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APPEAL PETITION No. P/023/2020  
(Present: A.S. Dasappan)  
Dated: 17<sup>th</sup> September 2020

Appellant : Sri. Somasekharan T K  
Sopanam House, Naderi P.O.,  
Koyilandy, Kozhikode

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division, KSEBL,  
Koyilandy North, Kozhikode.

### **ORDER**

#### **Background of the case:**

The appellant, Sri. Somasekharan T K is a domestic consumer having consumer no.1166191011990 under Electrical Section Koyilandy North. Average bills were issued on 13-11-2019 and 13-01-2020 to the appellant for 378 units with 'DL status'. The appellant was aggrieved by the bills issued for the average consumption recorded as 378 units bimonthly had approached the CGRF, Kozhikode by filing a petition in OP 143/2019-20. The Forum disposed of the case by ordering that the average of 3 billing cycles succeeding the meter replacement i.e., 05/20, 07/20 and 09/20 is to be computed and excess amount if any is seen remitted by customer shall be refunded, vide order dated 17-06-2020. Against the decision, the appellant has submitted this appeal petition before this Authority on 03-07-2020.

#### **Arguments of the appellant:**

The appellant has adduced the following arguments in his appeal petition.

The appellant is a consumer of KSEB Koyilandy North Section who uses the electricity judiciously. He has been charged an excess bill due to 'DL status' and charged for average of last 3 months usage (378 units Rs. 1985.00) on 13/11/2019, following this the appellant photographed the meter on 14/11/2019, it was reading 11679. The respondent informed that the 'DL status' may be due to power failure at the time of person taking the reading and they asked appellant to remit the bill amount and it will get adjusted in the next bill, and also the

respondent assured that the meter will be checked, accordingly the amount was remitted on 22/11/2019.

Again on 13/01/2020, the appellant has received another bill of same amount with display status DL. When contacted KSEB office the respondent again said that the meter will be checked and if needed, it will be changed and the bill will be adjusted. The appellant has again remitted Jan 2020 bill without any adjustment by fearing disconnection. Again, the appellant checked the meter and it was working. Finally, the meter was replaced on 27/01/2020 with repeated complaint. After replacing the meter, the appellant contacted Assistant Engineer, KSEB for bill adjustment and they said that while replacing the old meter they did not note down the old reading hence, it cannot be adjusted. Accordingly, the appellant has given a written complaint to Asst. Engineer KSEB Koyilandy North on 29/01/2020 and online complaint 23118005633 dated 04/02/2020. The Assistant Engineer, KSEB Koyilandy had not given any reply unless the appellant complained to CGRF on 14/02/2020 and received KSEB reply on 11/03/2020.

CGRF in their order No. OP 143/2019-20/44 dated 17/06/2020 has agreed that the average consumption per day based on actual reading is 4.3 units, so the argument of the appellant is valid and the licensee failed to produce any documentary evidence to prove that the old meter is faulty. And also, from meter status for Nov 19 and Jan 20 is shown as working. In view of the above findings the verdict is, that the average of 3 billing cycles succeeding the meter replacement i.e., 05/20, 07/20 and 09/20 is to be computed and excess amount if any is seen remitted by customer shall be refunded.

Under lockdown period due to COVID 19 pandemic, average consumption of every household is higher than usual, and in the case of appellant, it is all time high. For the month of May 2020, the appellant was charged for 473 units. The appellant's two sons are studying at home with online classes and all family members are at home most of the time. So, during lockdown period the average of all the 3 bills mentioned above will be more than the amount remitted and thus knowingly favoring KSEB.

The appellant requests to consider his case as genuine and do the needful.

Nature of relief sought: -

1. KSEB have note down the meter reading while replacing the meter which they have denied earlier and reflected in Mar 2020 bill. In the same bill they have mentioned the old meter reading which they could take on Sep 2019 i.e.,  $11856 - 11434 = 422$  units ( $11679 - 11434 = 245$  units and  $11856 - 11676 = 177$  units ( $245 + 177 = 422$  units). Therefore, Nov 2019 and Jan 2020 bills can be prepared for 245 units and 177 units.

OR

2. The bill preceding Nov 2019 and succeeding Jan 2020 shows the appellant's average consumption per day is  $(257/60 = 4.28$  &  $200/46 = 4.34$ ); 4.3 units which is agreed and noted in their order by CGRF. Therefore, bills can be prepared for 4.3 units x 60 = 258 units for Nov 2019 & Jan 2020.

**Arguments of the respondent:**

The petition P-023/2020 is filed by Sri. Somasekharan T K having consumer no.1166191011990 under Electrical Section Koyilandy North. The facts of the case is as detailed below.

The appellant was given 2 average bills on 13-11-2019 and 13-01-2020 as there was no display in the meter when the meter reader went for taking reading. The average bill were given as per the provisions in regulation 125 (1) of the Kerala Electricity Supply Code 2014. The average bills of 378 units for Rs. 1985/- was computed by taking consumption of past 3 billing cycles for 378 units.

$$\frac{434+444+257}{3} = 378 \text{ units}$$

As per the report of the Meter reader, overseer inspected the meter and found faulty. Hence a new meter was installed to the appellant on 26-01-2020 itself. The appellant challenged the average bills issued to him before the CGRF Kozhikode (NR) by filing OP No. 143/2019-20. The CGRF has considered the matter in detail and issued order dl. 17-06-2020 with a decision to wait up to billing cycle 9/20 and verify the consumption and take action based on that by taking average of the 3 billing cycles succeeding the meter replacement i.e., 5/20, 7/20 and 9/20.

Meter reading for a complete billing cycle after installation of new meter on 26-01-2020 was taken on 14-05-2020 for the period from 11-03-20 to 14-05-20, shows a consumption of 471 units. Next bimonthly reading was taken on 14-07-20 and found that the meter displayed a reading of 1067 units. Hence, the consumption of the appellant for the period from 14-05-20 to 14-07-20 is 396 units. On comparing the above, it is clear that the appellant is always having bimonthly consumption above 300 units. The Board has not claimed any excess amount from the appellant. Moreover, the Board has granted COVID subsidy of Rs.156 on 07-07-20 for the lockdown period.

The appellant himself has stated in his complaint dt 29-01-20 that the status of meter is not always working, it flashes with 88888888 and some time it reads correctly. The meter showed display in certain voltage only, which cannot be relied upon. So average bills were issued to him as per regulations 110 and 125 of Kerala Electricity Supply Code 2014.

The appellant has filed this petition fully misrepresenting the facts. He is trying to make the Board revise the bill in such a way beneficial to him contradicting to the rules and regulations followed by the Board.

**Analysis and Findings: -**

An online hearing of the case was conducted on 25-08-2020, at 1.30 P.M. as per prior information to both the appellant and respondent and with willingness of them. Sri T.K. Somasekharan, the appellant attended in the hearing and Sri. C. Gopalan, Assistant Executive Engineer, Electrical Sub Division,

Koyilandy North 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 appellant was given two bi monthly spot bills in 13-11-2019 and 13-01-2020 for 378 kWh each stating that the premise was under 'Door Lock status'. The appellant remitted the amount. The request of the appellant is to refund the amount excess over recorded consumption. It is found in the records that the meter reading on 16-09-2019 is 11434, 13-11-2019 is 11434 and 13-01-2020 is 11434. The respondent replaced the meter on 26-01-2020 stating that the display is not visible. But in the bill dated 11-03-2020, the final reading on 26-01-2020 is noted as 11856. The appellant has submitted two photographs dated 14-11-2019 and 26-01-2020 of the energy meter in which the reading can be read as 11679 and 11856 units respectively. The respondent calculated the average as 378 units for a bimonthly by taking the average of the previous 3 spot bills and issued spot bills on 13-11-2019 and 13-01-2020.

The CGRF in its order No. OP 143/2019-20/44 dated 17/06/2020 has agreed that the average consumption per day based on actual reading is 4.3 units, and held that the licensee failed to produce any documentary evidence to prove that the old meter is faulty. In view of the above findings the verdict of CGRF is that the average of 3 billing cycles succeeding the meter replacement i.e., 05/20, 07/20 and 09/20 is to be computed. But the appellant aggrieved by this decision of CGRF, submitted this appeal petition on the following grounds. It is stated that under lockdown period due to COVID 19 pandemic, average consumption of every household is higher than usual, and in the case of appellant, it is all time high. For the month of May 2020, the appellant was charged for 471 units. According to the appellant, two sons are studying at home with online classes and all family members are at home most of the time which caused high consumption during the period.

As per the respondent the meter was not tested for any defectiveness and changed due to the non-display of readings. No site mahazar was prepared substantiating their contentions while changing the meter on 26-01-2020. The respondent has not furnished an explanation regarding the final reading 11856 furnished in the bill and reading history since he argued that the display is not visible. Further the respondent failed to answer why the meter was not changed on 13-11-2019 noting the same reading 11434 of 16-09-2019. Though the meter was replaced on 26-01-2020, the respondent stated that the final reading on that date was not recorded by him. But in the bill dated 11-03-2020, the final reading on 26-01-2020 is noted as 11856 by the respondent. As per the photographs of the energy meter produced by the appellant, the readings in the meter are clearly visible and the readings on 14-11-2019 and 26-01-2020 are 11679 and 11856 respectively and the appellant claimed that the meter was working properly.

It is found that the respondent has not followed the required procedures as per rules while replacing a defective meter. Further the argument of the respondent regarding the non visibility of the meter display is also not convincing,

since the bill issued by him on 11-03-2020 itself showed reading 11856 units on 26-01-2020. Considering the above facts, the appellant shall be billed based on the actual consumption recorded in the meter and the excess amount collected shall be refunded.

**Decision:-**

From the analysis done above and the conclusions arrived at, this Authority takes the following decisions.

The respondent shall revise the bills issued on 13/11/2019 and 13-01-2020 based on the actual consumption for 245 units and 177 units respectively and the excess amount already remitted by the appellant shall be adjusted in his future bills.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is found having merits and is allowed to this extent. The order of CGRF, Northern Range, Kozhikode in Petition No. OP 143/2019-20 dated 17-06-2020 is set aside. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/023/2020 \_\_\_\_\_ dated \_\_\_\_\_.

Delivered to:

1. Sri. Somasekharan T K., Sopanam House, Naderi P.O., Koyilandy, Kozhikode
2. The Assistant Executive Engineer, Electrical Sub Division, KSEBL, Koyilandy North, Kozhikode

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 Ltd, Gandhi Road, Kozhikode