

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/017/2022
(Present: Bhuvanendra Prasad T.R)
Dated: 31st May, 2022

Appellant : Sri. Sunil Joseph,
Eramkulam House, 31/737,
Vytila, Kochi,
Ernakulam District. 682019

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Puthencruz, Ernakulam District.

ORDER

Background of the case:

The appellant, Sri. Sunil Joseph is a commercial consumer having Consumer No. 115550020496 under the jurisdiction of Electrical Section, Puthencruz running a Nursery engaging Horticulture Farming. The appellant stated that he had got exorbitant bimonthly bills during December 2018 and March 2019. So parallel meter was installed to check the consumption. The wiring and connected load were checked with the help of an electrician and no abnormality and leakage were detected. The appellant also stated that there is no change of production up keeping and sale of plants are around uniform scale for the last 10 years. The appellant had approached the Consumer Grievance Redressal Forum in the matter and the forum after considering the matter had issued the Order dated 25.05.2020, wherein it was ordered that the consumer meter shall be tested at a NABL accredited laboratory to check the accuracy of the meter within prescribed time. It was also ordered that the bills shall be re calculated as per the test report of the meter. The meter was tested and proved not to conforming to required standards. Accordingly, the bills were revised and the meter was replaced. Subsequently, the appellant further approached KSEB Ltd alleging exorbitant consumption and requested to test the accuracy of the

meter again. Accordingly, a parallel meter was installed in the premise and was found that the consumptions recorded by both meters are same. Since the appellant was further insisting on testing of the said energy meter, the same was taken for testing. The meter was tested at Meter Testing Laboratory, TMR Division, Pallom and found that the same was conforming to standards. The appellant again approached the Consumer Grievance Redressal Forum, and the forum in the Order dated 03.03.2022 directed that the appellant is bound to pay the bill issued by KSEB Ltd. It is against this order that the appellant has approached the State Electricity Ombudsman and the appellant requested the Forum to take steps to conducting proper enquiry in the matter.

Arguments of the appellant:

The appellant has stated that the nursery is having an area of around 1.8 Acre and had received the three-phase connection on 09.12.2005. It is submitted that even from 2008-09, the premises consists of one 3 HP Motor, two 1.5 HP Motor and one 0.5 HP Motor with water pumping purpose. The premises is also used for the accommodation of the labourers with minimum facilities of lights and fans. It is also mentioned that there has not been any enlargement in area or a change in the purpose for which the area has been used and no change of production up keeping. It was also mentioned that scale of business of plants are uniform for the last 10 years.

It is stated that abnormal increase in the electricity bills stated from 2019 and it was due to this reason that the appellant had approached the Consumer Grievance Redressal Forum in various stages. It is stated that there is some issues in the bills and has requested to intervene in the matter for addressing the grievance.

Arguments of the respondent:

During January 2019 and March 2019, the consumptions recorded in the energy meter of the consumer were more compared to previous consumptions and a complaint was submitted by the appellant before the CGRF, Ernakulam vide OP No. 112/2019-20. In compliance to the Order of the CGRF dated 25.06.2020, the energy meter of the appellant was tested at Meter Testing Laboratory, TMR Division, Angamaly on 10.08.2020 and found that the same was not conforming to standards. Accordingly, the disputed bills were revised based

on previous average consumption and the energy meter with Sl. No. 09130062, L&T make, static was replaced with a new meter having Sl. No. 4478879, Genus make ToD meter on 13.07.2020.

Since the consumption during the period from 23/11/2020 to 22.01.2021 was more, the appellant requested to test the accuracy of the meter on 17.02.2021. Hence, a parallel meter was installed in the premise on 24.02.2021 (SI No. 4423153). After a week, on 03.03.2021 it is found that the consumptions recorded by both meters are same as shown below.

Date	Reading on Test meter	Reading on Consumer meter	Units Consumed for 7 days (Units)
24.02.2021	291	4843	316
03.03.2021	607	5159	316

The matter was intimated to the appellant, but the bill amounts were not remitted. The meter data were downloaded by APTS wing and the details were received on 12.08.2021. All these above mentioned facts were intimated to the appellant vide letter No. DB/MTR21/21-22 dt. 03.09.2021 of Asst. Engineer, Electrical Section, Puthencruz. The appellant was also advised to avail the facility to get the meter tested at NABL accredited laboratory, if dispute still persists.

After receiving this letter, on 13.10.2021, the appellant requested for meter testing and hence the challenged meter was taken into custody on 18/10/2021 after installing a substitute meter (S1 no. 21308013, L&T make, ToD meter). It was decided to send the challenged meter to TMR Division, Angamaly for testing, but vide letter No. DB39/Meter -TMR/21-22/464 dt. 20.10.20 of Executive Engineer, TMR Division, Angamaly, it was intimated that due to failure of Voltage Amplifier of the meter test system, meter testing facility would not be available at Angamaly for 30-45 days. Hence, the meter was sent to TMR division, Pallom (which is also NABL accredited laboratory) for testing and this caused a small delay in getting the meter tested. The meter was tested as per IS13779-2020 for No load test, starting condition, Test of accuracy, and meter constant test and the test report shows that the meter is conforming to the required standards.

The matter was intimated to the appellant on 15.12.2021 and a copy of test report was also given. Since the meter is tested OK, the meter with SI No. 4478879 was again installed in the appellant's premises on 16.12.2021.

The appellant approached the CGRF, Ernakulam and filed complaint No 65/21-22 dated 22.12.2021.

The premise was inspected by KSEBL officials on 04.01.2022 and the connected load was found as below.

Motor	-	3 HP * 1 No.	
Motor	-	1.5 HP * 2 Nos.	Total Motor Load - 4849 W (6.5HP)
Motor	-	0.5 HP * 1 No	
Light	-	60W * 1 No	
Light	-	50W * 2 Nos	Total Light Load - 370W approx
Light	-	20W * 6 Nos	
Light	-	18W * 5 Nos	
Fan	-	60W * 3 Nos	Total Fan Load - 180W
Plug	-	60W * 3 Nos	
Plug	-	500W * 1 No	Total Plug Load - 680W (Not using)

Total connected load is **6079 W (approx.)** which is tallying with the records.

CGRF after hearing both parties, examining the facts and perusing the documents, issued order, asking the appellant to remit the bill. Based on this order, the appellant was requested to remit the then outstanding amount of Rs.1,05,194/- vide letter dt.09.03.2022 of Assistant Engineer, Electrical Section, Puthencruz.

The following points were also placed for consideration.

Meter reading details of consumer no. 1155550020496 for the period from 05/2009 to 09/2015 from ORUMA and from 01/2016 to 01/2022 from ORUMANET were submitted and from the meter readings, it was evident that consumption is very high during the period from November to March and very less during rainy season.

The details of consumption of this consumer from 03/2013 to 03/2015 are as tabulated below.

Billing Month	Units	Amount in Rs.	Remarks
03/2013	1679	20924.00	The consumption pattern shows increased consumption during summer season which conforms to the actual usage for watering the plants in nursery.
05/2013	1449	18922.00	
01/2014	1263	14123.00	
03/2014	1459	16085.00	
03/2014	1069	12406.00	
01/2015	993	10209.00	

During rainy season, when the consumption is less, consumer has no doubt regarding the accuracy of meter and not raised any complaint during this period. When consumption increasing during summer, he raises doubt regarding the accuracy of meter.

The recent consumption pattern of the appellant is also tabulated below;

Period	Total Units	Units per day	Amount billed Rs.	Meter connected	Status
13.07.20 to 30.07.20	135	7.5	4507.00	No.4478879 Genus make	Remitted
30.07.20 to 25.09.20	539	9.3	6104.00		Remitted
25-09-20 to 23-11-20	928	15.7	9883.00		Remitted
23.11.20 to 22.01.21	1940	31.8	21562.00		Not Remitted
22.01.21 to 24.03.21	2456	40.2	26841.00		
24.03.21 to 26.05.21	1492	23.7	16979.00		
26.05.21 to 24.07.21	323	5.5	4096.00		
24.07.21 to 24.09.21	346	5.7	4265.00		
24.09.21 to 18.10.21	144	5.7			
18.10.21 to 25.11.21	220	5.9	4398.00	L&T make No. 21308013	
25.11.21 to 16.12.21	55	2.6		Genus make No. 4478879	
16.12.21 to 24.01.22	1263	25.26			
24.01.22 to 24.03.22	2215	36.92			

As per the above details, the consumption is very less during rainy season and gradually increases and attains maximum during summer, which conforms to the usage of pumps for watering the plants in nursery. It is gathered that all the pump motors are working during day time except for an interval of half an hour in between.

The appellant has not remitted any amount towards current charges for more than one year and still using the energy. The regular current charge bill dated 24.01.2022 for Rs.15,199/- and bill dated 24.03.2022 for Rs. 24,375/- issued based on the consumption recorded by the tested meter are also stand unpaid. Total outstanding amount as on 25.03.2022 comes to Rs.1,30,496/- including surcharge. KSEB Ltd. has explored all possible ways to ensure the correctness of meter, viz checking using parallel meter, downloading data by

APTS wing, testing at NABL accredited laboratory etc., and all tests proved that the meter in the premises is recording correctly. CGRF have considered all the averments of the appellant in detail and also fully satisfied with the proceedings of KSEB Ltd. and passed orders in favour of KSEB Ltd. The appellant has neither furnished any additional documents nor pointed out any procedural lapse.

The material evidences regarding the correctness of the energy meter are not challenged by the appellant. Hence, considering the consumption pattern and the fact that KSEB Ltd. has explored all possible ways to ensure the correctness of meter, viz checking using parallel meter, downloading data by APTS wing, testing at NABL accredited laboratory etc, the appellant may be directed to remit the current charges without further delay considering financial stringency of KSEB Ltd. and natural justice.

Analysis and findings:

The hearing of the case was conducted on 26-05-2022 in the office of the State Electricity Ombudsman, Edappally, Kochi. Sri. Sunil Joseph, the appellant and Smt. Sudha. S., Assistant Executive Engineer, Sri.Sreenivasan Kartha, Senior Superintendent, Electrical Subdivision, Puthencruz represented the respondents.

On examining the appeal petition, the arguments of the appellant and the respondents, 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 conclusions.

- a. The appellant is running a Nursery engaging Horticulture Farming and there is no sales in the premises of the appellant.
- b. There are people/staff staying in the building where the supply point is existing.
- c. The respondent KSEB Ltd has complied with the orders of the Consumer Grievance Redressal Forum.
- d. The Meters have been tested in NABL accredited laboratory of KSEB Ltd as requested by the appellant and the meters are conforming to the required standards.

- e. The consumption is very low during rainy season and gradually increases and attains maximum during summer, which conforms to the usage of pumps for watering the plants in nursery.

Accordingly, it is seen that the bills issued are for the energy consumed by the appellant and is liable to pay the charges. Since there is staff staying in the building where the supply point is existing, the appellant may approach KSEB Ltd for separating the tariff applicable for the purpose.

Decision: -

The appellant is liable to pay the charges as the bills issued are for the energy consumed. The appellant may approach KSEB Ltd. for availing installment system for paying the pending bills. The appellant may also approach KSEB Ltd. with all relevant documents for applying for change in tariff category based on the purpose.

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

ELECTRICITY OMBUDSMAN

P/017/2022/ _____ dated _____.

Delivered to:

1. Sri. Sunil Joseph, Eramkulam House, 31/737, Vyttila, Kochi, Ernakulam Dist. 682019
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Puthencruz, Ernakulam District

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSEB Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSEB Ltd, Kalamasserry, Ernakulam