

**THE STATE ELECTRICITY OMBUDSMAN**

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**APPEAL PETITION No. P/045/2022****(Present: A. Chandrakumaran Nair)****Dated: 05<sup>th</sup> September, 2022**

Appellant : Sri. Shareef Abdul,  
Marakkayil House,  
Karuvanthuruthy P.O.,  
Feroke,  
Kozhikode Dist. 673 631

Respondent : Assistant Executive Engineer,  
Electrical Sub Division, KSEB Ltd.,  
Kallai, Kozhikode Dist.

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

The appellant is a consumer of the Licensee under the Electrical Section, Areekad with consumer No. 1167895003678 under LT IVA tariff and he is running a business named as 'S.S. Business Corporation' at Nallalam Industrial Estate. The connected load is 88.7 kW and contract demand is 50 kVA. On 16-04-2021, APTS conducted inspection at the firm and found that one CT coil 'B' phase is in open condition. The connection wire from CT to meter was burned and hence, the reading recorded by the meter was 28.28% less than the actual consumption. Since the exact date of CT open condition was not known, the short assessment was calculated for 12 months as per Regulation 152(3) of Kerala Electricity Supply Code 2014 for an amount of Rs.1,13,606/-. The appellant filed petition to Consumer Grievance Redressal Forum (Northern Region) and CGRF(N) issued order to quash the short assessment bill and to prepare the short assessment bill for 6 months preceding the date of inspection.

Aggrieved by the decision of CGRF(N), the appellant filed the appeal petition to this Authority.

**Arguments of the appellant:**

As part of the field inspection of the KSEBL, the Assistant Executive Engineer in the presence of other officials of the Kozhikode APTS Unit inspected at the premises of the appellant on 16-04-2021. In their inspection report (Mahassar), it was noted that one of the three face CT Coil is out of order in the Meter at the appellant's premises. Due to this out of order, there were financial losses to KSEBL in the form of electricity charges and other items. As per the reference second cited inspection report, a Demand Cum Disconnection notice along with Calculation Statement of Rs.1,13,606/- assessed by the Assistant Engineer, KSEBL, Electrical Section, Areekkad, Kozhikode was also served to the appellant directing to pay the said amount. Following the demand notice, appellant had requested to the respondent for downloading logged data from the meter.

Accordingly, the meter was dismantled by the official concerned and the same was sent to accredited meter testing unit, Kannur. After conducting data downloading for the period starting from 29-05-2021 to 08-07-2021, the Assistant Engineer, meter testing unit, Kannur also informed that no anomalies were observed from the data.

The inspection officials opened the meter seal on 16-04-2021 and after their verification of the meter, it was also put seal immediately by the officials on that day itself. Thereafter, the meter seal was also opened and dismantled by the officials concerned on 08-07-2021 only after submission of appellant's request for downloading logged data from the same meter. Until then, no other irregular activities are made on the CT Coil of the meter by the appellant and the officers of the KSEB.

In the light of the report by the Assistant Engineer, Meter Testing Unit, Kannur, it is clear that no irregularities causing financial losses in the form of electricity charges and other items occurred as stated in the mahassar report.

Moreover, the activities of the establishment had already reduced more than fifty percentage due to restriction of Covid-19 Pandemic. So, such power losses are unlikely to occur as stated in the said Mahazar report during the period.

Appellant further affirmed that the establishment was not engaging any irregular activities causing any losses to KSEBL.

On the representation submitted by the appellant dated 13-09-2021, hearing was conducted on 29-01-2022 through Google meet with consent and attended in the hearing both parties. In the hearing, respondent mainly argued that the meter was sent for testing after rectification of the anomaly detected (terminals were tightened). It is learnt that there are chances of data getting overwritten if the meter is tested after rectifying the anomaly. That may be the reason why current missing details were found not recorded for the date preceding 4<sup>th</sup> month. Hence, the tamper data could not be retrieved for the back period from the date on which CT open case was detected.

The respondent sent the meter to the Accredited Meter Testing Unit, Kannur on 07/07/2021 for data downloading. The meter data downloaded on 08/07/2021 and that contained only data for the period from 29/05/2021 to 08/07/2021, which is the period after rectification of the anomaly on 16/04/2021. The downloaded data analysis does not find any tampering or load break instances. The respondent explains that since the meter had sent for testing after the rectification of the CT open anomaly, the logged data might be overwritten and that is what happened in this case. The APTS wing of the licensee failed to download the meter data at the time of inspection before rectification of the anomaly, which may give light to the correct date of occurrence of the anomaly.

Hence, the Forum arrived to the conclusion that the correct date of occurrence of the CT opened is not available. The licensee failed to download the meter data before rectification of the error. The electricity consumption pattern of the consumer before and after the rectification of the CT open anomaly also not giving a picture of 2/3 consumption (one CT in opened position). Hence, short assessment period to be reduced to six months preceding the date of inspection.

The appellant request that the short assessment bill issued for 6 months preceding the date of inspection as judged by the Forum may be dismissed considering the facts since the licensee failed to download the meter data before rectification of the error. The electricity consumption pattern of the appellant before and after the rectification of the CT open anomaly also not giving a picture of 2/3 consumption (one CT in opened position). Furthermore, as the short assessment bill issued for 6 months preceding the date of inspection is comes during the lockdown period. Hence the necessary orders may favourably be issued to me by quashing the OP No.47/2021-22.

**Arguments of the respondent:**

On 16.04.2021, APTS conducted inspection at the said firm and detected one CT coil B phase open condition. It was found that the wire to the CT connection portion was found burned, which resulted in improper current carrying to the meter thereby causing 28.28% less recorded consumption. The CT inspection was done in the presence of supervisor of SS Business Corporation and the appellant is convinced of the matter.

Since the exact date of CT open condition was not known, as per Regulation 152 (3) of Kerala Electricity Supply Code 2014, a short assessment bill was served to the appellant amounting to Rs.1,13,606/- taking 12 months period. However, the appellant did not remit the short assessment amount instead, on 05.07.2021, the appellant submitted test report of new CT and requested for replacement of the faulty CT which was later done on 11.08.2021. Also, on 06.07.2021, appellant requested for downloading the logged data from the concerned energy meter so as to ascertain the correct date on which the original CT coil got opened so as to revise the assessment period. On 07.07.2021, the energy meter was dismantled and send to Meter Testing Unit at Kannur to download the logged data. The meter installed at the appellant's premises was SECURE meter make and as per Meter Testing Unit it is learnt that in the SECURE meter, downloaded data could be retrieved for a limited period for 2 months. That could probably the reason why current missing details could not be retrieved for the data preceding 4<sup>th</sup> month. Also, it was learnt from Meter Testing Unit that the data could be over-written.

The inspection was carried out on 16.4.2021 and the meter was sent for testing on 07.07.2021. Hence the tamper data could not be retrieved for the back period from the date on which CT open case was detected. As a result, no inference regarding the date of occurrence of CT open condition could be retrieved from the downloaded data and as per regulation 152, short assessment for 12 months was served. Later, the appellant approached CGRF from where it was directed to revise the bill period to 6 months. Board Order vide order No (D(D&IT) No.669/2022 (LC1/3596/2022 dated 18.05.2022 also accorded sanction for adhering to the orders of CGRF and bill served accordingly. It is at this point of time the consumer had approached this Authority.

Upon going through the consumption pattern of the industry, it is found that the average consumption for the period from 2019, 2020, 2021 and 2022 are 4936 units, 3431 units, 3742 units and 4691 units respectively. It is noted that the consumption recorded during 2019 and 2022 are higher. After replacement of the CT by the appellant in 8/2021, the consumption recorded is higher when compared to the CT defect period before 8/2021 and during 2020. The recorded average consumption from 1/2021 to 7/2021 is 3308 units while recorded average consumption after CT replacement from 8/2021 to 12/2021 is 4348 units while average consumption from 1/2022 to 6/2022 is 4691 units which shows that the recorded consumption pattern has gone up after the CT replacement.

Considering all the above facts, it is requested to this Authority that the petition may be dismissed and the appellant may be directed to remit the short assessment amount of Rs.1,13,606/-.

#### **Comments of the appellant on the response of respondent**

It is not right to make a decision based on the consumption pattern of the industry because the period mainly coverage COVID-19 crisis. Due to the outbreak of the corona virus, activities of the establishment have negatively impacted in the manufacturing as well as in the employment of the labours. More, the government tightened containment of measures, including closure of public places for gathering and imposed countrywide lockdown in late March 2020, which was subsequently extended twice. At the time, the company employees have

been reduced 50 as the restriction imposed by the government. The pandemic and containment measures (such as border closure) introduced at onset of the pandemic has also disrupted the activities of the establishment also.

Furthermore, the said amount in dispute has already been erroneously paid by me when appellant was received the message from BL-KSEBIT on 25-07-2022 to avoid disconnection of the firm. The said amount may also be adjusted forth coming months of the appellant. On approaching the concerned Areekkad Section Office, the Assistant Engineer has informed appellant that to submit a letter requesting the refund / adjustment of the said amount. Accordingly, appellant also submitted the letter.

The short assessment bill issued for 6 months preceding the date of inspection as judged by the Forum may be dismissed considering the facts since the licensee failed to download the meter data before rectification of the error. The electricity consumption pattern of the appellant before and after the rectification of the CT open anomaly also not giving a picture of 2/3 consumption (one CT in opened position). Furthermore, as the short assessment bill issued for 6 months preceding, the date of inspection is coming during the Lock down period. Hence the necessary orders may favourably be issued to appellant by quashing the OP No.47/2021 -22.

**Analysis and findings:**

The hearing of the case was conducted on 02-09-2022 in the office of the State Electricity Ombudsman, Near Gandhi Square/BTH, Ernakulam South. The appellant Sri. Abdul Shareef was attended the hearing and Smt. Sreevijaya. P.V., Assistant Executive Engineer, Electrical Sub Division, KSEBL, Kallai 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.

During the inspection of APTS, it is noticed that the meter was reading 28.28% less than the actual reading. This is because of the CT terminal of B-phase got burned off. The CT connected to the meter was 75/5 and hence, the Multiplication Factor applied is 15. The appellant purchased a new CT and test report was submitted and the same was connected on 11-08-2021. The energy meter was dismantled and sent for meter testing and they try to download the data of the meter and the data could not be downloaded as the meter data would have overwritten after the rectification of CT.

Section 134 (1) of Kerala Electricity Supply Code 2014 "Under charged bills and over charged bills" states, "If the licensee establishes either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill."

Section 152 of Kerala Electricity Supply Code 2014 states on "Anomalies attributable to the licensee which are detected at the premises of the consumer" as follows:-

152 (3) The amount of electricity charges short collected for the entire period during which such anomalies persisted, may be realised by the licensee without any interest:

Provided that, if the period of such short collection due to the anomalies is not known or cannot be reliably assessed, the period of assessment of such short collection of electricity charges shall be limited to twelve months:

Provided further that while assessing the period of such short collection the factors as specified in sub-regulation (8) of regulation 155 shall be considered:

Provided also that realization of electricity charges short collected shall be limited for a maximum period of twenty-four months, even if the period during which such anomaly persisted is found to be more than twenty-four months.

152 "(4) The consumer may be given installment facility by the licensee for a maximum period of twelve months without interest for the remittance of such amount of short collection".

The above Sections are very clear that when the exact date of anomaly cannot be reliably assessed, the period of assessment and such shall be limited to 12 months. The meter data could be downloaded or not downloaded; 12 months assessment is applicable. However, as a matter of good gesture, CGRF has reduced the short assessment period to six months preceding the date of inspection.

**Decision: -**

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

- 1) The appellant is liable to pay the short assessment bill for 6 months.
- 2) The order of Consumer Grievance Redressal Forum (NR) is sustainable.

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

**ELECTRICITY OMBUDSMAN**

P/045/2022/\_\_\_\_\_ dated \_\_\_\_\_.

Delivered to:

1. Sri. Shareef Abdul, Marakkayil House, Karuvanthuruthy P.O., Feroke, Kozhikode Dist. 673 631
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Kallai, Kozhikode 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, Gandhi Road, Kozhikode