

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/035/2020
(Present: A.S. Dasappan)
Dated: 12th January 2021

Appellant : Sri. Manoharan K.P.,
Panjakshari
Narasimhapuram,
Kanjikode West P.O.,
Palakkad – 678623

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Kanjikode, Palakkad

ORDER**Background of the case:**

The petition pertains to Consumer No.1165281021080 in Kanjikode Section. The appellant Sri. Manoharan K.P. received an electricity bill for Rs.2,868/- on 03.06.2020 including the period of Lockdown. The premises is being used for domestic purpose and connected load is 3 KW. The appellant filed a petition before the Consumer Grievance Redressal Forum, Northern Region, Kozhikode and registered as OP No. 43/2020-21 and the Forum issued order in favour of KSEB Ltd. Aggrieved on this, the appellant filed this appeal petition vide No. P035/2020 before this Authority on 12-11-2020.

Arguments of the appellant:

The appellant received an electricity bill for Rs.2,868/- on 03-06-2020 for the energy consumption of previous months following 'Lockdown'. The consumption for four months from February 2020 to 03-06-2020 is 780 units and KSEB's version is that the bill was prepared bimonthly basis. But the bill had to be prepared on monthly basis as per tariff order. The consumption of 780 units is for 4 months and hence, the monthly consumption is 195 units. The bill had to be prepared taking 195 units as monthly consumption.

The respondent billed the appellant denying benefit of the tariff order. The respondent issued bill on 03-06-2020 anticipating the energy consumption up to 06-06-2020. If the respondent had taken the consumption till 03-06-2020, the date of meter reading, the consumption would be definitely less than the billed units.

The request of the appellant is to reassess the bill as argued by him.

Arguments of the respondent:

The one and only argument of the appellant is that he was charged at higher rate of tariff during the lock down period when this licensee could not take meter readings as instructed by the Government. The appellant points out that instead of calculating his bill amount on monthly basis, his bill was calculated on bimonthly basis which resulted in telescopic calculation of rates resulting in higher bill. It is submitted that this is not true. The contention of the appellant that as per Tariff Order, the electricity bill should be calculated as per monthly consumption, is true. Bimonthly readings are taken as per administrative convenience of this licensee. But even if bimonthly readings are taken, the calculation of energy charges are based on monthly slabs.

During lock down period this licensee could not take readings of the appellant premises in order to curtail the spread of the pandemic. As per Regulation 124 clause (1) of the Supply Code 2014, “ *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*”. Clause (3) of the above Regulation stipulates that “ *the provisional bills shall be adjusted on the basis of subsequent actual meter readings*”.

Accordingly, due to the inability to take meter reading in 4/2020, the appellant was provided with a provisional bill of ₹1,320/- based on the average consumption of the previous three billing cycles i.e. 282 units. When the meter reading was taken on 03/06/2020, the total units in the meter was found to be 780 units. Indeed, the reading was for a period of 4 months from 02/2020. Hence the bimonthly consumption for the two cycles were taken as 390 units. The appellant believes that calculation on monthly rests will save much for him. A comparative calculation of energy charges component of the bill on a bimonthly calculation of 390 units and a monthly calculation for 195 units (390/2) are given below:

Bimonthly calculation(390 units)

<u>Units</u>	<u>Rate ₹</u>	<u>Calculation</u>	<u>Amount</u>
<u>First 100 units</u>	<u>3.15</u>	<u>100 x 3.15</u>	<u>315.00</u>
<u>Next 100 units</u>	<u>3.70</u>	<u>100 x 3.70</u>	<u>370.00</u>
<u>Next 100 units</u>	<u>4.80</u>	<u>100 x 4.80</u>	<u>480.00</u>
<u>Balance 90 units</u>	<u>6.40</u>	<u>90 x 6.40</u>	<u>576.00</u>
<u>Total for 390 units for 2 months</u>			<u>1741.00</u>

Monthly Calculation (195 units)

<u>Units</u>	<u>Rate</u>	<u>Calculation</u>	<u>Amount</u>
<u>First 50 units</u>	<u>3.15</u>	<u>50 x 3.15</u>	<u>157.50</u>
<u>Next 50 units</u>	<u>3.70</u>	<u>50 x 3.70</u>	<u>185.00</u>
<u>Next 50 units</u>	<u>4.80</u>	<u>50 x 4.80</u>	<u>240.00</u>
<u>Balance 45units</u>	<u>6.40</u>	<u>45 x 6.40</u>	<u>288.00</u>
<u>Total for 195 units for 1 month</u>			<u>870.50</u>
<u>Total amount for 2 months 870.50 x 2=</u>			<u>1741/-</u>

From the above table, it can be assured that the appellant loses nothing when his bill was calculated on bimonthly basis. The appellant was not charged telescopic calculation as alleged. The appellant was not charged Rs. 5.80 or Rs. 6.60 as stated by him. These rates are applicable only for those who consumes more than 250 units of energy per month or 500 units per bimonthly. The appellant has mistaken the calculation and hence, this petition. Fixed charge, Duty fuel surcharge is added to the energy charges and bills are issued.

In spite of the COVID-19 situation and financial stringency, this licensee has taken a very lenient approach to consumers who are badly affected by the Pandemic situation and as per B.O dated 25/06/2020 decided to provide subsidy as detailed below:

- i) To allow a subsidy of 50% on additional amount in the bills issued from 20th April 2020 to 19th June 2020 over the bill amount corresponding to their average consumption for domestic consumer having their average monthly consumption up to 50 units.
- ii) To allow a subsidy of 30% on additional amount in the bills issued from 20th April 2020 to 19th June 2020 over the bill amount corresponding to their average consumption for domestic consumer having their average monthly consumption up to 100 units.

- iii) To allow a subsidy of 25% on additional amount in the bills issued from 20th April 2020 to 19th June 2020 over the bill amount corresponding to their average consumption for domestic consumer having their average monthly consumption up to 150 units.
- iv) To allow a subsidy of 20% on additional amount in the bills issued from 20th April 2020 to 19th June 2020 over the bill amount corresponding to their average consumption for domestic consumer having their average monthly consumption above 150 units.
- v) To consider the bill amount for the period from 20/04/2020 to 19/06/2020, exclusive of any door lock adjustment prior to lock down period, previous arrears, assessments, etc. for the purpose of arriving at differential amount and subsidy amount.

Since the monthly consumption during the period (20/04/2020 to 19/06/2020) as per the bill dated 03/06/2020 is 195 units and hence the complainant is eligible for a COVID Subsidy as per clause(iv) in para 6 above i.e. at the rate 20% of the differential amount. The COVID subsidy thus calculated comes to ₹384/- which has been credited to the account of the appellant on 28/07/2020 vide Rt. No.65280200728403287. An amount of ₹130/- also has been credited to the account being the interest on Security Deposit.

The averment of the appellant that electricity duty is applicable only to those consumers having monthly consumption above 250 units is wrong and hence denied. Electricity duty @10% of energy charge is applicable to all consumers irrespective of their consumption.

It is submitted that no undue amount is collected from the appellant towards current charge, duty, etc. All the averment in the complaint are false and frivolous. This licensee is bound to obey the order of the KSERC and hence applied the billing uniformly throughout the state using ORUMANET billing software. The method of calculation is strictly in accordance with the directions of the regulator. This complaint arose due to the failure of the appellant to understand the rate applied for the bill which was explained in the previous paras. Hence, it is submitted that the complaint may be dismissed.

Analysis and findings:

An online hearing was conducted at 11 AM on 29-12-2020 with prior intimation and willingness of both the appellant and the respondent. Sri. K.P. Manoharan, the appellant and Sri. K. Rajesh, Assistant Executive Engineer, Electrical Subdivision, Kanjikkode from the respondent's side attended the

hearing. On examining the appeal petition, the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

The appellant's version is that the respondent issued electricity bill on 03-06-2020 for 780 kwh, which is the energy consumption taken in anticipation for 4 months till 06-06-2020. If the respondent had issued the bill for the consumption up to 03-06-2020, the consumption definitely be less than 780 kwh and hence, a reduction in the bill amount. The appellant suspected revenue loss due to the method of billing. Another argument of the appellant is that the respondent billed the consumption on bimonthly basis, which is against the tariff order.

The respondent's version is that they had taken the meter reading on 03-06-2020 and date of previous reading is 05-02-2020. There is no anticipation of consumption till 06-06-2020. Further, the respondent pointed out that the bill was prepared on bi-monthly basis strictly in accordance with the monthly rate contained in the tariff order. The consumption from 02-04-2020 to 03-06-2020 is 780 kwh and the respondent had taken 390 kwh as the bimonthly consumption. Though bimonthly reading was taken for the administrative convenience of KSEB Ltd., the billing was done on monthly basis. The benefit of each slab of tariff order had been given to the appellant.

In the hearing, the appellant did not press their contention of higher unit rate taken for the billing. But argued that if the respondent had taken the consumption as on 03-06-2020, reduction of bill amount could have been done.

This authority verified the date of meter readings taken by the respondent from October 2019 to December 2020. The meter reading date prior to 04-08-2020 are 03-06-2020 and 05-02-2020. The consumption from 05-02-2020 to 03-06-2020 is taken by the respondent as two bimonthly consumption and the disputed bimonthly bill was prepared as per the monthly rate. Here the appellant was given the benefit of tariff order in the bimonthly bill. Hence, the appellant has no revenue loss. The respondent had only acted in accordance with the tariff order. The appellant's requirement for exemption from imposing 10% electricity duty to the energy charge cannot be allowed as electricity duty is payable by all the consumers using electricity at telescopic or non-telescopic rate as per tariff order.

Decision: -

From the analysis done and conclusion arrived at, I take the following decision.

There is no revenue loss to the appellant by the way of period of meter reading and method of billing done and hence, decide to upheld the order issued by the CGRF, Northern Region, Kozhikode in OP No.43/2020-21 dated 30-09-2020. The appeal is devoid of any merit and hence, dismissed.

Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/035/2020/_____ dated _____.

Delivered to:

1. Sri. Manoharan K.P., Panjakshari, Narasimhapuram, Kanjikode West P.O., Palakkad – 678623
2. The Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Kanjikode, Palakkad.

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