

THE STATE ELECTRICITY OMBUDSMAN

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**Appeal Petition No. P/053/2023
(Present A. Chandrakumaran Nair)
Dated: January-04-2024**

Appellant : Sri. Suresh Kumar B, 'Message',
TC 17/1150, SRA-21, Sastha Nagar,
Pangode, Thirumala P.O.,
Thiruvananthapuram (Dist.)- 695006

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
Kerala State Electricity Board Ltd.,
Poojappura, Thiruvananthapuram(Dist.).

ORDER

Background of the case

The appellant sri. Suresh Kumar is a domestic consumer having three phase connection with connected load of 10.066 kw under the electrical section, Thirumala of Licensee, KSEBL. The average monthly consumption was around 500 units and average monthly bill amount was Rs. 3,400/-. The meter recorded high consumption and a bill for Rs. 18,423/- was issued on 21/02/2023 and another bill for Rs. 8,691/- was issued on 22/04/2023. There was a supply failure in one phase and the same has been rectified on 10/03/2023 itself. The wiring has been checked through a licensed electrician and there was no earth leakage. The appellants contention is that there is a reverse flow of current which results this high reading in the meter. The meter was tested and found working normal. The appellant questioned the heavy bill and filed petition to CGRF. The CGRF issued order on completing the proceedings dated 30/09/2023, stating that the appellant is liable to pay the amount as per the bill issued by the licensee. Aggrieved by the order of the CGRF, this appeal petition is filed to this authority.

Arguments of the Appellant

I have received the order of the CGRF from website on 18/10/2023, ie; it was only uploaded on 17/09/2023. I didn't received the order from CGRF Authorities by post till 18/10/2023. Now I am left with only 12 days for submitting my appeal and the order from the CGRF website was dated 30.09.2023. The same has not been sent by the CGRF till now. I am not satisfied with the order passed by the CGRF Kottarakara directing me to pay the bills amounting to Rs.18423/- issued on 21.02.2023 and Rs.8691/- issued on 22/04/2023. The high electricity bill was happened due to reverse flow of electric supply. The complaint regarding supply failure in one phase was informed to KSEB Thirumala office from December 2022. But they did not take any action for the same and also I have reminded the same thing more than twice in January and February 2023. After rectifying the connection in one phase by KSEB Thirumala on 10/03/2023, our electricity consumption went back to normal.

This was a complete fault by the KSEB Thirumala Section authorities. The electricity meter may be in a good condition but the reverse flow of supply was due to the complaint in the one phase which was caused by inattentiveness/negligence by KSEB Thirumala Authorities. As per our 10 year records our average electricity consumption was about 464 units, But during the period of complaint in one phase, the average consumption went to 1912 units. The leakage of electricity was caused by the fault of KSEB Thirumala.

Kindly take appropriate action against KSEB Thirumala Section and reduce the above mentioned two bills as per our average consumption of 464 units. If you are directing me to pay the above two bills, then kindly reduce the bill amounts and split the above two bills to 12 installments. I have received a letter from KSEB THIRUMALA on 17/10/2023 directing me to pay the complete two bill amounts before 31.10.2023, otherwise they will be disconnecting the connection without any further notice. Please inform them also, regarding my submission of this appeal before you and refrain them from disconnecting the connection.

Also, here is a humble submission before the honourable electricity ombudsman, while visiting the KSEB office Thirumala for complaining about the fault on 24/02/2023, the Assistant Engineer and Senior Superintendent KSEB, Thirumala Section, has misbehaved to me and the same was complained to CGRF and District Legal Authority. Due to the above scenario, Asst. Engineer KSEB Thirumala, have issued letter dated 16.10.2023 on 17.10.2023, threatening us to pay the complete two bills amounts immediately before 31.10.2023, otherwise they will be disconnecting the connection without further notice on 31.10. 2023.

Arguments of the Respondent

The petitioner is a domestic consumer under Electrical Section Thirumala, having three phase service connection bearing consumer No: 1145116019354 with a registered connected load of 10066 Watts. The complaint was filed by the petitioner against the electricity bill issued to the petitioner on 21.02.2023 amounting Rs.18423/-. I may humbly submit the following facts for kind consideration and favourable orders. The average bimonthly consumption of the petitioner before 21.02.2023 was 500 units and average bill amount was Rs.3400/-. During 21.02.2023 the consumption recorded in the meter was 1912 units and bill was issued to the consumer for Rs.18423/-. While noticing the abnormal consumption during meter reading, the meter reader had informed the consumer about the earth leakage in the internal wiring.

As per the complaint filed by the petitioner on 24.02.2023, the meter was tested by installing a good meter (check meter tested and certified by Meter Testing Unit, Thirumala in series with existing meter for 6 days from 03.03.2023 to 09.03.2023. The consumption recorded in two meters are 210 and 211 units. As the meter was found good, no leakage was observed in the Licensee's portion and the consumption recorded seems very high, the petitioner was advised to check the internal wiring through a licensed electrical contractor. On 13.03.2023, the petitioner informed that he had checked the is through a licensed electrical contractor and the contractor told him that supply in one phase is missing and the abnormal consumption was due to reverse flow of supply through this phase. The meter data was downloaded and the record shows low voltage in one phase from 29.11.2022 to 09.03.2022 and rise in consumption was during the period from 27.01.2023 to 09.03.2023. As per the meter data, the consumption reduced to 20 units on 09.03.2023 and then to average 8 units from 10.03.2023. The complaint regarding supply failure in one phase was received in the section office on 10.03.2023 at 10:25 AM and the same was rectified on 10.03.2023 at 10:55 AM. There is no possibility of reverse flow of supply due to low voltage or missing of one phase. It is suspected that the petitioner had checked and rectified the leakage in the installation on the same day, the test meter was removed, hence the fall in consumption occurred from 09.03.2023.

As there was no fault found on the part of the Licensee, the petitioner was directed to remit the energy charge but he had not turned up to remit the bill amount and had filed OP No. 21/2023 before the CGRF Kottarakkara and the Hon'ble Forum disposed the case on 30th september 2023, ordering that the petitioner is liable to pay the bill amount.

In conclusion, the meter installed in the premises was found good, no leakage was observed in the Licensee's portion and there is no scope for reverse flow of supply as argued by the petitioner. The petitioner is liable to remit the bill issued on 21.02.2023 and 22.04.2023 amounting to Rs.18423/- and Rs.8691/- respectively. Hence, it is most humbly prayed that the petition may kindly be dismissed in favour of the licensee.

Counter arguments of the Appellant

The officers at KSEB, Poojappura, especially AEE & Senior Superintendent was not even ready to accept my complaint regarding the high electricity bill. Without even investigating about the issue, both were claiming that the high electricity consumption is due to earth leakage.

None of the officers from KSEB Poojappura came to my home to check the earth leakage. I have engaged a licensed electrical contractor to check my electrical connection. He finalized that there is no issue of any earth leakage. But the high electricity consumption was due to missing of power supply in one phase and that lead to reverse flow of power supply.

After rectifying the complaint in one phase by KSEB lineman, my electricity consumption went back to normal.

All other facts are mentioned in my first email and hard copies sent to State Electricity Ombudsman on 19/10/2023. I am willing to explain all my complaints once more on the day of physical hearing before honourable Ombudsman.

Analysis and findings

The hearing of the case was conducted on 12/12/2023 at 02:30 p.m. in the office of the Executive Engineer, Electrical Sub Division, KSE Board Ltd., Kazhakuttam, Thiruvananthapuram(Dist.). The hearing was attended by the appellant Sri. Suresh Kumar B., and the respondent Sri. P. Anilkumar, AEE, Electrical Sub Division, Poojappura.

The appellant has availed a three phase, LT connection from the licensee, Thirumala, electrical section. The monthly average bill was around Rs. 3,400/- as the monthly average consumption was around 500 units. The appellant was regular in making the payments. On 21/02/2023, the appellant received a bill for Rs. 18,423/- showing the consumption as 1912 units. Then the next bill for Rs. 8691/- was issued on 22/04/2023. The meter was tested, connecting another meter penalties to the existing meter for 6 days from 03/03/2023 to 09/03/2023 and found that the meter is working satisfactorily. The appellant has checked his internal wiring and

found that one phase is missing and this complaint was rectified as the same day on 10/03/2023. The consumption was found to be normal on rectification of this fault. The meter data was downloaded and found that the low voltage in one phase was noticed from 29/11/2022 to 09/03/2023. The increased consumption was recorded from 27/01/2023 to 09/03/2023. Then the consumption recorded was normal.

The main contention of the appellant is that the heavy consumption was recorded due to the reverse flow of current through the phase which was showing zero voltage. There is no possibility of such a case of reverse current flow in the system. The recorded current from the downloaded data shows that the daily consumption was around above 30 units most of the days. Then the consumption dropped down to average 8 units from 10/03/2023 onwards which is that data on which the fault was rectified.

Here in this case, the meter recorded high consumption and the meter was tested and found correct. Then question arises where the current leakage happened. If the earth leakage would have happened after the distribution board, then ELCB would have been acted. Then if the earth leakage happened in the licensee's side from the post to the meter, then the meter would have not been recorded. Then the only chance of earth leakage would have been between the meter and the distribution board. In the internal wiring main circuit if there could have been a breakage, then the earth leakage would have happened without activating the ELCB. However, the meter recorded the consumption then as the meter is not faulty, the meter reading is to be relied upon.

However the appellant's main complaint is that the one phase missing was noticed during December -2022 and the same has been informed to Thirumala section and the section officials have not taken any action. Then again reminded the section officials about the fault during January & February 2023. If the fault would have been rectified by the licensee in time, the high consumption would have not been recorded. This allegation was not contented/ opposed by the respondent. This shows that there is lapse from the officials to rectify the fault in time. If the fault would have been rectified at least during February, high bill on 22/04/2023 would have been a normal bill around Rs.. 3,400/-.

Then Section 55 of the Electricity Act states that the licensee has to supply electricity only through the installation of a correct meter. And also for proper accounting and audit in the generation, transmission and distribution or trading of electricity, the authority may direct the installation of meter.

The Section 104 of the Kerala Electricity Supply Code- 2014 states as below;

104(1) *"The licensee shall not supply electricity except through a correct meter installed in accordance with the provisions of the Central Electricity*

Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time”.

104(2) “The meter shall be tested and installed by the licensee and it shall conform to the requirements as specified in the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time”.

104(6) “The licensee shall provide seals or other appropriate devices on the metering equipment to detect any interference and shall maintain a register of all relevant security devices and seals.

110 (1) “The meter shall regularly be read once in every billing cycle and on special reading occasions”.

110(3) “The meter shall be read only by an employee of the licensee or by the person duly authorised by the licensee for this purpose”.

110(7) “It shall be the duty of the employee of the licensee or the person duly authorised by the licensee for reading the meter, to check the condition of light emitting devices (LED) on electronic meters”.

110(8) “In case the LED indicator for earth leakage provided in the electronic meters is found to be ‘ON’, he shall inform the consumer that there is leakage in the premises and advise the consumer to get the wiring checked and leakage removed”.

According to the above regulations, the consumer is liable to pay the current charges recorded by the correct meter.

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. The appellant is liable to pay the current charges as per the demand notice issued by the licensee dated 21/02/2023.
2. No interest is to be charged for this payment.
3. The licensee shall grant 12 monthly installments for remitting the payment.

4. The bill dated 22/04/2023 is quashed herewith
5. The licensee shall revise the bill dated 22/04/2023 by taking the average of 3 bills prior to bill dated 21/02/2023 (i.e., the average of three bills for the month Aug 2022, October 2022 and December 2022)
6. No order on cost.

ELECTRICITY OMBUDSMAN

No. P/053/2023/ _____ dated: 04/01/2024

Delivered to:

1. Sri. Suresh Kumar B, 'Message', TC 17/1150, SRA-21, Sastha Nagar, Pangode, Thirumala P.O., Thiruvananthapuram (Dist.)- 695006.
2. The Assistant Executive Engineer, Electrical Sub Division, Kerala State Electricity Board Ltd., Poojappura, Thiruvananthapuram(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, Vydhyuthi Bhavanam, KSE Board Ltd, Kottarakkara - 691 506.