18 and 12/18. The appellant claims that there was nobody residing in the house during January 2019.

Findings based on hearing, the meter down loaded data and available readings, the CGRF directed the undersigned to revise the bill and revised bill for Rs. 64,153/- has been served to the appellant. The demand issued to the consumer after taking meter reading on accessing the meter is legal and sustainable due to the following reasons

1. As the premises was in door lock condition, there was no accessibility to enter the premises to take meter readings.
2. As per the TMR test report back data up to last 6 months are available (i.e. up to Dec.2018) and during that period no leakage or other anomaly is noted in the test report and meter is in working condition. Hence suspecting earth leakage/abnormal consumption during the door lock period. \

3. Licensee have no liberty as per the regulation 111 (4&5) of Kerala Electricity Supply Code 2014 to disconnect or issue notice, since the consumer had paid advance payment as per regulation 129 of Kerala Electricity Supply Code 2014 for a long period.
4. The consumer has liberty to test the meter at any other accredited test lab, own his expense to ascertain correctness of meter if he is not satisfied on test report by the TMR Angamaly. Regulation 111 of Kerala electricity Supply Code 2014 can be read as follows:

Consequence of making the meter inaccessible for reading: -

(1) If the meter is rendered inaccessible on two consecutive meter reading dates of two billing cycles, a notice shall be issued to the consumer to keep the meter accessible for reading and to get the meter read by the licensee after payment of a penal charge as approved by the Commission on a date which shall be at least seven days after the date of notice and at the time specified in the notice.

(2) If meter is not made accessible even on the date specified in the notice, a disconnection notice shall be served on the consumer or affixed near the main entrance of the premises, if the consumer is not available.

(3) If the consumer fails to comply with the notice, the supply shall be disconnected and reconnection of supply shall be effected only after the reading is taken and all the dues are realised.

(4) The provisions of the above sub regulations shall not apply in the case of a domestic consumer who has given advance intimation to the licensee of the inaccessibility of his meter for reading due to the consumer being out of station and has also deposited an amount in accordance with regulation 129 of the Code.

(5) When a domestic consumer, who has paid entire dues up to date, gives prior information in writing to the licensee about inaccessibility of the meter due to continued absence from residence, the licensee shall not send any notice or provisional bill to the consumer if the consumer pays the fixed charge or minimum charge for such period in advance.

(6) Whenever the meter is made accessible by the consumer for taking the meter-reading, the entire consumption shall be taken as if the consumption was for the period excluding the intimated period of inaccessibility.

Kerala State Electricity Board Limited has every right to collect the amount as per meter reading from the consumer since test result confirms no anomaly or complaint in the meter. The bill is legally due to Kerala State Electricity Board Limited and the consumer is bound to pay the amount due to Kerala State Electricity Board Limited for the electricity charges used by it as per Regulation (6) of Kerala Electricity Supply Code 2014. Hence the demand is legally correct.

Analysis and Findings: -

The hearing of the case was conducted on 24-06-2020 in the chamber of Electricity Ombudsman at Edappally, Kochi. Sri Babu Mathew and Sri. K.S. Madhu have represented for the appellant and Sri. Ashrafudeen J, Assistant Executive Engineer, Electrical Sub Division, Angamaly, Ernakulam, 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.

The disputed bill for Rs. 64,428/- was for the period from 21.11.2016 to 28.01.2019. The bill was later revised to Rs. 64,153/- as directed by CGRF. As per the appellant's version, the premises was unoccupied for 2 years, but minimum light arrangements was made outside the building. The appellant has stated that 'Flood' in August 2018 may be the reason for the abnormal hike in the reading. The ground floor was fully in water.

As per the respondent, the period (bi-month) of huge consumption and reason for the same is not known as the premises was under door lock for two years. As per the downloaded data from 01-10-2018, the monthly consumption up to 01-01-2019 were 32.2 kWh, 37.61 kWh and 33.36 kWh. The consumption from 01-01-2019 to 01-02-2019 was 567 kWh and from 01-02-2019 to 01-03-2019 (4 days), the consumption was 123.58 kWh. The appellant has stated that the building was occupied one month during this period.

On a perusal of records, it is revealed that the disputed energy meter was 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. The test so conducted at the site reveals that the two meters are recording exactly the same quantum of energy consumption which shows that the appellant's meter is working in good condition. The meter was also tested at TMR Division, Angamaly with his consent during 03/2019. As per the TMR report dtd.23.03.2019, meter is found o.k. and complied the requirement of the standard meter with a noting that consumption found high during 01/2019 & 02/2019(568 units &124 units).

In the instant case, the respondent has not conducted any detailed checking in the appellant's premises to find out whether there is an earth leakage. The respondent has not prepared a site mahazar on receiving complaint of exorbitant bill. Instead, the respondent installed a check meter to find out the accuracy of the existing meter.

According to the respondent, the demand issued to the consumer after taking meter reading on accessing the meter is legal and sustainable due to the following reasons

1. As the premises was in door lock condition, there was no accessibility to enter the premises to take meter readings.
2. As per the TMR test report back data up to last 6 months are available (i.e. up to Dec.2018) and during that period no leakage or other anomaly is noted in the test report and meter is in working condition. Hence suspecting earth leakage/ abnormal consumption during the door lock period.
3. Licensee have no liberty as per the regulation 111 (4&5) of Kerala Electricity Supply Code 2014 to disconnect or issue notice, since the consumer

had paid advance payment as per regulation 129 of Kerala Electricity Supply Code 2014 for a long period. The provisions under regulations 111 (4), (5) and (6) specifically reads as follows:

111(4) The provisions of the above sub regulations shall not apply in the case of a domestic consumer who has given advance intimation to the licensee of the inaccessibility of his meter for reading due to the consumer being out of station and has also deposited an amount in accordance with regulation 129 of the Code.

(5) When a domestic consumer, who has paid entire dues up to date, gives prior information in writing to the licensee about inaccessibility of the meter due to continued absence from residence, the licensee shall not send any notice or provisional bill to the consumer if the consumer pays the fixed charge or minimum charge for such period in advance.

(6) Whenever the meter is made accessible by the consumer for taking the meter-reading, the entire consumption shall be taken as if the consumption was for the period excluding the intimated period of inaccessibility.

The appellant has remitted an advance amount of Rs. 5000/- on 12-01-2017 and premises was door locked from January 2017. As per regulation 129 (1) of the Kerala Electricity Supply Code 2014, the licensee shall provide to the consumers, the facility to make advance payment of electricity charges on application in the format under Annexure – 17. As per regulation 129 (5), bills of the consumers opting for advance payment shall show the amount deposited by the consumer, amount adjusted against electricity dues for each billing cycle and the balance left. It is found that the appellant has not informed in writing to the licensee about inaccessibility of the meter due to continued absence from residence.

On perusing the billing consumption report downloaded for 10/2018, 11/2018, 12/2018, 01/2019 and 02/2019, the highest consumption is in 01/2019 for 567.89 kwh whereas in 02/2019 is 123.68 kWh and in 12/2018 is 33.36 kWh. But the appellant was billed for 13 bi-months an average of 728 kWh/bi-month based on 9467 units recorded in the meter on 28-01-2019. The energy meter is seen changed on 11-03-2019 without any remarks. The downloaded details from 11/2016 to 09/2018 are not available.

The appellant has given evidence about the conditions of working and occupancy of concerned premises during the said period. There is no material to show that the respondent has conducted any detailed checking of the appellant's meter. A site inspection was not done and site mahazar not prepared by the respondent. The real cause for the high consumption in a door locked premises is not detected.

The respondent has not attempted to take meter reading during these two years. The reason stated by the respondent for not taking meter reading during the door lock period is that the appellant remitted advance amount. But any provision in the Supply Code exempted the consumer from taking meter reading in the case of advance payment, otherwise the consumer informed in writing to

the licensee about inaccessibility of the meter due to continued absence from residence. The respondent is only suspecting earth leakage, but not confirmed the same. Hence the chances of exorbitant reading due to the dial jump during the Flood period cannot be overlooked. 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 of jumping of digits/display error cannot be rejected at the face value.

Decision: -

From the analysis done and the conclusions arrived at, which are detailed above, I take the following decisions.

The bill for Rs.65146/- dated 28-01-2019 and the revised bill for Rs.64153/-are quashed. The respondent is directed to revise the bill for the period from 11/2016 to 09/2018 by taking the average of the three-bimonthly consumption from 21/05/2016 to 21/11/2016 i.e., 57 units bi-month. The billing for the period from 01/10/2018 to 01/03/2019 shall be done based on the actual consumption as per the downloaded data. The order of CGRF, Ernakulam in OP No. 51/2019-20 dated 16-12-2019 is set aside.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is found having merits and is allowed. No order on costs.

Electricity Ombudsman

P/018/2020/_____ /Dated:_____

Delivered to:

1. Sri. Babu Mathew, Manchery House, Moozhikulam, Kurumassery P.O., Ernakulam
2. The Assistant Executive Engineer, Electrical Sub Division, KSEBL, Angamaly, Ernakulam

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.