

**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](mailto:ombudsman.electricity@gmail.com)

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**Appeal Petition No. P/035/2023  
(Present A. Chandrakumaran Nair)  
Dated: September-15-2023**

Appellant : Sri. Biju Kuriakose,  
Thadathil House,  
Poothrikka P.O.,  
Ernakulam (Dist.)

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
Kerala State Electricity Board Ltd.,  
Puthencruz, Ernakulam.

**ORDER**

**Background of the case**

The appellant shri Biju Kuriakose is a consumer of the licensee under the tariff LT IA with the consumer number: 11573444011859 under Thiruvaniyoor Section. The consumer installed a Solar Plant of 10kw capacity on 13/12/2018. The connected load of the consumer is 29.35 kw. The solar plant is the grid interactive solar system. The meter has been converted CT/PT connected meter as his connected load exceeded 25kw on 18/12/2020. The zone wise reading of the TOD meter started from 7/2022 onwards. On verification of the zone wise reading, it recorded export of energy in the Zone II and Zone III which shows that there is connection error in CT. Accordingly the sub engineers visited the site and found that the secondary terminals of the CT connected wrongly to the meter. As the polarity was reversed the meter recorded export as import and import as export. The connections were rectified and a mahazzar was prepared. A short assessment bill for Rs. 3, 09,269/- was issued to the appellant. The CGRF was approached and CGRF issued order stating that the appellant is liable to pay the short assessment bill with effect from 18/12/2020. Aggrieved by the decision of CGRF, this appeal petition is filed.

## **Arguments of the Appellant**

1. The complainant installed a KSEB grid connected 10KW solar plant in his house on 13/12/2018 after obtaining all permissions from KSEBL and Electrical Inspectorate. The complainant purchased the meter and it was sealed and installed by KSEBL on 13/12/2018. The KSEBL did not pay the banked unit charges to the complainant after more than two years of starting production. On enquiry, the KSEBL informed that the claim for payment on banked units can be considered only after payment of Rs. 30000/- for regularization of the connection. Complainant paid the said amount. Then the KSEBL informed that the OMF for the period after load regularization alone can be considered for refund. In other words, the KSEBL raised all excuses for not paying the solar refund on banked units. Then the complainant was constrained to approach the Consumer Grievance Redressal Forum (Central) for redressal of his grievance by filing OP NO 3/2021-22. The said OP was disposed of as per Order dated 30/6/2021. As per the above order, the entire banked units as per CT multiplication factor was directed to be credited to the consumer accounts from the date of commissioning of the solar plant.
2. The father and mother of the complainant alone are residing in the house of the complainant. On 20/10/2022, the Sub Engineer under Thiruvaniyoor Section office conducted an inspection in the consumer premises and prepared a mahazer. The inspection was conducted and the mahazer was prepared in the absence and without knowledge of the consumer or his representative. The said mahazer was not signed by the complainant or the representative of the complainant. A mahazer prepared in the above manner has no legal validity and the findings in the mahazer and consequent actions based on such findings amounts to nullity in the eye of law and not binding on the consumer. The mahazer which was prepared in such illegal manner says that the CT connections given to the meter are found to be given in the reverse direction and the mistake was corrected and sealed by him in the presence of Sub Engineer in charge Siby Thankappan. Eventhough it is stated in the mahazer that the father of the complainant Sri Kuriakose was present in the house at the time of inspection, it is not stated that this alleged reverse connection was brought to his notice or it was corrected to his satisfaction at the time of inspection or that the father of the consumer refused to sign the mahazer.
3. While hearing the earlier OP No 3/2021-22, the KSEBL admitted before the Forum that at the time of giving connection, they omitted to notice the meter multiplication factor. Now they say in the mahazer that wrong connection was given to the meter at the time of giving connection. These two mistakes

alleged to happen in the very same consumer premises specifically prove the inability and incapability of the licensee to be perfect in their field of action.

The illegal mahazer findings were followed by a short assessment order dated 18/12/2022 along with calculation sheet issued by the Assistant Engineer demanding total payment of Rs.309269/- during the period from 1-01-2019 to 1-9-2022. This bill is issued to a consumer who has installed 10KW solar power plant in his house which is producing about 40 KWh power per day. Totally unreasonable calculations are adopted in the above calculation sheet. A house where old parents of complainant are residing is alleged to consume 2360 units in the month of September 2022. In other words, the daily consumption is  $2360/30 = 78.66$  units per day. This is a highly exaggerated calculation in order to harrass the consumer. Moreover, even in all months where production is admittedly higher than consumption amounts are demanded from the consumer. If that be so there was no need for the consumer to install the solar system spending huge amounts.

4. Another important aspect is that in the calculation sheet, the licensee has clearly mentioned the units generated, import units, export units, billed units, fixed charges, energy charges, duty payable amount, paid amount, and balance amount applicable for each month starting from 1/1/2019 to 1/9/2022. All these details are mentioned during periods in which the CT connection to meter was faulty as per the allegation in the mahazer. It is not known as to what is the basis for the above data during the connection faulty period. Electricity Supply Code and other related laws are discarded by the Senior Superintendent of the Section office while issuing the above calculation sheet.

The finding in the illegal mahazer is as follows “മീറ്റർ ചേമ്പറും ടെർമിനൽ ചേമ്പറും തുറന്നു പരിശോധിച്ചതിൽ വച്ച് മീറ്ററിലേക്കുള്ള CT ഔട്ട്പുട്ട് വിപരീത ദിശയിൽ കണക്ട് ചെയ്തതായി കാണുകയുണ്ടായി. ഇപ്രകാരം കണക്ഷൻ തിരിഞ്ഞു പോയിട്ടുള്ളതിനാൽ വൈദ്യുതി മീറ്ററിൽ രേഖപ്പെടുത്തുന്ന ഇമ്പോർട്ട് റീഡിങ്ങും എക്സ്പോർട്ട് റീഡിങ്ങും പരസ്പരം മാറിപ്പോവുകയും ചെയ്തിട്ടുണ്ട്.”. There is absolutely no legal basis for the above finding in the mahazer. Regulation 2(57) of the Electricity Supply Code defines meter. Meter means a device suitable for measuring, indicating and recording consumption of electricity or any other quantity related with electrical system and shall include wherever applicable other equipments such as Current Transformer (CT), Voltage Transformer (VT) or capacitance voltage transformer (CVT) necessary for such purpose. Therefore, the total unit of CT and Meter forms meter and the reversal in connection inside that system amounts to fault in meter and consequent fault in meter reading. The finding by a Sub Engineer in the mahazer that the reversal in above connection can result only on reversal of export and import readings is not correct. When there is fault in meter readings as mentioned above, the option available under law has to be followed by the KSEBL and the calculation sheet issued otherwise is not legally sustainable.

5. The contention raised by the consumer before the Assistant Engineer that the

calculation has to be made as provided under Regulation 125 of the Electricity

Supply Code was illegally turned down by the Assistant Engineer. Here the calculation has to be made as per three billing cycles after the meter is replaced because the details pertaining to previous three cycles are not available in this case. It is also mentioned in the above provision that the provisional bills shall be adjusted on the basis of the subsequent actual meter reading. The KSEBL has to act in accordance with law and they cannot divert the issue in tune with their financial benefits.

In the calculation sheet, the Senior Superintendent has simply followed the wrong finding by the Sub Engineer in the mahazer and calculated the amount by reversing the export and import readings and the Assistant Engineer endorsed the said calculation, which the consumer is not liable to pay. There is no law which says that the reversal of CT output to meter will result in reversal of export and import. In the absence of such a provision of law, the Sub Engineer or the Senior Superintendent or the Assistant Engineer cannot enter into such finding that the reversal of CT connections to meter will result in reversal of export and import readings and the Senior Superintendent and Assistant Engineer are not justified in issuing demands on that basis.

6. A 10 KW solar system produces at least 40 units of power per day. In other words, the average production per month in the solar system of the complainant's house will be around 1200 watts per month. It may be noted that the per month manufacturing units in the calculation sheet crossed thousand units per month only in limited months.

A house where aged parents of complainant are residing is alleged to consume 1000- 2360 units per month. In other words, the per day consumption in the house raised up to 78 units per day, according to the Electricity Board. This finding is highly unreasonable and based on no material.

The complainant submitted complaint before the Assistant Engineer against the above illegal demand on 23/12/2022 and 1/1/2023. The Assistant Engineer heard the representatives of the complainant on 23/1/2023. The request to treat the meter as faulty meter was turned down by the Assistant Engineer and upheld the illegal demand.

The readings after the inspection of the premises on 20/10/2022 reads as follows as per the letter of the Assistant Engineer.

Date	Import	Export
1/11/2022		

9/12/2022	724.2.4 units	562.4 units
3/1/2023	872.2.6 units	637.6 units
4/2/2023	292.2 units	600 units
1/3/2023	307.8 units	800 units

7. The CGRF which found that the mahazer was prepared in the absence of the consumer or his representative ought to have allowed the complaint then and there. A mahazar prepared against the stipulations in Regulation 151 of the Electricity Supply Code is a nullity in the eye of law. No further action could be taken on the basis of findings in the said mahazer. However, the Forum proceeded further in the matter without answering the contentions raised by the complainant. According to the Forum, the error in CT connection has resulted only in an interchange in the Import and export readings. In other words, the Forum has simply followed the wrong findings in the mahazar absolutely without any legal support for the same. Then the Forum stated that the licensee is able to ascertain the actual units of consumption in the Export and import of power as both meters are healthy and in good working condition. There is absolutely no evidence before the Forum to enter into such illegal findings. The Forum has simply followed what is stated by the licensee in his statement without answering the valid contentions raised by the consumer and directed to revise the bill from the 1/1/2019, the date of net meter connected date.

The CGRF in its order page 6 last para as follows “The petitioner also argued that the statement of the respondent that the error of the interchanged connection has been corrected [rectified cannot be accepted as they have not corrected it in front of the petitioner or his representative. The respondent also admitted the same and stated that the father of the petitioner was present at the time of inspection, preparation of mahazer and correction of the error due to interchange, but denied to cooperate with or sign the mahazer. **This Forum finds that the respondent could have recorded the same in the site mahazer, but omitted to do the same, which is a serious lapse from the part of the respondent and hence cannot evidently prove that the father of the respondent was present there at the time of inspection and preparation of the site mahazer.**”

8. Then the Forum simply quoted Regulation 125 and also Regulation 152 of the Electricity Supply Code and blindly accepted the contention of the licensee that the error/mistake in this case does not affect the working condition and accuracy of the meter and the reading of both the import and export units of the power is obtainable from the meter and hence calculation under Regulation 152 of the Kerala Electricity Supply Code need to be applied in this case and held that the error in the CT connection has resulted only in an interchange in the import and export readings. The Forum has not stated as to what is the legal basis for such finding. Said

finding of the forum is not supported by any provision of law and is liable to be set aside by this Honourable Ombudsman.

9. Then the Forum says that in this case the licensee is able to ascertain the actual consumption in the export and import of power as both meters are

healthy and in good working condition and hence the procedure under Regulation 152 of the Kerala electricity Supply Code need to be followed in this case. This finding of the Forum adds insult to injury. Allegation of the licensee is that there was connection error inside the meter and if so, how can the meter record correct consumption and how can said readings believed by any reasonable man. These are all questions which the Forum has not answered. Then the Forum disposed of the petition by modifying the assessment period starting from 18/12/2020, the net meter connected date and the consumers bound to pay such calculated amount. The Forum also observed that a lot of complaints are arising now a days regarding interchange of Import and export readings of Solar power plant and advised that in order to reduce such complaints the field staff may be given sufficient training. In other words, the Forum says that consumer has to bear the consequences of these mischiefs done by the undertrained staff of the licensee.

10. It is humbly requested that the Ombudsman may be pleased to set aside order dated 13/06/2023 in CGRF-CR/OP No 93/2022-23 97 of the CGRF Central Region, Kalamassery, Ernakulam.

## **Arguments of the Respondent**

1. Sri. Biju Kuriakose, Thadathil House, Pootrikka P.O., Ernakulam Dist., the Complainant is a consumer of KSEBL with Consumer Number 1157344011859 under Thiruvaniyoor Electrical Section with a connected load of 29.354 KW. The consumer is having a Grid tied Solar system of 10 KW connected from 13.12.2018.

On 20.08.2019, a bill numbered 5555190817892 amounting to Rs. 26,836/-

[Rs.22,550(ECSC) + Rs. 2,030(SGST) + Rs.2,030(CGST) + Rs.226 (Flood Cess)] has been issued to the consumer since his connected load exceeded 25 KW (29.354 KW) and meter with CT, PT had to be installed to the consumer for regularization of the load. The consumer paid the amount upon repeated reminders only on 18.12.2020, nearly 15 months after the receipt of the bill which was due to the KSEBL. Hence the official commissioning of CT, PT could only be entered in the KSEBL records as 18.12.2020. Afterwards, the refund for the banked solar units were calculated from 18.12.2020 considering the Multiplication Factor of CT-PT

units. Then this consumer approached the CGRF for effecting the Multiplication factor on behalf of the CT, PT connection from the CT/PT installation date and CGRF made a favorable judgement to the consumer and KSEBL abide by the judgement.

2. An in-house instruction on taking and recording zone wise readings of the TOD meter installed at solar premises was received during May 2022, accordingly, the zone wise readings was started recording for the solar consumers from July 2022 onwards.

Upon verification of the zone wise readings of this consumer, it was suspected that the CT connection to the net meter is in wrong manner since contrary to the normally expected pattern of power flow, the readings were showing Export to Grid during III zone (10 pm to 6 am) and import during I (6am to 6 pm) and II zones (6 pm to 10 pm).

Since the pattern repeated in the next month as well, the Superintendent ordered an inspection of the metering system and the Sub Engineer in charge of the area Sri. Jinan with Sri. Sibi Thankappan, Sub Engineer, Thiruvaniyoor visited the premises and made an inspection of the metering system and found an error that the CT connections are in the reversed manner. They corrected the wiring and recorded the proceedings in the presence of Sri. Kuriakose F/o Sri. Biju Kuriakose, the consumer, who was not present at the time. The consumer's representative (F/o Biju Kuriakose) refused to sign and accept the recordings. So, the KSEBL officials left the site without serving the copy of the recordings. The petitioner's house is well covered with CCTV system and the recordings on 20.10.2022 should reveal the correctness of above statements.

3. As on date (19.07.2023) 47134 Consumers are under this Sub Division and only two consumers have raised petition at the CGRF during the past one year. This is an indication of the percentage error caused from KSEBL personals.

The corrected bill was prepared on the basis that the whole period during which CT meter was connected has to be considered for the short assessment. But the CGRF vide the order has directed to revise the bill taking starting date from 8.12.2022,) the officially commissioned date of the CT, and the reason for this revision is the very negligent attitude of the consumer in paying the required amount due to KSEBL for the CT meter connection work.

The bill for September served to the consumer includes the consumption from August in which the doubt of CT connection reversal was suspected. The connected load of the consumer is 29.354 KW and the solar plant capacity is 10 KW. There are all chances that the consumption may well exceed the generation of the installed solar plant.

4. The reversal of CT connection, only results in reversal of recordings of the Export and Import readings. Corrected bill is prepared based on this scientific fact.

In a CT/PT Energy Meter System, CT, PT and Energy Meter which records the energy flow are independent units and they have to be connected in appropriate manner to properly function as an electrical metering system. Incorrectness in connections may result in errors and the Regulation 152 of the Kerala Electricity Supply Code 2014 deals with such probable errors and necessary actions to be taken in such cases.

5. In this case the errors in readings were occurred due to the reversed connections of CTs to the metering unit and is a case to be addressed under the Regulation 152 of the Kerala Electricity Supply Code 2014.

The new calculation sheet is prepared based on interchanging the Import and Export readings earlier recorded, due to the error later found out on the inspection made on 20.12.2022 at the premises of the consumer.

A 10 KW solar system may produce 40 units of power per day. There are many factors including environmental conditions which affect the production of solar generation plants.

Connected load of this premises is 29.354 KW. The consumption pattern of 1000, 2000 units may be expected for such an installation.

This case has to be considered as per the Regulation 152 of the Kerala Electricity Supply Code 2014. Hence the Assistant Engineer turned down the request for considering the case on Regulation 125 of the Kerala Electricity Supply Code 2014.

6. These readings are very valid in considering the case. During 2/2023 and 3/2023 Export readings exceeded the Import readings. It is well evident that the consumer put a control on the consumption and now the system is working as a net generator. Else the very opposite might have happened.
7. It is a well-established fact that the electrical power flow depends on the direction of the current flow. Here the reversal of the wiring connection of CT results in reversal of current flow through the recording element. In this case the reversal of CT connections resulted in reversal of Export and Import readings.

After the correction of error in CT wiring, The Anti Power Theft Squad of KSEBL inspected the system and downloaded possible readings from the memory of recording element and they endorsed the correctness of the system.

Again, the Out Door Metering unit of TMR Angamaly, KSEBL, as per instructions of the Chairperson CGRF inspected the system and downloaded possible readings from the memory of recording element and they also endorsed the correctness of the metering system.

It is well evident from the zone wise readings that, after the error correction

the Export from the system confined to the I zone only; earlier the system was

showing Exports during II and III zones. The consumer does agree that a revised bill has to be issued to them; but only disagrees on the Regulation to be adopted.

The short assessment bill has to be served to the consumer as per the Regulation 152 of the Kerala Electricity Supply Code 2014 since it is evident that it is an error from the part of KSEBL in the case. The CGRF Central region vide their order No. CGRF-CR/OP No0.93/2022-23/27 dt. 13.06.2023 has agreed with this but reduced the time period for short assessment to 22 months; from the official commissioning date of the CT/PT meter. All the exhibits are attached for your kind perusal.

## **Counter arguments of the appellant**

1. On 20/10/2022, the Sub Engineer under Thiruvaniyoor Section office of KSEBL conducted an inspection in the consumer premises and prepared a mahazer as per direction from Revenue officer. Neither the consumer nor his representative has signed that mahazer. There is no statement in that mahazer that the consumer or his representative refused to accept a copy of the mahazer. The entries in the mahazar were made without any information to the consumer or his representative. Since the mahazer was prepared by the licensee themselves without knowledge of the consumer and the absence of signature of any independent witness in it leads to the conclusion that the said mahazer is a nullity in the eye of law.

As per the entries in the mahazer it is stated that the CT output is connected in the opposite direction and hence the export and import readings were interchanged and consequently the consumed units are shown in the export portion and the units exported to Grid is shown in the import portion. It is further stated that the connections were corrected and meter sealed on the gate of inspection itself.

The mahazer was followed by a short assessment demand dated 8/12/2022 issued by the Assistant Engineer of the Section office for Rs. 309269/- with attached calculation sheet. In the above short assessment, it is stated that the bills have to be short assessed from the date of insertion of net meter on 18/12/2020. But the calculation sheet show that the assessment is made for the period 1/1/2019 to 1/9/2022 for a total amount of Rs. Rs. 309269/-.

2. The consumer submitted two objections dated 23/12/2022 and 11/1/2023 before the Assistant Engineer. In the above objection it was clearly pointed out that the aged parents of the consumer alone are residing in the house with limited consumption and it is surprising to notice the huge consumption alleged in the short assessment.

Then the Assistant Engineer issued a communication No DB/TVYR/22-23 dated 17/2/2023 after conducting a personal hearing on 23/1/2023. The argument raised by the consumer that finding in the mahazer that the CT and meter forms a unit in itself for effective reading and the reversal of connection within the meter is a fault in the meter and therefore the assessment shall be only in accordance with Regulation 125 of the Electricity Supply code. But that contention was turned down and the assessment was made as per Regulation 152 of the Code. Secondly the difference between the period of calculation mentioned in the short assessment and the calculation sheet continued without rectification. In the short assessment order, it is stated that the calculation is from 18/12/2020@pwhereas the calculation sheet the period is from 1/1/2019 to 1/9/2022.

3. The consumer approached the CGRF Central; Ernakulam. The Forum as per Order in OP No 93/2022-23 dated 13/6/2023 revised the short assessment demand by modifying the period of assessment from 18/12/2020 to 1/9/2022. The contention by the consumer regarding application of Regulation 125 of the Electricity Supply Code was turned down. The present appeal is submitted in the abovementioned circumstances.

The reasons stated by the Forum for rejecting the contention of the consumer regarding Regulation 125 are the following.

- a. Meter is in proper working condition and readings are readily available.

b. The error in the CT connection has resulted only in an interchange of import and export readings.

c. Licensee is able to ascertain the actual units of consumption in the export and import of power as both the meters are healthy and in good working condition.

4. In other words, the Forum has simply followed what is written in the mahazer and also the contentions of the licensee without support of any legal or technical basis. Regulation 2(57) of the Electricity Supply Code defines meter. Meter means a device suitable for measuring, indicating and recording consumption of electricity or any other quantity related with electrical system and shall include wherever applicable other equipments such as Current Transformer (CT), Voltage Transformer (VT) or capacitance voltage transformer (CVT) necessary for such purpose. Therefore, the total unit of CT and Meter forms meter and the reversal in connection inside that system amounts to fault in meter and consequent fault in meter reading. The finding by a Sub Engineer in the mahazer that the reversal in above connection can result only on reversal of export and import readings is not correct. When there is fault in meter readings as mentioned above, the option available under law has to be followed by the KSEBL and the calculation sheet issued otherwise is not legally sustainable.
5. Here the calculation has to be made as per three billing cycles after the meter is replaced because the details pertaining to previous three cycles are not available in this case. It is also mentioned in the above provision that the provisional bills shall be adjusted on the basis of the subsequent actual meter reading. The KSEBL has to act in accordance with law and they cannot divert the issue in tune with their financial benefits and the CGRF is not justified in following such contentions without any legal or factual basis.

In the impugned order, the Forum found that “the respondent could have recorded the same in the site mahazer, but omitted to do the same, which is a serious lapse from the part of the respondent and hence cannot evidently prove that the father of the respondent was present there at the time of inspection and preparation of the site mahazer.” In the light of this finding, it is crystal clear that the mahazer was prepared by the Licensee in the absence of the consumer or his representative and such a mahazer has no legal validity and the same is liable to be set aside by this Honourable Ombudsman.

Consequently, the entire assessment done by the KSEBL on the basis of such a legally invalid mahazer is also liable to be set aside.

6. There is absolutely no legal or scientific basis for the contention that the reversal in CT connections to meter lead to reversal in import and export readings.

Therefore, the very basis of the entire assessment is legally unsustainable and the entire assessment is liable to be set aside.

The contentions in the statement dated 20/7/2023 submitted by the respondent are equally unsustainable. Paragraph 2 of the statement is not correct. If a bill is due to the KSEBL and the same is not paid by the consumer, there are sufficient remedies available for the Board under

the statute. A consumer who installed a solar power plant was unnecessarily harassed by the KSEBL by not paying the banked charges for long period until the CGRF directed its payment.

7. Paragraph 3 of the statement reveals the lethargy on the part of the licensee in verifying the meter readings. Connection admittedly given in 12/2020 and the verification was done for the first time in 5/2022.

Paragraph 6 and 17 of the statement repeated the version that reversal of CT connection only results in reversal of export and import recordings without any legal or scientific basis. It is admitted in paragraph 7 of the statement that wrong connections inside meter system lead to errors in meter reading. The mistake in connection was admittedly made by the licensee staff within the sealed meter and the only consequence of such wrong connection is that the meter system became faulty and the only legal remedy available under such circumstance is Regulation 125 and not Regulation 152.

In the above circumstances the prayer in the complaint may be allowed.

### **Analysis and findings**

The hearing of the appeal petition was conducted on 05/09/2023 at 11:35 am in the office of the State Electricity Ombudsman, DH Road & Foreshore Road Junction, near Gandhi Square, Ernakulam south. The hearing was attended by the appellant's nominee Adv. Sri. Jose J Mathikal and the respondent Sri. Jins K.D., AEE, Electrical Sub Division, Kerala State Electricity Board Ltd., Puthencruz, Ernakulam along with Smt. Manju K., AE, Thiruvaniyoor.

The appellant has availed power supply for the domestic purpose and the connected load is 29.354 kw. The power connection was the temporary (construction) power supply and then converted to domestic connection and connected load enhanced to 29.354 kw. The appellant has installed a solar plant of 10kw capacity.

Though the solar plant has been commissioned as the Grid interactive system on 13/12/2018, the load enhancement was sanctioned on 18/12/2020 as the consumer delayed payment of necessary charges to the licensee in connection with the load enhancement. The CT used was of 100/5 and hence the multiplication factor is 20. As per the direction of the licensee the zone wise leading were taken with effect from July 22 onwards. The readings shows that there is export of energy in Zone II and Zone III which shows that the secondary of the CT connection was reversed. Then the sub engineers

of the licensee conducted an inspection of the metering system on 20/10/2022 and a site mahazzer was prepared. The procedure for installation and repair, of meter etc were as the Section 109 of the Kerala Electricity Supply Code 2014.

109(10) “Initial installation as well as replacement of the meter shall be done by a qualified employee of the licensee duly authorised for this purpose, in the presence of the consumer or his representative”.

109(11) “The licensee shall adopt a format of meter particulars sheet for recording the particulars of the meter at the time of initial installation or replacement”.

109(12) “The licensee shall retain one copy of the meter particulars sheet and its second copy, duly signed by the authorised representative of the licensee, shall be given to the consumer under proper acknowledgment”.

109(13) “The consumer or his authorised representative shall also sign the meter particulars sheet”.

109(14) “Subsequently, details of any faults in the meter, repairs, replacements etc. shall be entered in the meter particulars sheet by the licensee or his authorised representative”.

109(15) “Whenever a new meter is installed, either for a new connection or for replacement, it shall be sealed in the presence of the consumer”.

The above Sections were not adopted in this case and meter data sheet was not available and not maintained.

The procedure for testing the meter is described in Section 115 of Supply Code 2014.

115(5) “Before testing a meter of the consumer, the licensee shall give an advance notice of three days, intimating the date, time and place of testing so that the consumer or his authorised representative can, at his option, be present at the testing”.

115(6) “The testing shall be done within a maximum period of thirty days from the receipt of the application”.

115(7) “The consumer or his authorised representative and the representative of the licensee present during the testing shall affix their signature on the test report issued by the authorised officer of the laboratory as a token of having witnessed the testing:

Provided that the licensee and the consumer shall be eligible to get a copy of the test report which shall be dispatched to them within two working days of the date of testing, if not delivered in person at the time of affixing their signature”.

The procedure of testing is also not complied in this case. The licensee have not informed the appellant about the testing and also ensured the presence of the consumer or his representative. In the mahazzer it is mentioned that the father of the appellant was available at the site. But the inspecting officials have failed to obtain the signature of the consumer/ authorised representative in the mahazzer. It is noticed that the officials are not keen in complying the regulations.

The appellant mentioned that the regulation 125 of Supply Code is only applicable here and hence licensee can bill the short assessment only for two billing cycles.

Section 125(2) “Charges based on the average consumption as computed above shall be levied only for a maximum period of two billing cycles during which time the licensee shall replace the defective or damaged meter with correct meter”. This section is to limit the billing without metering which is maximum for two billing cycles within which the meter is to be replaced. Here in the case the meter was connected wrongly and the meter reading was wrong since it

connected. The meter was not damaged and hence the replacement was not necessitated. This section is not for the case like this.

The section 152 is to deal with the anomalies attributable to the licensee which are detected at the premises of the consumer.

152(1) “Anomalies attributable to the licensee which are detected on inspection at the premises of the consumer, such as wrong application of multiplication factor incorrect application of tariff by the licensee even while there is no change in the purpose of use of electricity by the consumer and inaccuracies in metering shall not attract provisions of Section 126 of the Act or of Section 135 of the Act.”

152(2) “In such cases the amount of electricity charges short collected by the licensee, if any, shall only be realised from the consumer under normal tariff applicable to the period during which such anomalies persisted.”

152(3) “The amount of electricity charges short collected for the entire period during which such anomalies persisted, maybe 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 realisation of electricity charges short collected shall be limited for a maximum period of 24 months, even if the period during which such anomaly persisted is found to be more than 24 months.”

152(4) “The consumer may be given instalment facility by the licensee for a maximum period of twelve months for the remittance of such amount of short collection with interest at the bank rate as on the date of remittance of the amount of installment”.

This section states that anomalies attributable to the licensee which are detected on inspection at the premises of the consumer such as inaccuracies in metering: This case is about the inaccuracy in the metering and hence the relevant section applicable is 152 of Supply Code 2014.

Further the Zone wise reading at different time zones shows that there was export of energy during Zone II (6pm to 10pm) and zone III (10pm to 6am). After the connection, correction there is no export is happened. This establishes that the meter reading was wrong showing. The export of energy

shows that there is production in the solar plant and is feeding to the Grid. This phenomena never happen during the night time as the sun is not there in the night i.e., Zone II and Zone III.

Here in this case the appellant raised a technical question how the import & export readings interchanged if the connections were interchanged. The primary of the CT is the conductor through which the main current is passing and the secondary terminals are marked as S<sub>1</sub> and S<sub>2</sub>. When the current is flowing in one direction in the main conductor, the induced current in the secondary of CT will be in one particular direction of the main current. When the current of the primary is in the opposite direction, the induced current in the secondary also reversed than the first case. When the consumer is drawing the power from the grid and also when solar plant production is more and power is flowing towards the grid, the direction of current flow will be in opposite directions in the primary. Accordingly, the current in the secondary also reverses. When the connection of S<sub>1</sub> & S<sub>2</sub> interchanges in the meter terminals the import & export of power interchanges as the current flow

interchanges. This is why the export of energy is recorded by the meter in Zone II & Zone III when the sunlight was not there.

The Section 152(3) states that the short assessment amount could be collected for a period of 12 months. If the period could not be reliably assessed. If the period of inaccuracy happened could be reliably assessed then the short assessment could be collected for a period of 24 months.

Then the starting date of assessment is another important aspect. The respondent in the statement of fact states that the official commissioning of the CT/PT meter recorded was 18/12/2020. This means that the official date from which the consumer could be charged is from 18/12/2020 onwards only.

The Honourable Supreme Court in civil appeal no. 7235/2009 M/s Prem Cotte Vs Uttar Haryana Bijili Vitaran Nigam Ltd. which was pronounced on 5/10/2021, in para 25 states about the short billing.

Para 25 *“In other words, the negligence on the part of the licensee which led to short billing in the first instance and the rectification of the same after the mistake is detected, is not covered by Sub-section (1) of Section 56. Consequently, any claim so made by a licensee after the detection of their mistake, may not fall within the mischief, namely, “no sum due from any consumer under this Section”, appearing in Sub Section (2)”.*

This order also states about the right of the licensee to recover

the short assessment amount on detecting and rectifying the fault.

Here, in the case what it is observed that the officials of the licensee has continuously violated the regulation. Necessary disciplinary action is to be taken against the officials who is involved in this.

## **Order**

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. The short assessment bill issued by the respondent is quashed herewith.
2. The respondent shall revise bill for the short assessment starting from 18/12/2020 and the appellant is liable to make the payment as per the revised bill.
3. Licensee has to take necessary action to ensure that all the officials comply the regulations strictly.
4. No order on cost.

## **ELECTRICITY OMBUDSMAN**

No. P/035/2023/ \_\_\_\_\_ dated: 15/09/2023.

Delivered to:

1. Sri. Biju Kuriakose, Thadathil House, Poothrikka P.O., Ernakulam (Dist.).
2. The Assistant Executive Engineer, Electrical Sub Division, Kerala State Electricity Board Ltd., Puthencruz.

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, 220 kV Substation Compound, HMT Colony P.O., Kalamassery, Pin- 683503