

THE STATE ELECTRICITY OMBUDSMAN

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Appeal Petition No. P/013/2023
(Present A. Chandrakumaran Nair)
Dated: May-10-2023

Appellant : Mohammed Nisar,
Kannanchery House,
Kammini Paramba P.O.,
Kondotty, Malappuram

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSEB Limited,
Kondotty, Malappuram (Dist.)

ORDER

Background of the case

The appellant Shri. Muhammed Nisar, Kannanchery House, Kannadiparamba, Kondotty is a consumer of the Licensee (KSEB) having Consumer No: 1165522036022. The appellant availed temporary supply for the construction of the house under 6F tariff and latter regularised to 1A. The appellant is working abroad for 10 years and his family also joined him in Saudi recently and hence the house is not occupied. Since October 2021 KSEB personal stopped taking the meter reading, and after six months appellant received a bill of Rs. 26, 542/- despite not consuming electricity. The appellant filed petition to CGRF and they disposed the case on 31/12/2022 stating that the appellant is liable to pay the amount demanded. Then the licensee informed that there was a mistake in the calculation the amount payable in Rs. 25,357/- instead of 24,605/-. Aggrieved by the decision of CGRF, the appellant filed appeal petition to this authority.

Arguments of the Appellant

1. The petitioner's Consumer Number with KSEB is 1165522036022. he is aggrieved by the Order passed by CGRF Kozhikode, which has caused the petitioner to meet severe financial hardship and mental agony.

The appellant/petitioner has been working abroad for the last 10 years, and his family recently joined him in Saudi Arabia. The appellant/petitioner's house in Kerala is very adjacent to his parental house. Whenever the KSEB meter reading staff visits to take reading, the appellant/petitioner's mother used to open the door of his house -and permit the staff to take the reading. This was the procedure continuing for the last two years. However, since October 2021, the KSEB personnel stopped taking the meter reading at his house, stating that there was no occupancy, then no need of taking meter reading regularly and the reading would be generated automatically. The appellant/petitioner contacted the Kondotty KSEB office, and they informed him that he would get the minimum bill online or via SMS.

2. To his surprise, after six months, the appellant/petitioner received a consolidated bill for six months, amounting to Rs. 26,542/-, despite not consuming any electricity during this period. He complained to the Assistant Engineer, KSEB Kondotty, who informed the appellant/petitioner that they have the right to issue bills accumulated even for a year continuously. Later, he filed a complaint before CGRF Kozhikode seeking get redressed his genuine case, which was disposed of by CGRF on December 31, 2022.
3. However, the appellant/petitioner was not informed about the order at all. Interestingly, after receiving his complaint before CGRF, the Kondotty KSEB office contacted him and informed that there is a slight mistake in the earlier issued bill. Instead of 26542, it should be 24605. Accordingly, they issued three bifurcated bills also. This attitude of the KSEB made the appellant more doubtful.
4. When the appellant/petitioner got a call from KSEB Kondotty asking him to pay the amount stated earlier, he realized that there would be some orders from the CGRF, Thereafter, he contacted Kondotty KSEB office and came to know that the order has been passed. Subsequently, he contacted CGRF also by mail asking for a copy of the impugned order. The appellant/consumer received the impugned order by mail on March 2,2023. Immediately after getting that order, he preferred this appeal.

5. In the meantime, the Kondotty KSEB official visited his house on 6th March 2023 and informed his mother that they are going to disconnect my electricity connection. When the appellant/ petitioner's mom enquired about what the reason is behind the disconnection, they categorically informed her that they are having much pressure from the higher officials and they are entitled to follow their direction. Entire things are happening against the appellant only due to the enmity and ego of some officials, who don't like to be questioned about something illegal.

Grounds of Appeal

1. The Order passed by the CGRF against the appellant is illegal and against the evidence on record, hence liable to be set aside.
2. The Order passed by the CGRF against the appellant is order passed by CGRF Kozhikode is not just and reasonable and false and frivolous.
3. The CGRF ought to have found that the respondent has suppressed the material facts and case put forward is most improbable.
4. The CGRF ought to have found that the calculation made by the responder is wrong and misleading.
5. At any rate. the order passed by the CGRF is highly excessive.

Arguments of the Respondent

1. All the averments which are otherwise specifically admitted here under are denied by the respondent. The appeal is not maintainable either in law or in facts. The appeal is filed by the appellant only on experimental basis with a narrating baseless statements.

The averments narrated in para No:1 of this appeal as "The petitioner's Consumer Number with KSEB is 1165522036022, he is aggrieved by the Order passed by CGRF Kozhikode, which has caused the petitioner to meet severe financial hardship and mental agony" is not correct hence it is denied by the respondent. The appellant Sri Mohammed Nissar is a consumer under Electrical Section Kondotty having consumer Number .1165522036022.

2. The averments narrated in para No:2 of this appeal as" The appellant/petitioner has been working abroad for the last 10 years, and his family recently joined him in Saudi Arabia. The appellant/petitioner's house in Kerala is very adjacent to his parental house. Whenever the KSEB meter

reading staff visits to take reading, the appellant/petitioner's mother used to open the door of his house and permit the staff to take the reading.

This was the procedure continuing for the last two years. However, since October 2021, the KSEB personnel stopped taking the meter reading at his house, stating that there was no occupancy, then no need of taking meter reading regularly and the reading would be generated automatically. The appellant/petitioner contacted the Kondotty KSEB office; and they informed him that he would get the minimum bill online or via SMS' is not correct, hence it is denied by the respondent. The appellant's connection was effected on 29.04.2019 under LT 6 F tariff and the last bill in this tariff was issued on 20.09.2021. The consumer remitted the required fee for load regularization, meter shifting and tariff change on 05.10.2021. The KSEBL has taken the meter reading of this consumer regularly.

3. The averments narrated in para No:3 of this appeal as" To his surprise, after six months, the appellant/petitioner received a consolidated bill for six months, amounting to Rs. 26,542/-, despite not consuming any electricity during this period. He complained to the Assistant Engineer, KSEB Kondotty, who informed the appellant/petitioner that they have the right to issue bills accumulated even for a year continuously. "Is not correct, hence it is denied by the respondent. On 05.10.2021 the appellant remitted the fee for load regularization and tariff change. field activities were completed by removing old meter and installing new meter, and the service connection regularized in the software" Orumanet " on 06.10.2021 itself but there were occurred some error in the FR entry made in connection with the tariff change. Due to this current charge bills were not generated timely in 'Orumanet ' software, later the bills were issued on 25.03.2022, even though the meter reading was taken on regular basis. After the changing of the energy meter on 06.10.2021, the Consumption of electricity from 06.10.2021 to 18.11.2021 was 904 units amounting to Rs 7544/-., Consumption from 19.11.2021 to 20.01.2022 was 782 units amounting to Rs 6211 and Consumption from 21.01.2022 to 20.03.2022 was 1210 units amounting to Rs 10850 charged under LT 1 A tariff. Therefore, a total amount of Rs 24605/-(Rs 7544+ Rs 6211+-Rs 10850) is liable to pay by the appellant for the energy consumption after the regularization of tariff and load. Besides this a consumption from 20.09.2021 to 06.10.2021 of 98 units amounting to Rs 752 under 6F tariff was also liable to pay towards the current charges, for the energy consumption, before changing of energy meter.

Therefore, a total amount of Rs 25357/-(Rs 24605+ Rs 752) is liable to pay towards the electricity charge for the period from 20.09.2021 to 20.03. 2022.

As per the Regulation 128 of Kerala Electricity Supply code 2014, there is a provision for consumers to remit self-assessed electricity charges in case of non-receipt of bills. As per the Regulation 134 of Kerala Electricity Supply code 2014, the licensee can review undercharged bills/ Over charged bills.

As per the Regulation 136 of Kerala Electricity Supply code 2014 the licensee shall be entitled to recover the arrears of charges or any other amount due from the consumer along with interest at the rates applicable for belated payments from the date on which such payment became due. The section 45 of Electricity Act 2003, stipulate that the licensee has power to recover the charges for electricity supplied.

4. As the appellant narrated in paragraph 4, the appellant approached the Hon'ble Consumer Grievance Redressal Forum, Northern Region, Kozhikode as Case No.OP 56/2022-23 and the Hon'ble Consumer Grievance Redressal Forum, Northern Region, Kozhikode ordered on 31.12.2022 that KSEBL can collect the energy charges from the appellant without any surcharge/interest. Accordingly, the KSEBL complied the order of Hon'ble Consumer Grievance Redressal Forum, Northern Region, Kozhikode and issued a bill amounting Rs. 25357/- on 21.02,2023 containing energy charges for the period 20.09.2021 to 20.03.2022 without any surcharge/interest.
5. The averments narrated in para 5,6 and 7 of this appeal are not correct and hence it is denied by the respondent.

The appellant has consumed electricity from 20.09.2021 to 20.03.2022 and no payment has been made towards the electricity charges. Their prayer to set aside the order passed by the Hon'ble Consumer Grievance Redressal Forum, Northern Region, Kozhikode in OP 56/2022-23 dt 31.12.2022 reveals that the appellant is not willing to pay the charges of electricity which they had already consumed. The Electricity Act 2003 ensures the licensee has power to recover the charges for electricity supplied. The contentions raised by the appellant is false, frivolous, and fabricated, hence the prayer of appellant is not genuine and not maintainable by law.

6. For the reasons stated above, it is humbly prayed that this Hon'ble Kerala State Electricity Ombudsman may pleased to accept the contentions of this Respondent and dismiss the appeal by upholding the order of the Hon'ble Consumer Grievance Redressal Forum, Northern Region, Kozhikode in case No. OP 56/2022-23.

Analysis and findings

The hearing of that case was fixed on 03/05/2023 at 11:30 am in the office of the Kerala State Electricity Ombudsman and the intimation has been sent on 10/04/2023 by post and informed the parties to their contact number telephonically. The respondent AEE, Kondotty along with nodal officer and AE Kondotty attended the hearing. The respondent has authorised an advocate as per Form B but nobody attended and no representation received to postpone the hearing. The respondent was heard on 10/04/2023.

The appellant Sri: Mohammed Nisar is a consumer of Licensee (KSEB) under Kondotty Electrical Section. The appellant availed connection on 29/04/2019 under 6F tariff and the last bill under 6F tariff was issued on 20/09/2021. This connection would have been availed as construction supply. Then the connection was regularised as 1A tariff regularising load and single-phase meter was changed to three phase on 5/10/2021. The licensee has taken the reading of the consumer regularly. The appellant has been working abroad and his parental house is close to his house. The load regularization and installation of new, three phase meter and change of tariff to 1A were effected on 05/10/2021. While entering the data in 'Orumanet' (the Licensee's software) occurred some error in the entry of FR, in connection with the tariff change. Due to the error happened, timely bills were not generated. The meter readings were taken and kept in the register regularly.

Period	tariff	IR	FR	Units	Amount
06/10/21 to 18/11/21	1A	0	904	904	7544
19/11/21 to 20/01/22	1A	904	1686	782	6211
21/01/22 to 20/03/22	1A	1686	2896	1210	10,850
Total					24,605
Before tariff change					
20/09/21 to 06/10/21	6	2422	2540	98	752
Grand total					25,357

The amount Rs. 752/- was for the 98 units recorded by the single-phase meter under 6F tariff. That's why the amount has exceeded Rs. 25,357/-. The appellant have mentioned that there is nobody residing in the house and hence no consumption. The meter reading shows that there is regular consumption in the house.

The reading of the meter from July 2022 to march 2023 also shows that there is regular consumption of electricity in the connection. The consumer is regularly paying the current charges bill raised with effect from may 2022 onwards. There was no complaint raised about the functioning of the meter and hence the readings are correct and the energy is consumed.

The section 45 of the Indian Electricity Act 2003 specifies the power of licensee to recover the charges. Section 45(1) *“Subject to the provisions of this section, the prices to be charged by the distribution licensee for the supply of electricity by him in pursuance of section 43 shall be in accordance with such tariffs fixed from time to time and conditions of his licence”*.

The section 134 of Kerala Electricity Supply Code 2014 states about the recovery of under charged bills. 134(1) *“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”*.

The section 136 of the Supply Code 2014 specify about the recovery of arrears. 136(1) *“The licensee shall be entitled to recover arrears of charges or any other amount due from the consumer along with interest at the rates applicable for belated payments from the date on which such payments became due”*.

136(2) *“The licensee may prefer a claim for such arrears by issuance of a demand notice and the consumer shall remit the arrear amount within the due date indicated in the demand notice”*.

136(4) *“If the consumer fails to remit the amount of arrears with interest on or before the due date indicated in the bill or in the demand notice, the licensee may disconnect the supply of electricity after giving notice and initiate proceedings for the recovery of the arrears in accordance with the relevant legal provisions”*.

The Indian Electricity Act 2003 and Sections of Kerala Electricity Supply Code 2014 empowers the licensee to recover the charges of energy consumed by the consumer as per the reading recorded by the energy meter.

Here in the case in hand, the error is happened in entering the data in the ‘Orumanet’ (the billing software), and hence the regular bills were not generated. However, the readings were taken and recorded in the register. On rectifying the mistake in the software, the bills start generated. Though there is no occupancy in the house, there are other electric appliances which may have to run to maintain and upkeep the house. The consumer is always liable to pay the energy consumed.

Decision

On verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken.

1. Agree with the decision of CGRF.
2. The petition is disposed.
3. No order on cost.

ELECTRICITY OMBUDSMAN

No. P/013/2023/_____ dated _____

Delivered to:

1. Mohammed Nisar, Kannanchery House, Kammini Paramba P.O., Kondotty, Malappuram
2. The Assistant Executive Engineer, Electrical Sub Division, KSEB Limited, Kondotty, Malappuram (Dist.)

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Gandhi Road, Kozhikode- 673011.