

THE STATE ELECTRICITY OMBUDSMAN

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**Appeal Petition No. P/09/2025
(Present A. Chandrakumaran Nair)
Dated: 02-04-2025**

Appellant : Sri. B.R.Ajith
Chairman, Asian School of Architecture and
Design Innovations(ASADI), Silver Island,
Vyttila - 682019

Respondent : The Assistant Executive Engineer,
Electrical Sub Division, KSE Board Limited,
Vyttila, Ernakulam.

ORDER

Background of the case

The appellant Shri. B.R.Ajith is the Chairman of Asian School of Architecture and Design Innovation (ASADI) situated at Silver Sand Island, Vyttila. The said Institute is the Consumer of the Licensee, KSEBL with Consumer No.1155569026814 under the Electrical Section, Vyttila. This three phase LT connection was under LT 6 F tariff and connected load is 53.56 KW. The connection was effected on 12/2014. APTS, Ernakulam has conducted an inspection on 06/2024 and found that pressure coil connection of CT to the meter in R & B phases found to be interchanged which results to wrong phase association. Actual consumption would have been higher than that of the recorded consumption. The short assessment bill was prepared for a period of one year for Rs. 2,51,730/-. Another short assessment bill was prepared for Rs. 6,90,860/- for a period from 05/2020 to 06/2023. The appellant has challenged the short assessment and filed petition to CGRF. CGRF issued order on 10/01/2025 and quashed the second bill and nothing mentioned about the first bill. The appellant was ready to remit the first bill on installment basis and requested for 10 installment. This was not agreed by the Licensee. Then the appeal petition is filed to this Authority.

Arguments of the Appellant

An inspection was conducted by the APTS, Ernakulam wing, on 12/06/2024. Pursuant to this, a provisional penal bill amounting to Rs.2,51,730/- (Rupees Two Lakh fifty-one thousand seven hundred and thirty only) was issued to the Asian School of Architecture and Design Innovations, citing improper CT meter connections that allegedly resulted in revenue loss for KSEBL. Subsequently, a second penal bill amounting to Rs.6,90,866/-(Rupees Six Lakh ninety thousand eight hundred and sixty-six only) was issued by the Assistant Engineer, Vyttila Electrical Section. This bill is arbitrary and not based on any valid rules.

We respectfully bring to your attention that the CT connections in question were installed by KSEBL authorities during the initial service connection. As per regulations, periodic inspections are required to be conducted by KSEBL at stipulated intervals. In this instance, the failure of KSEBL to perform these inspections has led to the current situation. As a responsible LT service consumer, we bear no fault in this matter. Despite this, we expressed our willingness to remit the first short assessment bill (Rs. 2,51,730/-) in interest-free instalments. However, our request was denied by the Assistant Executive Engineer, Vyttila Sub Division. Following this, we approached the Consumer Grievance Redressal Forum (CGRF). The CGRF cancelled the second assessment bill of Rs. 6,90,866/-.

Subsequently, we received a notice from the office of the Assistant Engineer, Electrical Section, Vyttila, directing us to pay Rs. 2,51,730/- on or before 02/02/2025. In response, we requested the allowance of 10 interest-free instalments, but the Assistant Engineer permitted only three instalments with interest.

Considering the financial constraints of our educational institution, we are unable to pay such a substantial amount within three instalments. This will significantly disrupt the smooth functioning of our institution. Hence, we hereby pray to the Honourable Electricity Ombudsman to direct the Assistant Engineer to take the necessary steps to allow the payment of Rs. 2,51,730/- to be made in 10 interest-free instalments.

Arguments of the Respondent

The petitioner Sri. B.R Ajith, Chairman, Asian School of Architecture and Design Innovation, Silver Sand Island, Vyttila having Consumer No. 1155569026814 under Electrical Section Vyttila. This 3 phase service connection is coming under 6F tariff and registered connected load is 53560 Watts. On 12/06/2024 Anti Power Theft Squad (APTS) of Kerala State Electricity Board Limited (KSEBL) Ernakulam unit conducted an inspection in the above premises and its CT meter connection. During the inspection

APTS detected that the pressure coil connection RYB to the meter, in which R and B connection is found interchanged, means wrong phase association is noticed. Hence the actual consumption was not measured in energy meter and Site Mahasar was prepared. Based on this Assistant Engineer, Electrical Section Vyttila issued a short assessment bill for Rs. 2,51,730/- on 18/06/2024 for the period from 07/2023 to 06/2024. Moreover on 28/06/2024 another short assessment bill for Rs. 6,90,866/- also issued for the period from 05/2020 to 06/2023 due to variation in consumption noticed during this period.

The petitioner approached the IGRC and then to CGRF Ernakulam region. As per the order of CGRF dtd 10/01/2025 in OP No. 89/2024-25 ordered that the second short assessment bill issued on 28/06/2024 is for Rs. 6,90,866/- is quashed and the existing meter and accessories to be tested in accredited lab and convince the petitioner. Then assigned IGRC to issue a new bill instead of the above quashed bill according to the rules and conditions during the Covid pandemic order by the Government of India. KSEBL decided to comply this order and procedure is going on.

In CGRF order dated 10/01/2025, there is not mentioned anything about the first assessment bill for Rs. 2,51,730/- issued on 18/06/2024. Hence the petitioner is liable to pay this amount and a notice regarding this is sent to the petitioner on 20/01/2025 to remit the above amount. The petitioner approached Assistant Executive Engineer, Electrical Sub Division Vyttila for seeking permission to remit the amount in ten installment without interest. Assistant Executive Engineer sanctioned 3 equal installment as per the request of the petitioner and intimated to the authorised person who reached in the office with the installment request that, for getting 10 monthly equal installment, sanction may be obtained from higher officers as per delegation. The person contact the petitioner over phone and agreed for 3 installment and write in request letter for 3 equal installments. As per reg.152(4) of Kerala State Electricity Supply Code 2014 (Amendment 2024) 10 equal monthly installment can be issued after getting sanction from higher office.

Counter Arguments of the appellant

On 20/01/2025, we received a notice from the office of the Assistant Engineer, Electrical Section, Vyttila, directing us to pay Rs. 2,51,730/- on or before 02/02/2025. In response, we requested the allowance of 10 interest-free instalments. However, the Assistant Engineer permitted only three instalments with interest. Despite this, we expressed our willingness to remit the first short assessment bill (Rs. 2,51,730/-) in interest-free instalments. However, as per Reference No. 1, our request was denied by the Assistant Executive Engineer, Vyttila Sub Division. Regulation 152(4) of the Indian Electricity Act, 2003, clearly states: "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 instalment." The Assistant Engineer, Electrical Section, Vyttila, permitting only three instalments is contrary to Regulation 152(4) of the Indian Electricity Act, 2003.

Despite submitting our request through the appropriate channels, no action has been taken to address our concerns. We pray for appropriate instructions to be given to the licensee to impose interest at the bank rate only from the date of the first instalment.

Considering the financial constraints of our educational institution, we are unable to pay such a substantial amount within three instalments. This will significantly disrupt the smooth functioning of our institution. Hence, we hereby request the Honourable Electricity Ombudsman to direct the Assistant Engineer to allow the payment of Rs. 2,51,730/- in 10 interest-free instalments, as per Section 152(4) of the Electricity Act, 2003. What is stated above is true to the best of my knowledge, information, and belief.

Analysis and findings

The hearing of this appeal petition was conducted on 18/03/2025 at 11:00 a.m. in the O/o the State Electricity Ombudsman, D.H.Road, Foreshore Road Junction, Ernakulam. The hearing was attended by the appellants representatives Sri. Prabhosh.T (Director-Administration) and Sri. Puthra Sagar.K.T.(Technician Electrical) and the respondent Sri. K.Rejith Kumar, Assistant Executive Engineer, Electrical Sub Division, Vyttila, Ernakulam(Dist.)

The Asian School of Architecture and Design Innovation is a private institution established in Vyttila and running B.Arch course affiliated to M.G.University. This institution is a consumer of the KSEBL under their Vyttila Section. This 3 phase LT power connection was effected on 11/12/2014 with connected load 53.56 KW. The Anti Power Theft Squad had conducted an inspection on 12/06/2024 and found the mistake in connection of CT to the meter. The pressure connection R & B phase were connected to the meter in interchanged condition which result to wrong polarity. Then the reading of the energy meter would have been lower than that of the actual consumption. Initially the short assessment bill was prepared for a period of one year from 07/2023 to 06/2024 for Rs, 2,51,730/-. Subsequently another bill was issued for Rs. 6,90,866/- for a period of 38 months from 05/2020 to 06/2023. The reason for the second bill stated by the Licensee is that the variation in consumption is noticed during this period.

The first inspection of the meter was after the 10 years of service connection. The service connection was given on 12/2024 and first inspection was on

06/2024. The **regulation 113** of the Kerala State Electricity Supply Code 2014 states about the Testing of meters.

113. Testing of meter.-

(1) It shall be the responsibility of the licensee to satisfy itself regarding the accuracy of the meter before it is installed and the licensee shall test them or get them tested in an accredited laboratory or in an approved laboratory.

(2) The licensee shall also conduct periodical inspection or testing or both and calibration of the meters, as specified in the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time.

(3) The periodical testing of consumer meters shall normally be done at site.

(4) The licensee may, instead of testing the meter at site, remove the meter to be tested, replace the same with a correct meter and test the removed meter in an accredited laboratory or in an approved laboratory.

(5) When the consumer opts to purchase the meter, the licensee shall receive it and test the same in an accredited laboratory or in an approved laboratory and install it as per the following time schedule:-

<i>LT Meters</i>	<i>With a maximum of fifteen days</i>
<i>HT / EHT Meters</i>	<i>With a maximum of twenty days</i>

(6) The licensee shall conduct periodical inspection or testing or both of the meters as per the following schedule:-

Single phase meters	Once in every five years
LT 3 phase meters	Once in every three years
HT or EHT meters including maximum demand indicator (MDI)	Once in every year

(7) Wherever applicable, Current Transformer (CT) and Potential Transformer (PT) and the wiring connections shall also be tested along with meters.

The regulation is clearly specified that the meter is to be tested in every three years as this is an LT 3 phase connection. Here the Licensee has not complied with the specification. Then the **regulation 152** of Supply Code 2014 deals with the Anomalies attributable to the Licensee which are detected at the premises of the consumer.

152. Anomalies attributable to the licensee which are detected at the premises of the consumer.-

(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.

(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.

(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 subregulation (8) of regulation 155 shall be considered: Provided also that realisation 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.

(4) The consumer may be given installment 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.

The above referred regulation is applicable to the case in hand as this is regarding the inaccuracies in metering. Then the short assessment shall be limited to 12 months if the period of anomaly cannot be reliably assessed. If the period of anomaly could be reliably assessable, the short assessment shall be limited to 24 months even if the period of anomaly is more than 24 months. Here the exact time of occurrence of anomaly is not reliably assessed. The second short assessment bill was prepared for additional 38 months without any proper technical justification.

How the connection was interchanged and when it was interchanged? These questions were not properly answered by the Licensee.

The meter compartment & CT compartment were properly sealed by the Licensee and nobody could tamper this connection. Then when it happened? No records with the Licensee to justify the period of anomaly. As the Licensee could not reliably assess the period of anomaly, they shall limit the short assessment only for a period of 12 months.

Then the **regulation 152** states that the Licensee should not charge any interest and also to give installments facility for a maximum period of 12

months for remittance of this amount. Then the appellant is eligible to get the installment facility.

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 Licensee shall raise the Short assessment bill for a period of 12 month only.
2. The Licensee shall not charge any interest on surcharge on this short assessed amount.
3. The Licensee shall accept the short assessment amount in 10 monthly installments.
4. This decisions are to be implemented within a period of 30 days from the date of receipt of this order.
5. No order on cost.

ELECTRICITY OMBUDSMAN

No. P/09/2025/ dated: 03-04-2025 .

Delivered to:

1. Sri. B.R.Ajith, Chairman, Asian School of Architecture and Design Innovations, Silver Island , Vyttila, Ernakulam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Vyttila, Ernakulam

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