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APPEAL PETITION No. P/008/2021  
(Present: A.S. Dasappan)  
Dated: 12<sup>th</sup> July 2021

Appellant : Sri. Kurian Jacob  
Puthenkalathil House,  
Thiruvathukkal,  
Kottayam Dist.

Respondent : Asst. Executive Engineer,  
Electrical Sub Division, KSEB Ltd.,  
Kottayam Central, Kottayam Dist.

### **ORDER**

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

The appellant is a three-phase consumer of Electrical Section, Kottayam Central with consumer No. 1146342018192 with connected load of 9111 watts and tariff allotted is LT I A. The appellant was billed bimonthly up to 03-02-2020 and reading could not be taken in April 2020 due to COVID-19 lockdown and hence, issued bill for Rs.2,828/- taking the average of the previous consumption as 468 units. On 03-06-2020, meter reading was taken and found consumption for two bi-months from 03-02-2020 to 03-06-3020 as 1363 units and issued two bills for Rs.5,263/- & Rs.5265/-. The previous bill for Rs.2,828/- was not remitted by the appellant. Aggrieved by the issuing of bills, the appellant approached CGRF, Southern Region, Kottarakkara vide OP No.78/2020 and the Forum in its order dated 18-01-2021, directed the respondent to install a calibrated meter for ascertaining the accuracy of the meter and found the appellant is liable to pay the bill. Not satisfied with the decision of the Forum, the appellant filed this appeal petition before this Authority on 04-02-2021.

**Arguments of the appellant:**

The appellant was aggrieved by an exorbitant bill of Rs.10,274/- issued on 03-06-2020. The appellant had been receiving bimonthly electricity bills below the range of Rs.5,000/-. The appellant contended that only two senior citizens were using electricity on the above mentioned consumer number. Thus, the amount is excess and needed to be verified. The version of the respondent is that, due to COVID-19 lockdown, meter reading could not be taken in the premises during 04/2020 and the appellant was issued an average consumption bill of Rs.2,828/- for 468 units. The meter reading was taken on 03-06-2020 and the total consumption for 2 billing cycles 04/2020 and 06/2020 was 1363 units. When divided into two, the consumption for 4/2020 was 682 units and 06/2020 was 681 units amount to Rs.5,263/- and Rs.5265/- respectively and the increase in consumption may be due to stay at home in the lockdown period. Again, when the meter reading was taken on 03-08-2020, the consumption reduced to normal 418 units amounting to Rs.2,372/-. The appellant has not paid the bill amount of Rs.10,274/- and arrear is pending against the appellant. Hence, the respondent requested the Forum to dismiss the case and direct the appellant to pay the arrears.

Even after the petition, the appellant received exorbitant bills. The matter was heard via google meeting on 07-01-2021 and the appellant was directed to do request letter to the KSEB Ltd., Kottayam office for any clarification and the appellant received detailed bills. The appellant was charged Rs.10,274/- in June 2020, Rs.11,709/- in August 2020, Rs.8,960/- in October 2020 and Rs.7608/- in December 2020; while the previous bills were Rs.4,418/- in June 2019; Rs.3840/- in October 2019; Rs.2,074/- in December 2019 and Rs.2,439/- in February 2020. Thus, it was seen that there is a huge increase in the bill amount since June 2020 and there may be some fault in the meter box. The Forum disposed OP No.78/2020 directing the appellant to pay the bill and the respondents were directed to ascertain the accuracy of the meter by providing a calibrated meter.

The appellant requested to set aside the order of CGRF, Southern Region dated 18-01-2021 in OP No. 78/2020.

**Arguments of the respondent:**

The appellant was billed as per bimonthly meter reading up to 03.02.2020. During 4/2020 reading could not be taken due to COVID -19 lock down and hence an average bill no. 4634200401756 dt. 3.04.2020 for Rs. 2828/- (For 468 units) was issued to the appellant, but not remitted the same.

After taking the meter reading on 03.06.2020 the bill was revised. Total consumption from 03.02.2020 to 03.06.2020 (four months) was 1363 units and was calculated on a monthly basis for issuing the bi monthly bill for 4/2020 for Rs. 5263/- and 6/2020 for Rs. 5265/-.

The details of the bill issued from 3.06.2019 to 3.08.2020 is as below.

From	To	Initial Reading	Final Reading	Billed Consumption	Amount
2.04.2019	02.06.2019	27575	28266	691	4909
3.06.2019	03.08.2019	28266	28826	560	3693
03.8.2019	04.10.2019	28826	29385	559	3823
04.10.2019	04.12.2019	29385	29803	418	2372
04.12.2019	03.02.2020	29803	30229	426	2439
03.02.2020	03.04.2020	30229	NA	1363	5263
03.04.2020	03.06.2020	NA	31592		5265
03.06.2020	03.08.2020	31592	32010	418	2372

The total bill for 4 months (from 3.02.2020 to 03.06.2020) i.e. Rs.10,274/- and the increase in consumption may be due to "stay at home" during lockdown period. The consumption reduced to normal for 418 units in next bill issued vide bill no. 4634200801420 dt. 03.08.2020 for 8/2020 and the bill amount is Rs.2372/-.

The details of the bill for 4/2020 and 6/2020 is as below.

Month	04/2020	06/2020
Units (kwt)	682	681
Amount (Rs.)	5263	5265
Total (Rs.)	10528	
Less CD Interest (Rs.)	255	
Balance (Rs.)	10273	
+Surcharge(old) (Rs.)	1	
Bill amount (Rs.)	10274	

On perusal of the recorded consumption of the appellant, it is reported that the consumption for 6/2019 is 691 units and for 8/2019 is 560 units in the previous year. Hence the consumption of 682 units for 4/2020 and 681 units for 6/2021 is in similar pattern and cannot be considered as exorbitant.

The appellant has not paid the bill amount of Rs.10274/- (2 Bills) and arrear is pending against the appellant. The appellant filed OP No. 78/2020 before the CGRF (South) against the exorbitant bill of Rs. 10274/- issued to the appellant on 03.06.2020. The Forum disposed the petition on the finding that" there is only a marginal increase in the consumption during Covid -19 period and there is no abnormality in the bill. The Forum ordered that the appellant is liable to pay the bill of Rs. 10274/-. Hence the regular bill issued in respect of the appellant is legal and sustainable. The Forum directed to ascertain the accuracy of the meter by installing a calibrated meter at the premises of the appellant as requested by the appellant.

As per the direction of CGRF (South) the accuracy of the meter with serial no. 18377 installed at the premises of the appellant was checked by installing a parallel meter. Parallel meter with serial No. 4922859 was installed at the premises of the appellant for the period from 30.01.2021 to 06.02.2021. Both the meters recorded the same consumption. Hence, the meter with serial no. 18377 in the appellant's premises is accurate.

The arguments raised by the appellant are vague and does not pray for any specific reliefs. Irrelevant arguments are raised in the petition to mislead the Forum. Hence it is prayed that the Authority may dismiss the case against the respondent and direct the appellant to remit the current charges otherwise the respondent will put in to irreparable losses and unnecessary litigations.

**Analysis and findings:**

An online hearing was conducted at 11-30 AM on 03-04-2021 with prior intimation to both the appellant and the respondent. Sri. Kurian Jacob, the appellant and Sri. Kurian Sebastian, Assistant Executive Engineer, Electrical Subdivision, Kottayam Central from the respondent's side attended the hearing. On examining the petition, the counterstatement 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 decision thereof.

As per appellant, the respondent did not take the meter reading in 04/2020 due to the restrictions imposed in the period of "Lockdown". The appellant's consumption for four months from 03-02-2020 to 03-06-2020 is 1363 units, i.e. a bimonthly consumption of 681.5 units. The consumption for two bi-months prior to 03-02-2021 is 418 units and 426 units. Also, the bimonthly consumption from 03-06-2020 to 03-08-2020 is 418 units. Hence the appellant has doubts in the meter reading and suspects the consumption is exorbitant.

The respondent's version is that they could not take the meter reading in 04-2020 and a bill prepared based on the previous consumption was given to the appellant as per the relevant regulation of Kerala Electricity Supply Code 2014. The average unit assessed was 468 units, but the appellant had not remitted the bill amount.

On going through the details of consumption in the corresponding bi-months for the previous years are 549 units from 04-02-2019 to 02-04-2019, 691 units from 02-04-2019 to 03-06-2019, 527 units from 05-02-2018 to 06-04-2018. Also, it is noted that the consumption in the premises is not consistent on verifying the consumption history of the premises.

As ordered by the CGRF, Southern Region, a tested and calibrated meter was installed in the premises of the appellant in parallel with the premises meter on 30-01-2021 and recorded up to 06-02-2021 and found same consumption in both the meters as per respondent. Again, the meter was tested with another meter for a period from 15-02-2021 to 22-02-2021 and recorded 49 units in both meters. A site mahazar was also prepared by the respondent and which was agreed by the appellant. Here there is no finding either from respondent or from appellant to suspect any leakage of electricity.

Regarding reading of meter, Regulation 110 of Kerala Electricity Supply Code 2014 says :-

Regulation 110 (11): In case, for any reason, the meter is not read during a billing cycle, the licensee shall prepare a provisional bill based on the average consumption of previous three billing cycles when readings were taken.

Regulation 110 (12): Such provisional billing shall not continue for more than two billing cycles at a stretch, and the licensee shall not generate more than two provisional bills for a consumer during one financial year.

Regulation 110 (13): The amount paid as per the provisional bill shall be adjusted against the bill raised on the basis of actual meter reading during subsequent billing cycles.

In the subject case, the respondent could not take meter reading for one bi-month due to 'Lockdown' and further acted in accordance with the regulations above.

If the appellant is not satisfied with the testing of meter in the premises by installing another calibrated meter in parallel with the premises meter, the appellant can further apply for testing the meter as explained in Regulation 116 of Kerala Electricity Supply Code 2014 and procedure for testing the meter is stipulated in Regulation 115 of Kerala Electricity Supply Code 2014.

**Regulation 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).
- (4) In the case of testing on the request of the consumer, he shall have to pay the testing fee as per the Schedule of Miscellaneous Charges given in schedule 1 of the Code:

Provided that if the meter is found to be recording incorrectly or defective or damaged due to technical reasons such as voltage fluctuation or transients, attributable to the licensee, the testing fee shall be refunded to the consumer by the licensee by adjustment in the subsequent bill.

- (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 authorised 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.

- (9) In case the meter is found to be faulty, revision of bill on the basis of the test report shall be done for a maximum period of six months or from the date of last testing, whichever is shorter and the excess or deficit charges on account of such revision shall be adjusted in the two subsequent bills.

The respondent had tested the premises meter with a calibrated meter and found the recording of same consumption in both meters for a specific period. Moreover, the appellant had consumption up to 691 units in an undisputed period from 02-04-2019 to 03-06-2019. A consumer is liable to remit the electricity charge prepared based on the consumption recorded in a good meter.

**Decision: -**

From the analysis done and the conclusion arrived at, which are detailed above, I take the following decision: -

The testing of energy meter in the premises itself with a calibrated test meter by the respondent is not accepted by the appellant and hence, the appellant can approach the respondent for the testing of the meter is a NABL accredited laboratory after remitting required testing fee within 15 days from the date of this order. The respondent shall select the laboratory for the testing with the concurrence of the appellant and testing shall be done within 30 days from the date of application for testing. If the meter is found good in the testing, the appellant shall remit the disputed bill amount within the revised due date fixed by the respondent. If the meter is found defective, the disputed bills shall be withdrawn by the respondent and issue a revised bill taking average of the three bimonthly consumption in the undisputed period prior to 03-02-2020 as per rules.

Having concluded and decided as above, it is ordered accordingly. The appeal petition filed by the appellant is allowed to this extent and stands disposed of as such. The order of CGRF, Southern Region, in OP No: 78/2020 dated 18-01-2021 is set aside. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/008/2021/\_\_\_\_\_ dated \_\_\_\_\_.

Delivered to:

1. Sri. Kurian Jacob, Puthenkalathil House, Thiruvathukkal, Kottayam Dist.
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Kottayam Central, Kottayam Dist.

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, Kottarakkara - 691 506.