

THE STATE ELECTRICITY OMBUDSMAN

D.H. Road & Foreshore Road Junction, Near Gandhi Square,
Ernakulam, Kerala-682 016

Ph: 0484 2346488, Mob: 8714356488

Email: ombudsman.electricity@gmail.com

**Appeal Petition No. P/016/2026
(Present A. Chandrakumaran Nair)
Dated: 25-05-2026**

Appellant : Mrs.Shahini Haneef
High School Road, Nilambur P.O
Nilambur, Malappuram(dt)-679329

Respondent : The Assistant Executive Engineer
Electrical Sub Division
KSEBL, Nilambur, Malappuram dt.

ORDER

Background of the case

The appellant Smt.Shahini Haneef is a consumer of the Licensee KSEBL under the Electrical Section, Nilambur bearing consumer no.1165437026979 in Malappuram District. This is a three phase connection with connected load 4.92 KW under the tariff LT 7 A. The appellant owner has rented out this premises for running Educational Institution named “ Eminent Professional Campus”. The bill amount of the bimonthly bill of 05/2025 was abnormally high and then the consumer had complained about the high amount. Based on the complained the meter has been sent for testing at TMR division Shornur and then to Genus, the manufacturer of the meter. The bill amount was Rs.2,31,107/- which is very much higher than the normal periodical bills. The testing revealed that the meter is working correctly. While analyzing the back up data it is found that a magnetic tampering had happened in the meter and hence this high reading. No physical evidence of magnetic tampering. The appellant requested to waive this high bill and the Licensee have not considered the request. Then the petition have been filed to CGRF under petitions OP/72/25-26. The CGRF had issued the order on completing the procedural formalities on 20/01/2026. Aggrieved with the decision of CGRF this appeal petition is filed to this Authority.

Arguments of the Appellant

Arrear Notice No BB/ES/NBR/2025-26/94 dated 20/12/2025 issued by Assistant Engineer, KSEB Ltd, Electrical Section, Nilambur, Malappuram District and the decision of the CGRF in OP 72/2025-26 are not correct in facts or maintainable in law and liable to be dismissed due to the following reasons. The findings and analysis of the Assessing Officer given in the Arrear Notice No BB/ES/NBR/2025-26/94 dated 20/12/2025 are contradictory to the facts and evidences, hence liable to be dismissed. The above-mentioned electricity connection is given to Eminent Professional Campus, a reputed educational institution which helps the students to prepare for the courses like CA, CMA etc. As per the Site Mahazar and Provisional Assessment the authorized connected load in this connection is 4920 Watts. As per the demand notice of KSEBL it is found that the average monthly consumption in this connection is 723 KWH.

It is submitted that in the billing period of April May 2025, an unnatural escalation of energy consumption was noticed in the connection of appellant while taking the meter reading and the official of KSEBL who took the reading informed the appellant about such abnormal reading. And he advised the appellant to approach the KSEBL and lodge a complaint regarding the situation. As per the advice, next day itself, the appellant approached the KSEBL and filed a complaint. Following that complaint, the APTS team had conducted an inspection on 14/05/2025. As a result, the appellant was given a Provisional Assessment on the unauthorized loads in this connection and further informed the appellant that a magnetic tampering was occurred in this connection during the period from 07:58:35 AM on 13/04/2025 to 14:38:32 PM on 03/05/2025 (20 days 6 hours 39 minutes and 57 seconds in total). It is alleged that by this magnetic tampering, 20577.6505 kWh units of electricity was consumed during this period by the appellant. And issued a Provisional bill of Rs 231107.00 on 14/05/2025.

The statements in the site mahazer report dated 14/05/2025 itself are sufficient enough to prove the innocence of the Appellant and malicious intention from the part of KSEBL. In the site mahazer, report it is clearly stated that the APTS team had not found any physical proof of magnetic tampering on the energy meter installed in the premises of the appellant. They had not noticed any evidence of the attempt of such unauthorized activity on the meter. They had not collected any material used for tampering the meter from the meter or from the adjacent area of the meter where it is installed. It is submitted that the statements in the Mahazar Report reveal that the inspecting team had noticed unusual electricity consumption and had downloaded the tamper data report from the meter.

From the report it was noticed that from 07:58:35 AM on 13/04/2025 to 14:38:32 PM on 03/05/2025 (20 days 6 hours 39 minutes and 57 seconds in total), the total electricity consumption during this period had been recorded as 20577.6050 kwh.

It is submitted that the allegation of the KSEBL is that the energy meter of the consumer was tampered with magnet and the consumer had consumed unnatural volume of electricity due to the tampering. From the argument of KSEBL, it is clear and evident that the issue is the unauthorized use of electrical energy through tampered meter and the same attracts the provision of section 126 sub section (6) (b) (iii) of Indian Electricity Act. . It is submitted that, being aggrieved by the gross injustice, the appellant approached the KSEBL for relief and the appellant was illegally advised to approach the CGRF. The CGRF summoned the appellant and conducted a hearing and gave the impugned order. Since all the facts, circumstances and legal positions related the issue were known to the CGRF, instead of advising the KSEBL to adhere with the law, even without jurisdiction, they had grabbed the opportunity to mislead and extort money from the appellant.

It is submitted that KSEBL had willfully abstained from initiating the procedure contemplated in section 126 of Indian Electricity Act and issued a bimonthly bill with wrong particulars, even after raising the allegation that the consumer had committed unauthorized use of electricity with the aid of magnetically tampered meter. When the appellant protested against the total injustice from the part of KSEBL, the appellant was advised to approach the CGRF, who had no jurisdiction to adjudicate the matters related to the unauthorized use of electricity. Both KSEBL, Nilambur Sub Division and the CGRF had exploited the ignorance of the appellant with deceitful intentions and deviated the appellant from the right legal course of action.

Hence it is humbly submitted that neither CGRF nor the Ombudsman have the jurisdiction to entertain the matters coming under section 126 of Indian Electricity Act. It is humbly prayed that this Honorable Forum may set aside the decision of CGRF, pronounced in this matter and advise KSEBL to comply with the provisions of law and regulations in force for the time being, by proceeding in accordance with the stipulations contemplated in section 126 of the Indian Electricity Act, and initiate legal action against the officials who are responsible for the hardships suffered by the appellant and award a compensation of Rs 5,00,000 for the monetary and mental sufferings.

The impugned order of the CGRF in OP No 72/2025-26 and the Arrear Notice No BB/ES/NBR/2025-26/94 dated 20/12/2025 issued by Assistant Engineer, KSEB Ltd, Electrical Section, Nilambur, Malappuram

District may be cancelled and the amount paid already as half of the demand may be returned to the appellant with proper interest. Initiate legal action against the officials of KSEBL who are responsible for the unlawful actions and allow Rs 5,00,000/- (Rupees Five lakhs) to the appellant for the financial and mental hardships and agony suffered due to the malicious and arbitrary actions from the part of KSEBL.

Arguments of the Respondent

The averments contained in para 1 are denied. The appellant consumer (Consumer No. 1165437026979) falls under the jurisdiction of the Electrical Section, Nilambur, within Electrical Sub Division, Nilambur of KSEB Ltd. in Malappuram District. This is a three-phase connection effected on March 06, 2018, with a connected load of 4920 Watts under the 7A tariff. The premises host an educational institution named "Eminent Professional Campus." As the consumption in the regular bi-monthly bill issued on 14.05.2025 was significantly higher compared to previous months, the consumer filed a complaint. Following this, the meter (Genus make, sl.no.4256973, 3x10-60A) was sent to the KSEB Meter Testing Laboratory in Shornur and subsequently to M/s. Genus Power Infrastructures Limited, the meter manufacturer, for further testing. Based on the reports, confirming that the meter is functioning correctly, notice was issued by the Assistant Engineer, Electrical Section, Nilambur on 20.12.2025 regarding the payment of electricity charge arrears for the bill issued on 14.05.2025 is legally valid.

The averments contained in para 2 and 3 are not true hence denied. The consumer's billing cycle is bi-monthly. The meter reading taken on May 14, 2025, showed a consumption of 21,994 units (Initial reading: 64201 on 10.03.2025; Final reading: 86195 on 14.05.2025). Accordingly, a bill for Rs.2,31,107/- was issued to the appellant. This is a regular electricity bill based on actual consumption, not a provisional assessment. On the same day, the Anti-Power Theft Squad (APTS) wing of KSEB Ltd. inspected the premises and identified an unauthorized additional load of 7,156 Watts. Under Section 126 of the Indian Electricity Act, 2003, a penal bill was issued, and the consumer remitted an amount of Rs. 54,753/- as penal charges. During the inspection, a significant discrepancy was noted between previous bi-monthly readings and the current reading. Consequently, the APTS wing downloaded and analyzed the meter data, which indicated a 'magnetic tampering'. The data recorded a magnetic tamper indication from 13.04.2025 (07:58:35 hrs) to 03.05.2025 (14:38:32 hrs). A detailed physical inspection of the surroundings was carried out but no external tampering devices were found. Hence the meter was forwarded to the Meter Testing Laboratory (TMR), Shornur and the laboratory findings confirmed that the meter was functioning correctly and that the magnetic tampering was internally recorded. Therefore, the bill issued for Rs.2,31,107/- remains a valid, normal bi-monthly bill based on the recorded meter readings, which is recorded in the site mahasar.

The averments contained in para 4 are admitted. As per the meter specifications "Meter shall be immune to AC/DC magnetic influence upto threshold values. Above the threshold values specified for AC/DC magnetic influences and cases of permanent magnetic influences meter shall go to maximum current (I max). The averments contained in para 5 are not true hence denied. The meter data reveals that the excess unit in the bimonthly reading is due to magnetic tampering effect for the period 13.04.2025 to 03.05.2025. The APTS inspection conducted on 14.05.2025 detected unauthorized additional load of 7156 watts and issued Provisional and Final Assessment bill under Section 126 of Indian Electricity Act, 2003. The consumer remitted Rs.54753/- as per this assessment. The bill for an amount of Rs.2,31,107/- issued to the consumer is a regular bimonthly bill as per the meter reading.

The averments contained in para 6, 7 and 8 are not true hence denied. The disputed amount arises from a regular bimonthly consumption bill and not from a provisional or final assessment order under Section 126 of the Indian Electricity Act, 2003. The bill of Rs.2,31,107/- challenged by the consumer is a normal bimonthly bill as per the meter reading taken on 14.05.2025.

In the light of the facts stated above, it is humbly prayed that the Honorable Ombudsman may be pleased to dismiss the appeal filed by the Appellant as meritless and maintain the bill issued by the Respondent.

Counter Arguments Filed by the Appellant

Submissions in the written statement, filed by the respondent are false, misleading and contradictory in itself hence liable to be dismissed. Here the respondent is unsuccessfully trying to mislead this Honorable Forum by manipulating the sequence of events and facts. It is pertinent to note the submission in the written statement that the APTS inspection and the bimonthly meter reading recording in the connection of the complainant had happened on the same date (14/05/2025). And the bimonthly bill was also issued on the same day. Here the question of the complainant is that if such a magnetic tamper had detected in the connection of the complainant, why the normal bimonthly bill had been issued instead of initiating the legal actions contemplated in the relevant sections of Indian Electricity Act and Kerala Electricity Supply Code?

Since KSEBL is arguing that the energy meter in the premises of the complainant during the time of inspection was faultless and the same was attested by the NABL approved Lab and the manufacturing company of the meter, the natural inference is that the magnetic tamper was done from the part of complainant. Then the KSEBL is under mandatory obligation to act in accordance with the provisions of the Indian Electricity Act and the assessment should be done in accordance with the same

provisions. If it had done so, the complainant would have got better opportunity to defend and prove his innocence. As per the averments in para 2 of the written statement that the respondent himself admits that he is convinced that this is a case of unauthorized use of electricity through tampered meter. And again, the respondent is admitting that even after the tampering was proved, a normal bimonthly bill was issued. It clearly shows the illegality from the part of the respondent.

The arguments of the respondent in the written statement is silent about the technical viability of their claim that the consumer had consumed these much of electricity by using almost 9.5 kw load during such a short period of 20 days. They themselves are aware that the recorded consumption was due to the fault of the meter. But they are trying to hide their mistake and making the complainant a scapegoat. The averments in the 2nd para of the written statement that the APTS squad had detected unauthorized load of 7,156 watts in complainant's connection is wrong. The unauthorized load was only 4,868 watts.

The submission of the complainant is that the averments in the written statement are false and made with malafide intentions hence liable to be dismissed.

Analysis and findings

The first hearing of this appeal petition was conducted on 06/05/2026 at 11:00 a.m in the O/o the State Electricity Ombudsman, D.H Road, Ernakulam(dt). The hearing was attended by the respondent representative Sri.Ajith Kumar.P.V, Assistant Engineer, Electrical Section, Karulai who is acting as the AEE, Nilambur and the Assistant Engineer, Electrical Section, Nilambur, Malappuram and the appellant was not attended the hearing. As per the request of the appellant the second hearing was scheduled on 21/05/2026 at 11.00 a.m in the Ombudsman office. The appellant representative Adv. Bince Abraham and Sri.Safer Iqbal attended the hearing and the respondent AEE, Nilambur has been contacted through phone.

The appellant Smt. Shahini Haneef is the owner of a building situated at Nilambur, Malappuram. This building has been rented out to run an Educational Institution/Coaching Centre in the style “ Eminent Professional Campus”. The tariff applicable was LT 7 A. The bill issued by the Licensee for the month of 05/2025 was very high and it was Rs.2,31,107/-. Due to this highly abnormal bill the consumer had send a complaint and accordingly the meter was tested at TMR division Shornur. It was reported that there is no abnormality in the meter and working perfectly. When the back up data was downloaded, they observed that there was a magnetic tampering occurred in the meter for a period for

13/04/2025 to 03/05/2025. The Licensee had conducted a detailed inspection around the premises, but no external tampering devices were noticed. There was no evidences of any external magnets presence or the presence of magnetic field. It is noticed that the appellant had remitted 50 % of the bill based on the interim order of CGRF. The technology of magnetic tampering is to be examined. “ Magnetic tampering of digital energy meter involves using strong external magnets to disrupt meters the internal components, primarily to under register energy consumption.”

“ The strong magnets can saturate the core of the Current Transformer (CTs) used to measure the electrical current. This blinds the meter to record significantly less current than is actually flowing.”

When a magnetic field is detected, many smart meters will log the event with a ‘Magnetic Tamper’ alert, recording the date and time”.

The Licensee had provided safety protection against the magnetic tampering such a way that an extra magnetic field more than 0.2 Tesla is sensed by the meter, the meter may read to I_{Max} which is the maximum current. This means that the meter would have recorded corresponding to the maximum current without actually consuming the current.

Here in this case, the “magnetic tampering” was noticed during the testing at TMR, but there was no physical evidence of magnetic presence. The meter was again tested at the manufacturers’ lab and analysed the downloaded data. This test report states that No magnetic tamper was observed or No magnetic tamper events were observed. The letter dated 08/09/2025 of AEE, Nilambur shows that The respondent had reported a similar case in another incident under Mundakkulam Section. While the meter was tested by the APTs, shows an erroneous data that the meter is under Magnetic Tampering from that particular day onwards and there was no magnet present at the premises at that time. Then the meter was replaced as the reading was erroneous. This meter is also from the same manufacturer M/s. Genus.

It is very pertinent to consider the following points on analysing this case.

(1) The magnetic tempering was noticed by the TMR division while analysing the downloaded data, but there was no evidence of the presence of any magnet or evidence of the presence of any magnet or magnetic field. (2) While testing the meter by the manufacturer and analyzing the downloaded data no magnetic tamper were observed. (3) There was a similar incident reported in the meter manufactured by the same company about the magnetic tamper without the presence of magnetic field. (4) The meter is provided with a protection to record the reading with maximum current in case of a magnetic field beyond the threshold limit. The

protection is provided to prevent the malfunctioning of the meter, then it would have recorded the high reading corresponding to the maximum current without actually consuming this current. In view of the above reading recorded by the meter is not to be reliable.

Decision

On verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken.

1. I hereby quashed the bill issued by the Licensee on 14/05/2025
2. The Licensee shall issue a revised bill considering the average of three previous bills.
3. The excess amount remitted by the appellant is to be refunded.
4. No other costs sanctioned.

ELECTRICITY OMBUDSMAN

No. P/016/2026/ _____ dated: 25/05/2026.

Delivered to:

1. Mrs.Shahini Haneef, High School Road, Nilambur P.O,
Malappuram(dt)-679329
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board
Ltd,
Nilambur, Malappuram (dt)

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, Gandhi Rd, Kozhikode - 673032