

**THE STATE ELECTRICITY OMBUDSMAN**

D.H. Road & Foreshore Road Junction, Near Gandhi Square,  
Ernakulam, Kerala-682 016

Ph: 0484 2346488, Mob: 8714356488

[www.keralaeo.org](http://www.keralaeo.org) Email: ombudsman.electricity@gmail.com

---

**APPEAL PETITION No. P/037/2022****(Present: A. Chandrakumaran Nair)****Dated: 27<sup>th</sup> July, 2022**

Appellant : Partner,  
M/s. Union Match Works,  
Manjoor South. P.O.,  
Kottayam Dist. 686603

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

**ORDER****Background of the case:**

The appellant is the owner of an Industrial Unit named as Union Match Works with consumer number 1146476002489 having three-phase LT connection with tariff LT IVA under the Electrical Section, Kuruppanthara. On 10-05-2021, the appellant informed the Section Office about the faulty status of the energy meter. Telephonic enquiry was made on 11-05-2021 from the Section Office. Appellant again contacted on 31-05-2021, as the meter was not replaced. Factory was not functioning due to lockdown declared by the State Govt. from 09-05-2021 to 09-06-2021. Even though the factory was not functioning, it was not in locked condition. But the regular bill for 05/2021 was issued showing the meter reading status door locked. The Licensee has not replaced the faulty meter within the time limit as per regulation. The meter was replaced only on 11-06-2021. The appellant filed a petition before Consumer Grievance Redressal Forum (CGRF), Southern Region, Kottarakkara vide OP No.72/2021 and the Forum in its order dated 16.03.2022 ordered to revise the bill for 06/2021 by taking the proportionate average consumption up to the date of replacement of faulty meter, based on this recalculated average of 238 units and the revised bill has been issued.

Aggrieved by the decision of the Forum, the appellant filed the appeal petition before this Authority.

**Arguments of the appellant:**

The appellant had promptly intimated and reported about the faulty electricity meter as per Regulation 109(19), 120(1) of KESC, 2014 on 10.05.2021 and 31.05.2021 to the respondent KSEB Ltd. office, Kuruppanthara. There was a call back enquiry from the respondent on 11.05.2021 regarding appellant's complaint call about faulty electricity meter on 10.05.2021. The respondent intentionally violated Regulation 118(4), 120(2) of KESC, 2014 to harass the appellant by not replacing faulty electricity meter on stipulated time period. The appellant's industry was closed from 09.05.2021 to 09.06.2021 due to the lock-down as per G.O.(Rt) 404/2021/DMD dated 06/05/2021, G.O.(Rt) No.416/2021/DMD Dated 14/05/2021, G.O.(Rt)No.432/2021/SMD dated 21/05/2021, G.O.(Rt)Ho.444 /2021/nMD Dated 29/05/2021 and various other G.O.s.

Even if the delay in replacing the faulty meter was due to intentional violation from the respondent, the respondent provided a provisional electricity bill as per Regulation 110(1) of KESC 2014 stating DOOR was locked, with energy charges calculated as per Regulation 125 of KESC, 2014, even though method of calculation was wrong. The appellant is not liable for such energy charge bill as the respondent violated Regulation 118(4), 120(2) of KESC, 2014.

As per the G.O.(Rt) 404/2021/DMD dated 06/05/2021 and annexure of the G.O(Rt) 404/2021/DMD, KSEB Ltd. was exempted from lock down restrictions and was fully functioning during the lock down period which was started from 09.05.2021. The respondents of OP No. 72 of 2021 utterly failed to produce any documents or orders which shows that the respondent Licensee were not fully functioning during the lock-down period which was started from 09.05.2021. The respondent fabricated a story that they were not fully functioning from 09.05.2021 due the lock-down. The respondent fabricated such a false and disgraceful story even after violating Regulation 118(4), 120(2) of KESC, 2014.

The respondent admitted the fact that the appellant had promptly intimated and reported about the faulty electricity meter as per Regulation 109(19), 120(1) of KESC 2014 on 10.05.2021 and 31.05.2021, only because of having the electronic proof with the appellant. Even after knowing the fact that Electricity meter is not working while taking the meter reading on 03.06.2021, the respondent violated Regulation 118(4), 120(2) of KESC, 2014 by not replacing the faulty electricity meter within three days from 03.06.2021 i.e., 06.06.2021.

During the hearing on 21.01.2022, CGRF (South) accepted the fact that there was an utter failure happened from the side of the respondent in replacing the faulty electricity meter as per Regulation 118(4), 120(2) of KESC, 2014, their order failed to provide detailed explanation about the functioning of KSEB Ltd. during the lock-down, even if it was the main allegation.

As per G.O.(Rt) 404/2021/DMD dated 06/05/2021, G.O.(Rt)No.416/2021/ DMD dated 14/05/2021, G.O.(Rt)No.432/2021/DMD dated 21/05/2021, G.O.(Rt)No.444 /2021/DMD dated 29/05/2021 and other G.O.s, industries in Kerala State was under lock down from 09.05.2021 to 30.05.2021 and was partially under lock-down until 09.06.2021. The order of CGRF (South) states the appellant produce any evidence to show that the industry was not functioning during Kerala State Govt. declared the lock-down period. Appellant requested to grant the following reliefs:

1. To take disciplinary and department level action against the KSEB Ltd. Employees for doing purposeful violation in replacing faulty electricity meter as per Regulation 118(4), 120(2) of KESC,2014 to harass the appellant, even if the appellant had promptly intimated and reported about the faulty electricity meter as per Regulation 109(19) 120(1) of KESC, 2014 on 10.05.2021 and 31.05.2021.
2. To revise the electricity bills of May and June of 2021 and cancel energy charge, surcharge, meter rent of those months and issue a new electricity bill of those months as delay in replacing faulty electricity meter due to intentional violation from the side of KSEB Ltd. employees.

3. To allow Rs. 15000/- as compensation for the harassment and trouble the appellant had to go through due to intentional violation of Regulation 118(4), 120(2) of KESC, 2014.
4. To grant such other reliefs may deem fit and proper to grant in the nature of the petition.

**Arguments of the respondent:**

On 10.05.2021, the appellant informed Kuruppanthara Section Office that the energy meter at appellant's premises is not having display, but supply is available and all equipments are working. Nothing about the non-functioning of the industry was reported by the appellant at that time. As noted by the appellant, a call was made to the appellant from Section Office on the next day to enquire about the status of the complaint; and at that time the appellant replied that there is no problem with the supply and the machines at the industry. From the above, it is clear that the industry was working on 10.05.2021. But the appellant is arguing that his industry was not working from 09.05.2021 to 09.06.2021 due to the lock-down implemented by the Government vide various G.Os. Any evidence to prove that the industry was not functioning during the above period was not furnished by the appellant.

KSE Board directed to restart the functioning of Electrical Section Out centres/Extended Offices in order to mitigate the rapid spread of Covid-19 pandemic, vide Circular No. D (D, IT & HRM)/COVID 19/2019-2020/26/22.04.2021. Two out centres were started at Kadavu and Manjoor areas under Electrical Section, Kuruppanthara; and the appellant's area was being attended from Kadavu out centre. In connection with mitigation of Covid-19 activities, Saturdays were announced as holiday in KSEB Ltd. vide Office Order (CMD) No. 589/2021 (P.S.1(B)/Covid-19/Precautions/2020/TVM dated 06-05-2021. In connection with the total lockdown in Kerala, KSE Board vide Circular No. D (D, IT & HRM)/COVID 19/2019-2020/28/07.05.2021, issued special directions regarding the functioning of various offices and as per that, works for maintaining uninterrupted power supply and urgent breakdown works only need to be carried out by Section Offices; and a reserve team had to

be constituted at Section Offices for meeting any emergency. No supply failure was reported at the premises of the appellant during the said period.

The delay in replacing the faulty meter was not due to intentional violation from the side of KSEB Ltd., but only due to the restrictions imposed in the pandemic situation. KSE Board directed Section Offices to carry out works for maintaining uninterrupted power supply and urgent breakdown works only. Hence, works such as faulty meter changing were not done during the above period, since some of the employees were kept as reserve for meeting emergency situation. The available employees in the office were mainly utilised for attending breakdown works especially natural calamity works, supply failure complaints, taking meter readings except in Containment zones etc. As there was no display in the energy meter at the time of taking reading on 03.06.2021, a bill with previous average consumption of 259 units amounting to Rs.1,748/- was issued to the appellant for the billing period 06/2021. As per Regulation 125(1), in the case of defective or damaged meter, the consumer can be billed on the basis of average consumption of the past three billing cycles immediately preceding the date of the meter being found or reported defective. After conducting detailed inspection on 05.06.2021, the meter was declared faulty and the same was replaced with a good meter on 11.06.2021. As per Regulation 125(2), charges based on average consumption could be levied only for a maximum period of two billing cycles during which time the Licensee should replace the damaged meter with a correct meter. Here the damaged meter was replaced within the stipulated time itself and hence, no lapse from the part of the respondent was occurred.

Since KSE Board was announced as essential service vide Govt. letter No. DMA2/767/2020-DMD/28.04.2021 and based on the decisions made in the meeting conducted by the Hon'ble State Electricity Minister with various associations of officers and workers, KSE Board released special directions vide Circular No. D (D, IT & HRM)/COVID 19/2019-2020/27/04.05.2021 for the smooth operation of offices. But in the meantime, due to the wide spread of Covid-19 in Kerala, Govt. decided to implement total lockdown in the State. As per G.O.(Rt) No. 404/2021/DMD/06.05.2021, the entire State of Kerala was declared as Covid-19 affected; and notified lockdown in the entire State of

Kerala w.e.f 08.05.2021 prescribing some regulations and measures during the said period to all Departments for strict compliance. As per the above G.O, even though KSEB is an essential service, KSEB was directed to minimise the staff requirements during the lockdown period. Based on that, directions were issued by Board vide Circular dated 07.05.2021 for implementing various arrangements at KSEB offices in such a way that uninterrupted power supply could be maintained and emergency activities at offices could be carried out.

The appellant's version that KSEB's employees admitted the receipt of complaint on 10.5.2021 and 31.5.2021 only because of having electronic proof with him is denied. The complaint received on 10.5.2021 was recorded in the Complaint Register maintained in the Section Office. The bill for 06/2021 was issued by calculating the average consumption as shown below.

Billing Month	Consumption (units)
12/2020	227
01/2021	268
02/2021	291
03/2021	163
04/2021	103
05/2021	448

Previous three months average =  $1500/6 = 250$  units

Since May 2021 has 31 days, Average =  $250 \times 31 / 30 = 259$  units

As per Regulation 125(1) of KESC, in the case of damaged meter, the consumer could be billed on the basis of average consumption of the past three billing cycles. But here the bill of 06/2021 was issued by taking the average of 6 months instead of 3 months, even though this connection is a monthly consumer. This mistake was pointed out by the CGRF and hence, ordered to revise the bill for 06/2021 by taking the proportionate average consumption up to the date of replacement of faulty meter, based on the recalculated average of 238 units, i.e.  $(448 + 103 + 163) / 3$ . The bills for the month of 06/2021 and 07/2021 of the appellant were revised as per the Order.

The complaint raised by the appellant is baseless; and hence, the respondent requested to dismiss the complaint.

### **Analysis and findings:**

The hearing of the case was conducted on 19-07-2022 in the office of the State Electricity Ombudsman, Near Gandhi Square/BTH, Ernakulam South. Sri. Don Paul, was attended the hearing on behalf of the appellant and Smt. Sindhu.P.R., Assistant Executive Engineer, Electrical Sub Division, KSEBL, Ettumanoor was attended the hearing from the respondent's side. 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.

Govt. of Kerala has declared lockdown to entire Kerala by different orders from 09-05-2021 to 09-06-2021. During the lockdown all the industries except very essential production units (as listed in the orders) are to be closed. The appellant is mentioned in the appeal that the factory was locked down from 09-05-2021 to 09-06-2021, this is to be correct.

The Kerala Electricity Supply Code, 2014 Section 109 (19) states that "The consumer shall promptly intimate the Licensee about any fault, accident or abnormality noticed with the meter".

Section 120 (11) "If the consumer notices any defect in the meter installed in the premises, he shall immediately report the matter to the nearest office of the Licensee".

In the case in hand the appellant has promptly intimated to the Section Office regarding faulty status of the energy meter. The Section Office has been recorded in the Complaint Register as meter complaint was reported. This has been entrusted to the staff to attend the complaint, then without rectifying the defect, the respondent recorded in the register that the defect has been rectified and 1 hr. 35 minutes has been taken to rectify the defect. This type of falsification of records are to be viewed very seriously.

The Kerala Electricity Supply Code, 2014, Section 118 (4) states that "If the meter is damaged due to causes attributable to the licensee, the licensee shall replace the damaged meter with a correct meter within three working

days of receiving the complaint in the case of LT meter and within fifteen days in the case of HT meter.”

The Kerala Electricity Supply Code, 2014, Section 120 (2) states that “If during periodic or other inspection by the licensee, any meter is found to be not recording, or if a consumer makes a complaint in this regard, the licensee shall follow the procedure detailed in regulations 116 and 117 of the Code”.

In this case, the Licensee has violated the regulation of Kerala Electricity Supply Code, 2014 which specify that the defective meters are to be replaced within 3 working days on receipt of complaint. The defects are not rectified and made a false statement in the complaint register that the meter was rectified.

The meter defect complaint has been made by the appellant and then without rectifying the defect, the meter reading was taken with the status of Door-Locked condition. Then Licensee has charged the appellant based on the average reading method. The case was not ‘Door Locked’, but it was the meter defect. If the Licensee has followed the regulation, the meter would have been replaced by 13-05-2021 and the appellant’s energy charges during the period from 14-05-2021 to 11-06-2021 was much less as the factory was under lockdown and there was no energy consumption during this period.

The appellant clearly mentioned that the factory was closed from 09-05-2021 to 09-06-2021 as the direction of the Govt. The appellant has been asked to remit the charges during the lockdown period based on the average readings. The justification mentioned by the respondent for this aspect is not able to consider.

The respondent’s view that 118 (4) of Kerala Electricity Supply Code 2014 is applicable to the cases where supply is not available due to the damage of meter, which is not at all correct and hence, not able to consider.

**Decision: -**

From the analysis of the arguments of appellant and respondent and the hearing, the decision is taken as follows:

- (1) The electricity bills of May 2021 and June 2021 raised by the Licensee is quashed.



- (2) The bill raised for the month of May 2021 and June 2021 are to be revised by eliminating the energy charges and energy duty for a period from 14-05-2021 to 11-06-2021.
- (3) The order of CGRF, Southern Region in OP No.72/2021 dated 16-03-2021 is set aside.
- (4) Licensee has to issue strict instruction to all concerned officials to strictly abide the Regulations applicable from time to time.

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

**ELECTRICITY OMBUDSMAN**

P/037/2022/\_\_\_\_\_ dated \_\_\_\_\_.

Delivered to:

1. Partner, M/s. Union Match Works, Manjoor South. P.O., Kottayam Dist. 686603
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Ettumanoor, 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.