

**THE STATE ELECTRICITY OMBUDSMAN**

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**Appeal Petition No. P/032/2024  
(Present A. Chandrakumaran Nair)  
Dated: 05-08-2024**

Appellant : Sri. Noushad. A.R  
Ameen Tower  
Pothencode  
Thiruvananthapuram

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division  
KSE Board Limited,  
Thiruvananthapuram

**ORDER**

**Background of the case**

The appellant Shri. Noushad A.R is a consumer under Electrical Section, Pothencode with Consumer No: 1145242022766. The power is availed for a shop and the tariff is LT VII A. The bills was regularly paid by the consumer up to March 2023. The terminal of the meter was burned in April 2023 and the final reading of the meter as 21075. A working meter was installed and the readings during 5/2023, 7/2023 and 9/2023 were taken but the bills were not raised in time. The bill for an amount of Rs.78391/was raised on 08/11/2023. The appellant contented, that the reading shown by the meter is abnormally high. The status of the meter was inspected and found to be correct. The appellant approached the CGRF and CGRF issued order on completing the procedure. The CGRF order states that the appellant is liable to pay the current charges as per the bill raised. Aggrieved with the decision of CGRF, this petition is filed to this Authority.

**Arguments of the Appellant Submitted by Statements**

എന്റെ വക പോത്തൻകോട് ജംഗ്ഷൻ സമീപം ഉള്ള ആമീൻ ടവർ എന്ന building ന്റെ രണ്ടാം നിലയിലുള്ള വൈദ്യുതി കണക്ഷൻ (Consumer No :1145242022706) മീറ്റർ 5 മാസം മുൻപ് പ്രവർത്തനം നിലച്ചതിനെ തുടർന്ന് ഞാൻ പരാതി നൽകുകയുണ്ടായി.തുടർന്ന് പുതിയ മീറ്റർ സ്ഥാപിച്ചു. പുതിയ മീറ്റർ സ്ഥാപിച്ച ശേഷം 4 മാസം എനിക്ക് വൈദ്യുതി ബിൽ നൽകിയില്ല. നീഡിങ് എടുക്കുവാനും ബിൽ മെഷീനിൽ generate ചെയ്യുവാനും സാധിക്കുന്നില്ല എന്ന് നീഡിങ് എടുക്കുവാൻ വരുന്ന ഉദ്യോഗസ്ഥൻ അറിയിച്ചു. ഓഫീസുമായി ബന്ധപ്പെടുവാൻ പറഞ്ഞു. 4 മാസം കഴിഞ്ഞപ്പോൾ മുൻ നീഡിങ് ഒന്നും നൽകാതെ 67939/- രൂപയുടെ ഒരു ബിൽ എനിക്ക് നൽകി. എനിക്ക് ശരാശരി ബിൽ വന്നു കൊണ്ടിരുന്നത് 3000-4000 രൂപയായിരുന്നു. അതും രണ്ട് മാസത്തിലൊരിക്കൽ. പുതിയ മീറ്റർ വെച്ചതിനു ശേഷം ഇപ്പോൾ ഞങ്ങൾ നീഡിങ് നോക്കിയപ്പോൾ 20യൂണിറ്റിൽ കൂടുതൽ ഉപഭോഗം വരുന്നില്ല. ഏത് സമയത്തെ നീഡിങ്ങിന്റെ അടിസ്ഥാനത്തിൽ ആണ് ഇപ്രകാരം ഒരു ബിൽ എനിക്ക് നൽകിയതെന്ന് വ്യക്തമല്ല. പിന്നോട്ടുള്ള ഓരോ ദിവസത്തെ നീഡിങ്ങും ഞങ്ങൾ പരിശോധിച്ചിരുന്നു. ബോർഡ് പറയുന്ന തരത്തിലുള്ള ഉപഭോഗം അവിടെ ഇല്ല. ഇതിനെതിരെ CGRF കൊട്ടാരക്കര ഞാൻ പരാതി നൽകിയെങ്കിലും എനിക്ക് നീതി ലഭിച്ചില്ല. എന്റെ ഭാഗം കേൾക്കുക പോലും ചെയ്തില്ല. മാർച്ച് മാസം 2ആം തീയതി ഉത്തരവായിട്ടു പോലും ആയതിന്റെ പകർപ്പ് എനിക്ക് ലഭിച്ചത് മെയ് മാസം 16ആം തീയതിയിൽ മാത്രമാണ്. ആയതുകൊണ്ട് തന്നെ അപ്പീൽ ബോധിപ്പിക്കുവാൻ കാലതാമസം ഉണ്ടായിട്ടുള്ളത് എന്റെ മനപ്പൂർവമായ വീഴ്ചയോ ഉദാസീനതയോ കൊണ്ടല്ല.

ആകയാൽ സമക്ഷത്തിൽ നിന്നും ദയവുണ്ടായി അപ്പീൽ ഫയൽ ചെയ്യുവാനുണ്ടായ കാലതാമസം മാപ്പ് ചെയ്തു അപ്പീൽ ഫയലിൽ സ്വീകരിക്കണമെന്നും അപേക്ഷിക്കുന്നു.

**Argument of the Respondent**

The appellant Sri Noushad A.R is a consumer of Electrical Section, Pothencode with Consumer No. 1145242022706 under LT VIIA tariff. The consumer has been billed under LT VIIA tariff against which payment has been made without any dispute up to March 2023. In April 2023, the terminal of the meter (Meter Number: 16322474) was burned out. Its Final Reading (F.R.) was 2107

5. To replace it, a working meter was installed with meter number 9371529 and an Initial Reading (I.R.) of 745. This meter, confirmed as operational, was previously used by Consumer Number 1145248025347 until it was removed on 08.03.2023, with a Final Reading (F.R.) of 745.

The change of meter is not effected in system in time. Therefore, bills could not be issued in time. Though the bills were not issued, readings were correctly recorded in the register by the meter reader. As per the entry in register, the reading of the old meter as on 3/2023 is 19903 and the Final reading (FR) of the old meter is 21075. The Initial Reading (I.R) of the new meter is 745 and the reading as on 5/2023, 7/2023 and 9/2023 is 1988, 4312 and 6829 respectively. Regulation 134(1) of the Kerala Electricity Supply Code, 2014 stipulates that "if the licensee establishes either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing bill". In consonance with the said regulation, demand was raised according to the readings recorded in the register and bill amounting to Rs.78391/- has been issued to the consumer.

The status of the meter was inspected with parallel meter and found to be correct. Hence, the bill issued is as per norms, and cannot be revised for average. The appellant approached the Hon'ble Consumer Grievance Redressal Forum, Kottarakkara (OP No.81/2023). After hearing the petitioner, the Hon'ble CGRF ordered that the petitioner is liable to pay the current charges as per the bills raised and the licensee should not charge interest or surcharge for the same, allowing suitable installments for the payment, if the petitioner desires so, as per order dated 02.03.2024. After getting approval from the Board on 06.04.2024, requests were made repeatedly from this office to make the payments. As there is no response from the consumer, Demand & Disconnection notice was issued on 30.04.2024.

As is evident from the chronology of events that the demand made by the licensee Board is purely based on the actual energy consumed by the appellant consumer. Even the consumer does not dispute the veracity of the reading or the accuracy of the meter. An inadvertent delay in providing bills can never be the sole reason to escape payment of the charges of energy used, the said delay caused no financial loss to the appellant. As such, the appellant is liable to remit the impugned amount. Since no payment was made even after 17.05.2024, disconnection was effected for the consumer on 18.5.2024. The consumer approached the Hon'ble State Electricity Ombudsman on 20.05.2024. In view of the above facts and circumstances, it is most humbly requested that the petition may please be dismissed, affirming the order dated 02.03.2024 of the Hon'ble CGRF (S) in OP No.81/2023. I affirm that the facts contained herein are true to the best of my information, knowledge and belief.

## **Analysis and findings**

Hearing of this petition was conducted on 18/07/2024 at 03:30 pm at KSE Board IB, Paruthippara Thiruvananthapuram. The hearing is attended by the nominated representative Shri. Saheer.S and the Respondent The Assistant Executive Engineer, KSE Board Limited, Electrical Sub Division, Kaniyapuram, Thiruvananthapuram Dist.,

The appellant Shri. Naushad is the owner of the shop in Pothencode under the Jurisdiction of Electrical Section, Pothencode which is coming under the Kaniyapuram, Electrical Sub Division. The appellant is the Consumer of the Licensee under LT VII A tariff. The consumer was regular in making the payment up to March 2023. The connection was 3 phase which was fed to the distribution panel through a phase selector switch. The Licensee had noticed on April 2023 that the meter terminal was burned out. The meter was replaced with a working meter by noting down the final reading of the old meter and the initial reading of the new meter. Then the respondent States that the regular reading was taken on 5/2023,7/2023 and 9/2023. The consumptions during these months are worked out as below:

SL. No	Month	Initial reading	Final reading	Consumption in Unit
<b>1.</b>	<b>05/2023</b>	<b>745</b>	<b>1988</b>	<b>1243</b>
<b>2.</b>	<b>07/2023</b>	<b>1988</b>	<b>4312</b>	<b>2324</b>
<b>3.</b>	<b>09/2023</b>	<b>4312</b>	<b>6829</b>	<b>2517</b>

The Licensee has not raised the bills during 05/2023,07/2023 and 09/2023. The bill raised on 08/11/2023 shows that the consumption on 2517 units for the period from 22/07/2023 to 21/09/2023. This shows that for the reading taken on 09/2023, the bill was raised only on 08/11/2023. The reason why the bill was not raised during the above months was not properly explained by the Licensee.

The appellant states that the consumption shows in the meter especially on 07/2023 and 09/2023 are very high and hence the bill amount was also very high. The shop is functioning as a showroom for consumer goods and there is not much installations consuming this much power.

The arguments of the appellant is that if the bills would have been raised punctually , they would have came to know about the consumption and accordingly they would have reduced the electrical loads. The respondents version is that this heavy reading could have been due to earth leakage. AEE also explained that there was phase selector switch which has been seen to

be removed now. This would have been due to the shorting, or earthing. The appellants representative explained that the entire wiring have been checked and not located any fault in the systems. Then what would be the technical reason for the heavy consumption. The meter terminal have been burned out which results to the replacement of meter. There would have been a phase to phase or phase to earth shorting occurred in the power distribution system. The meter have been replaced without examining or rectifying this problem. The fault was existed and resulted to the heavy consumption. There it seems to be a major lapse happened from the Licensee as that the bills were not prepared and issued regularly. The respondent explained that the data was not updated in the 'Oruma net', So the bills was no generated. When the meter was replaced the data of the new meter would have entered in to the 'Orma Net' in time. The concerned official who is responsible for entering the data has not done his/her duty.

The Licensee have the right to recover the current charges if the bills was delayed due to technical reasons. The regulation 134 (1) of the Kerala Electricity supply code 2014 describes about this

*134. Under charged and Over Charged bills:- (1) If the Licensee establishes either by review or otherwise, that if has undercharged the consumer, the licensee may recover the amount so under charged from the consumer by issuing a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill.*

This regulation is very clear that if the Licensee had under charged the consumers, then the Licensee is empowered to recover the amount due from the consumer.

## **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. The appellant is liable to pay the amount as per the demand raised by the Licensee.
2. No interest is to be charged for this payment.
3. The Licensee shall sanction 8 monthly installments for making the payment if the appellant demands.
4. The Licensee may find out the official if any whose is responsible for the delay in raising the bills and take necessary action.
5. No other costs ordered.

**ELECTRICITY OMBUDSMAN**

No. P/032/2024/\_\_\_\_\_ dated:\_\_\_\_\_.

**Delivered to:**

1. Sri. Noushad. A.R, Ameen Tower, Pothencode, Thiruvanthapuram Dist.,
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Kaniyapuram, Thiruvanthapuram Dist.,

**Copy to:**

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, 2<sup>nd</sup> Floor, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara.