

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 Email: ombudsman.electricity@gmail.com

REVIEW PETITION No. R.P/007/2022

IN APPEAL PETITION No: P-028/2022

(Present: A. Chandrakumaran Nair)

Dated: 14th November, 2022

Review Appellant : Sri. Moosa. C.V.,
Cheekiloden House,
Kathirur, Thalassery,
Kannur Dist. 670642

Review Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Koothuparamba, Kannur Dist.

ORDER

Background of the case:

The review appellant Sri. Moosa. C.V. is a consumer of the Licensee under the Electrical Section, Kathirur with consumer number 19042. The connection was a temporary connection for the construction purpose. The construction was stopped due to Covid restrictions. The meter board and the premises were covered with the vegetations. There was earth leakage in the meter box. This resulted into a huge bill. On 21-07-2021, the Sub Engineer visited the site and inspected the premises and found that high meter reading, though there is no consumption. The review appellant approached Consumer Grievance Redressal Forum (CGRF), Northern Region, Kozhikode and CGRF ordered that the review appellant is liable to pay the charges as per the bill. The appeal filed to this Authority vide No. P-028/2022. This office has completed procedures and process and order issued on 12-08-2022, stating that the consumer is liable to pay the bills.

Aggrieved with this order the review appellant filed the petition to review the order of this Authority.

Arguments of the review appellant:

The review appellant received the order of appeal petition No. P/028/2022 only on 05-10-2022 when he returned home from Bangalore. As the order seems to be a unilateral decision, the appellant felt bad mentally. The review appellant had not received any phone call or message from the Electricity Section Office, Kathirur regarding the bill whereas the review appellant only met the Section Office when he received the bill for Rs.30,000/-. Hence, this point mentioned in the order is not correct. Therefore, the review appellant is requested to this Authority to review the order passed in the appeal petition and make it suitable for both parties.

Arguments of the review respondent:

The review appellant's complaint is in connection with exorbitant electricity bill issued to him for the month of 07/2021.

This Authority conducted hearing in the case on 12/8/2022 at the state Electricity ombudsman's office, Eranakulam and placed the order stated as follows.

1. The appellant is liable to pay the amount as per the consumption.
2. The licensee shall grant 15 nos. of monthly instalments without interest.

As per the order of this Authority, the bill was processed. At the time of processing the bill the surcharge for the period from 6/6/21 and 4/8/21 was automatically added to the bill amount. 15 nos. monthly installments will be provided to this amount without interest. Due to the surcharge, there was an increase in the bill amount.

The increase in bill amount for two bi-months were due to leakage of electricity from the consumer side installation and on the hearing conducted it was proved and hence this Authority issued an order to remit the amount.

It is requested to accept the facts submitted by the review respondent.

Analysis and findings:

The hearing of the review petition was conducted on 09-11-2022 in the office of the State Electricity Ombudsman, Near Gandhi Square/BTH, Ernakulam South. The review appellant Sri. Moosa. C.V. was attended the hearing and Sri. Rajeevan. P., Assistant Executive Engineer, Electrical Sub Division, KSEBL, Koothuparamba attended the hearing from the review respondent's side. On examining the review 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 review petitions are acceptable to the Ombudsman as per the Section 27A of KSERC (CGRF & Electricity Ombudsman) Regulations 2005 as follow:

Section 27 (A) (1) The Electricity Ombudsman may, either on its own motion or an application of any person aggrieved by an order, review its order on the following grounds, namely: -

- (i) On the discovery of a new and important matter or evidence which, after the exercise of due diligence, was not with his knowledge or could not be produced by him.
- (ii) Mistake or error apparent on the face of the record.

Section 27 (2) An application under clause (1) shall be filed within period of fifteen days from the date of receipt of the order.
Provided that the Electricity Ombudsman may entertain an application after the expiry of the said period of fifteen days, if it is satisfied that the applicant had sufficient cause for not preferring the review within such period.

Section 27(3) If on a preliminary examination of the application, if the Electricity Ombudsman found that there is no sufficient ground for review, it shall reject the application after affording an opportunity of being heard to the applicant.

In the case in hand, the order was issued on 12-08-2022. The review appellant received only on 14-10-2022. The period as per the regulation is over. However, it is accepted to review as review appellant mentioned that he was out of station in connection with his job.

As per Section 27 (A), the review could have been accepted if there any new arguments or facts have been submitted by the review appellant, which was not considered in the appeal petition. The main argument he put forward were: -

- (1) The review appellant is not residing nearby the site and he was living in Kalpetta in Wayanad. He produced the copy of the rental deed signed with the property owner by his wife. He was not able to move to site due to Covid-19 restrictions.
- (2) Due to the Covid restrictions, the construction activities at the site were stopped and there were severe movement restrictions imposed by the Govt.
- (3) The meter reader took the reading on 26-05-2021 and found that the consumption was very high. Though the review respondent stated that they have informed the consumer in the registered mobile number, the review appellant states that they have not received any such information.

The abnormal reading in the energy meter was initially noted on 26-05-2021 and then on 23-07-2021. The earth leakage has happened during May, June and July 2021.

Review appellant claims that there are movement restrictions imposed by the Govt. of Kerala due to Covid-19 pandemic. He has not produced any document to prove his claim.

The copy of the rental agreement produced to show that he was not residing nearby area is of 01-06-2018 and it was valid for a period of 11 months, which is up to 30-04-2019. No further documents produced in this connection.

Section 109 of Kerala Electricity Supply Code 2014 states on "Supply and installation of meters and circuit breakers" as follows:-

Section 109 (5) The consumer shall provide suitable and adequate space for installation of the meter in such a manner that it is always accessible to the licensee or his representatives.

Section 109 (18) The consumer shall be responsible for safe custody of meter and accessories, if the same is installed within the premises of the consumer.

Section 109 (19) The consumer shall promptly intimate the licensee about any fault, accident or abnormality noticed with the meter.

The above Sections are very clear that the consumer is responsible to keep the meter and installations under safe custody and make the premises neat, clear, and accessible for Licensee to take meter reading regularly.

Decision: -

There is no merit in reviewing the order and as such the review petition is dismissed.

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

ELECTRICITY OMBUDSMAN

RP/007/2022/ dated _____.

Delivered to:

- (1) Sri. Moosa. C.V., Cheekiloden House, Kathirur, Thalassery, Kannur Dist. 670642
- (2) Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Koothuparamba, Kannur 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