

THE STATE ELECTRICITY OMBUDSMAN

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Appeal Petition No. P/040/2025 (Present A. Chandrakumaran Nair) Dated: 04-08-2025

Appellant : Smt. Simi Shaji Panicker
Leena Bhavanam
Kandachira, Perinad P.O
Kollam (dt) - 691601

Respondent : The Assistant Executive Engineer
Electrical Sub Division,
KSE Board Ltd., Aluva Town
Ernakulam (DT)

ORDER

Background of the case

This petition is submitted by Smt. Simi Shaji Panicker for the connection with consumer no. 1155688022548 under the Electrical Section, Aluva North. This is a domestic connection registered in the name of Smt. Lakshmi Sukumaran, Indeevaram, Ernakulam. Neither Smt. Simi Shaji or Smt. Lakshmi Sukumaran is residing in this apartment. The apartment is rented out to a third party. Smt. Lakshmi Sukumaran had constructed an apartment building in the land under her ownership which consists of 5 apartments G+2 floors. One apartment in the second floor is purchased by the petitioner and rented out to a different person. The connection was in the name of the original owner Smt. Lakshmi Sukumaran. The present owner has not taken any action to transfer this connection. The meter reader had noticed a high consumption during 12/2023, 02/2024 and 04/2024 but the bill was given on considering the average consumption. This was informed to the occupier of the house. The petitioner had applied for meter testing on 22/04/2024 and the meter was sent to TMR Angamally for Testing on 23/04/2024. The meter test results

states that the meter is accurate. The downloaded data shows that the high consumption was recorded from 01/11/2023. The Licensee had issued a revised bill for this period considering the meter reading for Rs.2,19,230/- which was objected by the consumer. The petition is filed to CGRF and CGRF issued order on completing the procedures on 29/04/2025. Aggrieved by the decision of the CGRF, this appeal petition is filed to this authority.

Arguments of the Petitioner

Complainant is having a domestic connection which is registered in the name of Lakshmi Sukumaran, Indeevaram, Ernakulam under the Kerala State Electricity Board Section Office, Aluva North with consumer No 1155688022548. During the period from 2/10/2023 to 2/6/2024, periodical bills were issued and the complainant paid those bills. The complaint is against a provisional revision bill for Rs. 219230/- dated 1/8/2024 received by the complainant wherein it is stated that

FR on 2/10/2023-629.

2/6/2024-23080

Consumption ---- 22541 units/4 bills

ie 5612.75 units per bill

Total calculated amount.....Rs. 223800.00 (Calculations are not explained)

Already paid amount Rs. 4570/-

To be paid Rs. 219230/-

If the consumption increased to the above level during the period from 2/10/2023 to 2/6/2024, there was no reflection of the said consumption in the periodical bills issued during that period which were paid by the consumer in time. There was no explanation in the demand regarding the secret of the alleged high consumption. There was a statutory duty on the part of the licensee to explain the arrear bill so that ordinary consumer can understand the details of the huge demand. No explanation was given by the consumer as to why the said huge consumption was not reflected in the periodical bills.

On getting information regarding the higher consumption, the complainant doubted the correctness of the meter and requested the licensee to test the meter. After submitting application for testing the meter, the meter was removed for testing by the KSEB staff themselves in the absence of consumer/owner/occupier without preparing any document with sign and signature of the consumer/owner/occupier. No notice as provided under Regulation 115 (5) of the Electricity Supply code was given to the consumer. The said provision reads as *"Before testing a meter of the consumer, the licensee shall give an advance notice of three days, intimating the date, time and place of testing so that the consumer or his authorized representative can*

at his option be present at the testing" Regulation 115(6) says that *the testing shall be done within a maximum period of thirty days from the receipt of the application.* Regulation 115(7) says that *"The consumer or his authorized representative and the representative of the licensee present during testing shall affix their signature on the test report issued by the authorized officer of the laboratory as a token of having witnessed the testing"* Without following any of the above mentioned legal procedure, the meter testing was done and later a letter No BB/AN/2023-24/60 dated 1/8/2024 was issued by the Assistant Engineer. The copy of the above letter along with provisional bill dated 1/8/2024 for Rs. 219230/- was not served on the consumer/owner/occupier till 19/12/2024, on which date the copy of the above letter and bill were directly served in the consumer premises. Then only the consumer/owner/occupier came to know that the meter was tested and that the meter was working properly during the relevant period. It may be noted that the above letter states that the meter is working properly and the alleged excess consumption occurred due to earth leakage in the premises. The above letter also demanded the consumer to pay the provisional bill dated 1/8/2024 for Rs. 219230/- towards the alleged excess consumption.

In such circumstances the consumer approached Sub Division level IGRC-1. Before the IGRC-1, the licensee explained that during the period from 12/2023 to 4/2024, high consumption was recorded in the meter and "door lock" was recorded. This explanation was surprising. If higher consumption was noticed in the meter, the meter reader ought to have informed the matter to the complainant and the concerned Section office. The complainant was readily available and was paying periodical bills without any default. According to Regulation 110(7) and (8) of the Electricity Supply Code, it shall be the duty of employee of the licensee or the person duly authorized by the licensee to check the condition of light emitting devices on electronic meters. In case the LED indicator for earth leakage provided in the electronic meters is found to be ON, he shall inform the consumer that there is leakage in the premises and advise the consumer to get the wiring checked and leakage removed. It is submitted that the meter reader never informed the consumer or his representative regarding any such leakage during the relevant period. In the absence of any such information it is crystal clear that there was no earth leakage in the premises.

The consumer/owner of the premises was not absconding. No information in this regard was served by the KSEBL staff to the consumer/owner or the occupier at any point of time. The contention that registered notice was sent to the consumer and the same was returned unserved on 27.11.2024 makes no sense at all. After doing all the illegalities without notice to the consumer/owner or occupier on or before 1/8/2024, there is no meaning in sending registered notice in November 2024. This can be considered only as

an attempt to make some evidence to show that the consumer could not be contacted. Even if the consumer could not be contacted, the owner/occupier could be contacted.

However, the IGRC 1 closed the complaint observing that the consumer is liable to pay the bill dated 1/8/2024 for Rs. 219230/- for the reason that the meter is found correct during testing which was done in an illegal manner without following the procedure prescribed under law. The complainant filed complaint dated 4.2.2025 before the IGRC 2 Electrical Circle, Perumbavoor. They referred the complaint to the CGRF Ernakulam. The CGRF as per Order No CGRF-CR/OP No 117/2024-25 40 dated 29/4/2025 agreed with the argument of the complainant that the meter was taken without complying with the relevant Supply Code Regulations. The Forum also took serious view of the licensee who has repeatedly issued average bills without complying with the relevant regulations and kept in abeyance the assessment bill issued by the licensee. Thereafter the CGRF issued strange and shocking direction that the meter must be retested in KSERC approved lab further directed that the bill shall be revised based on the test result and the in presence of both parties within 15 days and billing data must be downloaded and complainant shall be granted maximum installments for its remittance. The complainant is seriously aggrieved by the above direction, and hence this complaint on the following.

The order dated 29.4.2025 issued by the Consumer Grievance Redressal Forum is illegal, arbitrary, unjust, unreasonable and is liable to be set aside by the Ombudsman. The CGRF agreed with the contentions raised by the complainant that the meter was taken without complying with the relevant Supply Code Regulations. The Forum also took serious view about the licensee who has repeatedly issued average bills without complying with the relevant regulations and kept in abeyance the assessment bill issued by the licensee. Thereafter the CGRF issued a strange and shocking direction that the meter must be retested in KSERC approved lab in presence of both parties within 15 days and billing data must be downloaded and further directed that the bill shall be revised based on the test result. It is respectfully submitted that the Forum ought to have found that the purpose of taking possession of meter in the presence of the consumer and preparation of mahazer for the same was to ensure that the status of the meter is not changed by anybody and also to ensure the testing of the meter in the exact status in which the meter existed in the consumer premises. The illegal manner in which the meter was removed and tested destroyed the entire statutory safeguards which cannot be restored. The meter remained in the illegal custody of the licensee after it was taken away and they have manipulated the meter status as they like and now there is absolutely no meaning in testing that manipulated meter. The CGRF ought to have allowed the case of the complainant by setting aside the

impugned assessment for the reason that the meter was unilaterally taken away and tested in the absence of the consumer.

The meter was taken away from the consumer premises by the licensee in the absence of the consumer and another meter was placed. Thereafter there is absolutely no problem of excessive consumption and the readings are periodically taken and the consumer is paying the meter charges. The consumer never done any repairing works in the premises and hence the problem was not related to earth leakage. Complainant reserves his right to raise all his contentions at the time of personal hearing of the case.

It is humbly requested that the Ombudsman may be pleased to set aside the Order No CGRF-CR/OP No 117/2024-25 40 dated 29/4/2025 issued by the CGRF Ernakulam, to cancel the assessment bill dated 1/8/2024 for Rs. 219230/-issued by the Assistant Engineer, Electrical section office, KSEBL Aluva North and to allow this petition.

Arguments of the Respondent

The petitioner, Smt. Simi Shaji Panickar, is a consumer under Electrical Section, Aluva North having consumer no. 1155688022548. This connection is registered in the name of Smt. Lakshmi Sukumaran, Indeevaram, Ernakulam. Following the high consumption noticed during meter reading, for the month of for the month of 12/2023, 2/2024 and 4/2024, bill was given on average consumption and this information has been communicated to the occupier of the house. Many attempts were make to inform owner of the building about this matter, but only the address and phone number of the old owner were available in this office, because the present owner of the building not changed the ownership.

The meter needed to be tested to ascertain whether the high consumption recorded on the meter is due to earth leakage etc at the consumer premises or due to meter malfunction. The complainant applied for meter testing on 22.04.2024 The final reading of the meter on that day was 23080. The meter send to TMR Angamaly for testing on 23.04.2024.

This meter test is done as per the request of the consumer. Licensee and has no doubt about the accuracy of the meter. According to the meter test result, this meter is accurate and as per downloaded data from 1.11.2023 high consumption was recorded. As the accuracy of the meter is ensured during the testing, and the bill prepared based on the reading and the consumer is liable to pay the bill. In case of doubt regarding the meter testings, the consumer can request for testing in NABL Accreditation lab as per Kerala

Electricity Supply Code 2014, regulation 115(1). But the consumer not submitted any application for the same. The Hon'ble CGRF directed to retest the meter in KSERC approved lab and billing data must be downloaded. But the consumer not willing for the retest. Hence bills are revised based on the available downloaded data. Copy of the bills are hereby attached.

It is the duty of the consumer to maintain his premises from earth leakage etc. The fact that the bill was received late cannot be considered as a sufficient reason for non payment of the bill. Hence it is humbly requested that this complaint may be dismissed and the consumer be directed to pay the bill.

Counter Arguments Filed by the Petitioner

The complainant herein purchased the consumer premises from Lakshmi Sukumaran as per registered sale deed No. 3744/1/ 2022 dated 15.12.2022 of Sub Registrar office, Aluva. Complainant is also having ownership certificate dated 13.7.2023 and Tax receipt issued by Aluva Municipality She is also paying periodical property tax in respect of the consumer premises. The Electricity Board supplied energy to the consumer premises even after the complainant purchased the premises and the complainant was regularly paying the electricity charges. The Board has no case that the complainant failed to pay any electricity bill other than the disputed bill.

In this case the complainant disputed the arrear bill before the dispute Redressal mechanism of the Board. The first authority namely IGRC having Chairperson the Assistant Executive Engineer Electrical sub Division Aluva Town and two members issued Order No DB24/complaints/ESD-ALV/2024-25/190 dated 20.1.2025 rejecting the complaint of the complainant and further directing that appeal can be filed before the IGRC Level II. Accordingly the complainant filed appeal before the IGRC Level II and that authority conducted a hearing on 15/3/2024.

Since the IGRC II failed to settle the dispute they referred the matter to the concerned CGRF under Regulation 7(5) of the KSERC Consumer Grievance Redressal forum and Electricity Ombudsman Regulations. As per Regulation 17(3) of the KSERC Consumer Grievance Redressal forum and Electricity Ombudsman Regulations, the CGRF is legally bound to deal with the matter so referred. The CGRF considered the complaint and issued Order NO CGRF-CR/OP No 117/2024-25 40 dated 29/04/2025 with certain directions which are not satisfactory to the complainant. It is stated in that order that if not satisfied with the order, the complainant can approach the Ombudsman with an appeal within thirty days. This complaint is filed in the above mentioned circumstances. The averments in paragraph 4 to 8 of the complaint are not disputed by the Assistant Executive Engineer. In the above circumstances the prayers in the complaint may be allowed and the impugned demand may be.

Analysis and findings

The hearing of this appeal petition was conducted on 15/07/2025 at 02:30 p.m. in the O/o State Electricity Ombudsman, D.H Road, Near Gandhi Square, Ernakulam (dt). The hearing was attended by the appellant's representative Adv. Jose J Matheikkal and the respondent's representative Sri.Ravindran V.P, Assistant Engineer, Electrical Section, Aluva North, Ernakulam (Dist.)

This petition is an appeal petition against the order CGRF dated 29/04/2025 in connection with domestic connection with consumer no. 1155688022548. The registered consumer of this connection is Smt. Lakshmi Sukumaran but the owner of this apartment is Smt. Simi Shaji Panicker. This apartment is given on rent to another party who is the occupant at present. A piece of land measuring 2.83 Acres in old survey no.213/1A in Aluva village was purchased by G.Sukumaran from Smt. Amminikkutty Thampuram during 1993 and Shri. G.Sukumaran had given this land to his daughter Smt. Lakshmi Sukumaran. The property was in the name of Smt. Lakshmi Sukumaran and the power of attorney was with her father G.Sukumaran. They had constructed an apartment building consists of 5 flats. The flats are numbered as GA (Ground Floor) 1A, 1B(First Floor) and 2A, 2B in this Second floor. Out of this flat 2 B is purchased by Smt. Simi Shaji Panicker on 15/12/2022 through a sale deed. Smt. Simi Shaji has not taken any action to transfer the connection to her name. The registered address & contact details in the data maintained by the Licensee is of Smt. Lakshmi Sukumaran.

This flat was rented out to another party who is the occupant at present. The meter reader noticed abnormal reading in the energy meter during the months 12/2023, 02/2024 & 04/2024. As this reading was vary high the meter reader informed the occupant and bill was generated based on the average consumption of previous months. The consumer applied for testing of this meter on 22/04/2024 and the Licensee has send for testing on 23/04/2024.

The contention by the petitioner is that the meter is not tested in presence of the consumer and the consumer was not informed about the testing.As the address and contact details are of the owner of the land, and the details are not updated by the present owner, this argument is not having any stand. The respondent produced the copy of the letter which was sent to the registered consumer and had been returned mentioning that "No such person in the address".

Here in this case the main contention is about the high reading recorded by the consumer meter. What are the reason which attributes to the high reading.

1. Faults in the meter
2. Actual consumption by connecting heavy load
3. Earth fault between the meter to main distribution board.

The first case could be about the accuracy of the meter. The has been tested as per the request of the consumer. The procedure for testing the meter is elaborated in the regulation 115 of the State Electricity Supply Code.

115. Procedure for testing of meter.-

(1) The meter shall normally be tested in the laboratory of the licensee, approved by the Commission.

(2) In case the licensee does not have a testing facility approved by the Commission, or if so desired by the consumer, the meter shall be tested at any other laboratory accredited by the National Accreditation Board for Testing and Calibration Laboratories (NABL).

(5) Before testing a meter of the consumer, the licensee shall give an advance notice of three days, intimating the date, time and place of testing so that the consumer or his authorised representative can, at his option, be present at the testing.

(6) The testing shall be done within a maximum period of thirty days from the receipt of the application.

(7) The consumer or his authorised representative and the representative of the licensee present during testing shall affix their signature on the test report issued by the authorized officer of the laboratory as a token of having witnessed the testing: Provided that the licensee and the consumer shall be eligible to get a copy of the test report which shall be despatched to them within two working days of the date of testing, if not delivered in person at the time of affixing their signature.

(8) If a consumer disputes the result of testing at the laboratory of the licensee, the meter shall be got tested at a laboratory selected by the consumer from among the laboratories accredited by the National Accreditation Board for Testing and Calibration Laboratories (NABL).

Here the Licensee has tested the meter in NABL accredited Lab of Licensee. The consumer or his representative was not available for witnessing the test. The Licensee had the contact details of the registered consumer and the contact details of present owner was not provided to the Licensee. As such the explanation of Licensee could be accepted. They have produced a copy of the letter which was returned mentioning that the such person is not in the address. During the hearing it is enquired whether the consumer would like to opt for retesting of meter as per regulation 115(8) and the petitioner have not agreed for the same. It is the responsibility of the owner to transfer the

connection into her name and also to update the contact details. Though the property has not effected till date. The regulation 91 of the State Electricity Supply Code 2014 deals with the transfer of service connection

91. Transfer of service connection.-

(1) The consumer shall not, without prior consent in writing of the distribution licensee, assign, transfer or part with the benefit of the service connection agreement executed with the distribution licensee, or part with or create any partial or separate interest thereunder in any manner.

(2) The service connection may be transferred to another person on transfer of ownership or occupancy of the premises, by filing an application in the format specified in Annexure - 8 (reapproved on 26/10/2016 as Annexure IV) along with the required documents in support of the request: Provided that such transfer shall not entitle the applicant to require shifting of the connection from the present premises.

(3) The transferee shall pay the required security and execute a fresh service connection agreement.

This regulation is very clear about the responsibility of the consumer to transfer of connection before assigning the benefit of the service connection agreement. The second factor which leads to heavy consumption is by connecting a heavy load to this connection at the meter box or any part of the downstream of distribution system after the meter. This could not been ascertained by either Consumer or Licensee.

The third option is the earth fault occurred in between Meter board to Distribution board. If ELCB is not provided in the circuit the earth fault after the DB also could be a reason. The consumer has not provided any inputs about the existence of ELCB in the circuit or checking of circuit of the residential connection for earth fault. Whether the reading has become normal after the rectification of the wiring defect also not been informed. However the meter is tested and found accurate. Though the consumer representative was not available, as the meter tested in an NABL accredited Lab, the result should be reliable. Then the Licensee is empowered to recover the current charges as per regulation 134 of the State Electricity Supply Code 2014.

134.(1) *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 a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill.*

Here the Licensee had established through the meter reading that the consumer was under charged. The reasonability of the meter reading has

been established through testing of the meter. In view of the above, the consumer is liable to pay the bill raised by the Licensee.

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 consumer is liable to pay the short assessment bill raised by the Licensee.
2. The Licensee shall sanction 12 monthly installments for making the payment without any interest/surcharge.
3. The petitioner has to take immediate steps to transfer the connection to her name.
4. No other costs ordered.

ELECTRICITY OMBUDSMAN

No. P/040/2025/ dated: 04/08/2025.

Delivered to:

1. Smt. Simi Shaji Panicker, Leena Bhavanam, Kandachire, Perinad, Kollam (Dist.)
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Aluva Town, Ernakulam (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 kb substation compound, HMT Colony P.O, Kalamassery - 683503

