

THE STATE ELECTRICITY OMBUDSMAN

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**Appeal Petition No. P/085/2024
(Present A. Chandrakumaran Nair)
Dated: 29-01-2025**

Appellant : Sri. Varghese Olakengil
Olakengil House,
Chittattukara P.O,
Thrissur (dt) -680511

Respondent : The Assistant Executive Engineer,
Electrical Sub Division, KSE Board Ltd,
Muthuvara, Thrissur (dt)

ORDER

Background of the case

The appellant is a domestic Consumer bearing Consumer No. 1156879017701 under the Electrical Section Pavaratty. The connection is a 3 phase connection with connected load 5.50Kw. The consumer was billed as per the tariff rate approved by KSEERC and was paid regularly the electricity charges till June 2024. The meter reading was not available during 6/2024 and the premises was in Door Locked condition. The bill for the month 6/2024 was issued based on the average reading. While taking the reading on 16/08/2024, the consumption recorded was 2204 units accordingly the bill was issued for Rs. 22,144/-. The complainant has not used this power as the house was in locked condition. But on inspection by the officials of Licensee it is noticed that the main switch has burned off. The heavy reading would have been recorded may be due to the heavy earth leakage due to the burning of main switch. The meter was tested and found working normal. The appellant has filed petition to CGRF (CR) and CGRF issued order dated 19/10/2024 on completing the procedural formalities. Aggrieved by the order of CGRF, this appeal petition is filed to the Electricity Ombudsman.

Arguments of the Appellant

This is to inform you that I have received an electricity bill for the month of 16/08/2024 was RS. 22,207/-.My house was locked and i am working abroad, Due to this unusual bill, Immediately I informed the electrician to disconnect the lines and understood that the reason was earth leakage. So I registered a complaint through email. As per my complaint CGRF arranged a hearing on 03/10/2024 and 21/10/24 I have received an order mentioning that the reason for earth leakage is my responsibility because the main switch is installed by the consumer.

Sir, I am not arguing about their findings in the order, My request is the house was locked and no one is staying for the last 10 months. The issue happened after the heavy lightning and thunder. I agreed to pay the meter charges, here my request is to consider the charges as per the basic rate (which are now charged at a very high rate as per the consumption.) because the house was locked and it's not the reason for the usage but the reason for earth leakage.

Arguments of the Respondent

The complainant is a three phase domestic consumer bearing Consumer Number 1156879017701 under Electrical Section, Pavaratty.The registered connected load is 5503 W . The charges for electricity were demanded as per the prevailing tariff orders and regulations issued by Hon'ble KSERC from time to time and the consumer paid the electricity charges till June 2024 as per the bills issued from the Electrical Section Office, Pavaratty. Please note that the reading of the consumer was not available during June 2024 as the premises was door-locked.So the bill issued during June 2024 was the average of the previous three billing cycle as specified vide Regulation 110 (11) of the Kerala Electricity Supply Code 2014. The Appellant has admitted that the premises was locked.

Later during the regular bimonthly reading on 16-8-2024 the reading was available and the consumption was found to be 2204 units and accordingly the bill was issued for electricity charges. As the meter reading was available during August 2024 provisional bill issued during June 2024 was revised accordingly as specified vide Regulation 110 (13) of the Kerala Electricity Supply Code 2014.

The payable amount as per bill issued during August 2024 was Rs. 22,144/- deducting the already paid/adjusted amount during June 2024.The consumer registered a complaint through centralized customer care abnormal bill as the usual bills were for around 100 units Field inspection was conducted by the officials of the Pavaratty Electrical Section Office and it was on receiving this found that leakage persisted in the

second phase of the main switch of the consumer installation. The matter was intimated to the consumer representative present during inspection and instructed to inform office after defects rectification for supply restoration. Also the matter was informed to the consumer via email dated 21-8-2024 and installment facility for remittance of amount was also intimated.

The prayer of the consumer was to quash this amount considering this as natural calamity .He has admitted that the house was locked and came to know about the leakage in the main switch only when reading was taken and subsequent inspection after his complaint. Please note that leakage was found only in one phase of the main switch and no damage reported for any other equipment including energy meter or service wire and hence the argument of the complainant that the main switch leakage occurred due to heavy lightning and thunder of last month cannot be established. Also please note that here in this case, the defect occurred in the consumer installation defined vide Regulation 2(25) and 2(64) of the Kerala Electricity Supply Code 2014. The meter installed in the premises of the consumer was tested in Meter Testing Laboratory, Angamaly and they certified that the meter is working good and not faulty.

Consumer approached Honorable CGRF (CR) and the Forum in its order No. CGRF- CR/ OP No. 75/2024-25/374 dated 19.10.2024 dismissed the complaint. The bill issued to the consumer was as per the Tariff order issued by The Kerala State Electricity Regulatory Commission in OP 18/2023 published in Gazette dated 31.10.2023. Tariff order was prepared considering all the aspects of Power purchasing rates and revenue status of KSEBL. About 80% of the power consumed in Kerala is purchased from outside the state from public or private generating stations. Even though the consumer not used the energy that leaked through his installation, KSEBL has to pay the charges for those units to generating companies. The request of the consumer to pay the current charge in basic rate is not admissible and against the law.

It is respectfully submitted that there is no merits in any of the allegations raised in the petition and the complaint is liable to be dismissed as such. For the foregoing reasons, it is most humbly prayed that this Hon'ble Ombudsman may be pleased to dismiss the complaint.

Analysis and findings

The hearing of the appeal petition was conducted on 10/01/2025 at 11:00 am in the office of the State Electricity Ombudsman, DH Road & Foreshore Road Junction, near Gandhi Square, Ernakulam south. The hearing was attended by the appellant Sri. Varghese O.K and the respondent Sri..Pradeep M.V, Asst. Executive Engineer, Electrical Sub Division, KSE Board Ltd., Muthuvara, Thrissur (DT).

The appellant is a domestic consumer of the Pavaratty, Electrical Section of the Licensee. The service connection was the three phase connection under the tariff LT 1. The appellant is working abroad and living with family there. The house was in locked condition and nobody is residing in the house for the last 10 month. As the gate was locked the reading could not be taken on 6/2024 and hence the bill was issued based on the average consumption of the previous billing cycle as per regulation 124 of the Kerala Electricity Supply Code 2014.

124. Procedure for billing when meter not accessible.-

(1) If the licensee is not able to access the meter for reading, a provisional bill may be issued on the basis of the average consumption of the previous three billing cycles.

(2) The licensee shall ensure that such provisional billing does not extend to more than two billing cycles at a stretch, and there are not more than two provisional bills generated for a consumer during one financial year.

(3) The provisional bills shall be adjusted on the basis of the subsequent actual meter reading.

The next meter reading was taken on 08/2024 and the meter recorded a consumption of 2204 units. The bill was prepared as the above regulation 124(3) which was worked out to RS.22,144/-. The appellant has contented about this abnormal bill and complained to the Licensee. As per the request of the appellant, the meter was tested at TMR, Angamaly. The meter test report states that the meter conform the requirement and the percentage errors are within the limit.

Then the question is how this abnormal high reading recorded by the meter? As directed by CGRF the officials of the Licensee conducted an inspection at the site and prepared a site mahazar. In the inspection they observed the following.

1. The ICTP main switch was connected near to meter and two fuses in the main switch was connected and the third was removed and kept out side.
2. The U clamp fitted to the ebonite rod of main which is connected to fuse at the centre was damaged and was laying inside the switch.
3. The portion of the rod connecting to this fuse was seen to be burned.

The reason of heavy reading recorded by the meter may be due to the earth fault occurred due to burning of the components of the main switch. The heavy current loss would have occurred due to the earth fault. The ELCB is connected after the main switch and hence this would not have been tripped as the fault is out before the ELCB circuit.

Here in this case, the meter is working normally and the meter recorded heavy consumption and the energy was leaked as the earth fault. Then the consumer is liable to pay the charges.

The consumer is bound to make the payment for the energy used as per the Section 45 of the Electricity Act 2003.

45. (1) *Subject to the provisions of this section, the prices to be charged by a distribution licensee for the supply of electricity by him in pursuance of section 43 shall be in accordance with such tariffs fixed from time to time and conditions of his licence*

The same has been clearly explained in the **regulation 31** of the Electricity Supply code 2014 also.

31. Recovery of charges for supply of electricity.-

(1) Subject to the provisions of this Code, the charges to be levied on the consumer by the distribution licensee for the supply of 16 electricity in pursuance of the provisions of the Act, shall be in accordance with the tariff fixed by the Commission from time to time and the conditions of the licence.

(2) The charges of electricity supplied by the licensee shall be:- (a) fixed in accordance with the methods and principles as may be specified by the Commission; and (b) published in such manner so as to give adequate publicity for such charges and prices.

(3) The licensee shall publish the tariff schedule in English and Malayalam on its website immediately after the Commission has approved it.

In the case in hand, the appellant's request was to calculate the charges on telescopic tariff basis instead of non telescopic tariff. As per the tariff order published by the Kerala State Electricity Regulatory Commission the tariff applicable for the monthly consumption more than 250 units is non telescopic / flat rate tariff. No change is possible for the tariff from that tariff published by the KSERC as per the regulation above.

The appellant is liable to pay the bill amount raised by the Licensee. The appellant could explore the possibility of some protective devices just after meter if required to prevent such type of leakage of current in future.

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 bill raised by the Licensee.
2. The Licensee shall grant 5 installments (Installments once in two months) to clear the payments within 10 months.

3. The Licensee shall not charge any interest or surcharge till the completion of payments within 10 months.
4. No other costs ordered.

ELECTRICITY OMBUDSMAN

No. P/085/2024/ dated: 29/01/2025.

Delivered to:

1. Sri. Varghese Olakkengil, Olakkengil House, Chittattukara P.O, Thrissur(dt)-680511
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Muthuvara, Thrissur (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, 220 kV Substation Compound, HMT Colony P.O., Kalamassery, Pin- 683503.