

STATE ELECTRICITY OMBUDSMAN

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REPRESENTATION No: P 147/10

Appellant : Sri Joseph Mathew
Reena Rubber Works
Industrial Nagar (Po)
Changanacherry Kottayam Dt

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division, Thengana Kottayam Dt

ORDER

Sri Joseph Mathew, Reena Rubber Works , Changanacherry submitted a representation on 6.7.2010 seeking the following relief :

Prevent preparing and issue of any revised short assessment bill by KSEB and order KSEB to collect all damages and short assessment if any from employees

Counter statements of the Respondent was obtained and hearing conducted on 11.10.2010

The Appellant Sri Joseph Mathew has an LT industrial connection by name Reena Rubber works under Electrical section Thengana with Consumer No 10967 and connected load nearly 40 KW. The premises were inspected by APTS on 06/11/2009 and it was found that the pressure coil and current coil connection of two phases of the CT operated meter were interchanged. On testing with single phase heater load it was found that the consumption recorded in the meter was less by 84.62%. KSEB issued a short assessment bill amounting to Rs 328424/- for the period from 2/2008 to 12/2009 since the existing meter had been connected up in the premises on 25.1.2008.

The Appellant moved the CGRF Kottarakkara and the CGRF order dated 15/05/2010 directed that the assessment may be revised on the basis of three months average consumption subsequent to the rectification of defects in the metering system as provided in Sec 33(2) of the Terms & Conditions of Supply of KSEB.

The Appellant has submitted this representation against the order of CGRF and put up the following arguments in favor of the plea.

The Consumer is a small scale industry who have sold the entire production manufactured by him and it is not possible to collect any additional amount from the buyer on account of the Electricity charges payable now. The consumer had informed as early as in 12/2008 about the short fall in consumption to the KSEB office. He is not responsible for the delay in rectifying the defects and consequent loss incurred by the KSEB. Whatever loss is incurred is to be realized from KSEB employees responsible for the defective connection. The Consumer is having seasonal variations in consumption and hence taking the average of February, March and April 2010 subsequent to the rectification of defects in the metering system could be unfair.

The Respondent informed that even though the defects were noted on 06/11/2009 the same was rectified on 03/02/2010. The meter or the metering system was not faulty but the recorded consumption was low only because of the error in the connection of the CT. The meter was not recording actual consumption after 25/01/08 when the meter was changed. This is evident from the consumption pattern of the Consumer before and after 25/01/08. Disciplinary actions are being initiated against the Responsible employees. It is clear that the Consumer has made undue benefits due to low recording of consumption. Hence it is only fair to realize the actual current charges due from him.

Discussion and Findings:

1. It is evident that there had been serious lapses on the part of the employees of KSEB. The officials had been totally careless in connecting up the Current Transformers and pressure leads on 25.1.2008. The officials did not care to check up the connections even after the consumer reported the short fall in consumption in writing on 10.12.2008 . If the connections had been given properly or the defects checked up and rectified in time the question of such a huge short assessment bill would not have come up. The management of the Licensee may take appropriate disciplinary action against the employees concerned for the lapses involved. But the request of the Consumer to realize the short fall in revenue from the responsible employees of KSEB is also unacceptable because, as pointed out by the Respondent, the Consumer had been the sole beneficiary of the lapses committed by the employees.
2. The argument of Appellant that he will not be in a position to realize the additional burden from the customers is not relevant. It is well known that the selling prices of most products are decided by the market and the cost-plus selling price is practically non existent.
3. The Respondent has produced the meter reading register of the Consumer. The monthly average consumption prior to 25/01/08 was around 1730 units per month. But the monthly average consumption recorded after 25/01/08 is around 650-

700 units . The Consumer has no case that the production has comedown drastically from 25/1/08. As such it is clear that there had been under-recording of consumption after 25/1/08.

4. The conclusion that meter had recorded only 15.38 % against the actual consumption by testing with a single phase heater load of 5 KW may be correct at the time of testing under given specific condition. But it is not proper to apply this short fall for the whole period mechanically. The Licensee is not entitled to assess based upon such calculations. Re- assessment for the period has to be done only as per Sect. 33 (2) of the Terms & Conditions of Supply of KSEB as decided by the CGRF which reads as follows:

33. Reading of Meter & Preparation of Invoice

(2) If the Board is unable to raise a bill on meter reading due to its non recording

or malfunctioning, the Board shall issue a bill based on the

previous six months average consumption.-----If the average consumption for the previous six months cannot be taken due to the meter ceasing to record the consumption or any other reason, the consumption will be determined based on the meter reading in the succeeding three months after replacement of meter.

5. But the CGRF has erred in ordering that the average of subsequent 3 months be taken for re-assessment. Here the average of previous 6 months, prior to the metering system becoming defective, is available. Even though the load had been enhanced to 39.841 KW in July 2007, readings for 6 months after that and prior to the metering system becoming defective, are available. This average, which works out to be around 1730 units, should be taken for reassessment.
6. Under the circumstances explained above I am concluding and deciding that the reassessment shall be done taking the average of previous 6 months, prior to the metering system becoming defective on 25.1.2008. The order of the CGRF on OP 497/2009 dated 15/05/2010 stands modified to that extent.
7. The Respondent had produced a copy of the revised assessment issued by them based upon the CGRF order. The Bill is found to be erroneous and non-complying with the orders of the CGRF. The Respondent shall properly revise the demand as per the directives given above and deducting the energy charges and advance deposits actually realized from the consumer during the period from 2/08 to 12/09.

Orders:

Under the circum stances explained above and after carefully examining all the evidences, arguments and points furnished by the Appellant and Respondent on the matter, the representation is disposed off with the following orders:

1. *The arguments/claims/points raised by the Appellant in support of the reliefs sought for are devoid of merit and hence the reliefs are not allowed and the representation is dismissed*

2. *The short assessment bill shall be revised as per the directives given above and deducting the energy charges and advance deposits actually realized from the consumer during the period from 2/08 to 12/09.*
3. *The Respondent shall allow liberal installments for the payment of the amounts*
4. *No order on costs.*

Dated this the 12th day of October 2010,

P.PARAMESWARAN
Electricity Ombudsman

No P 147 /2010/ 705 / dated 12.11.2010

- Forwarded to: 1. Sri Joseph Mathew
Reena Rubber Works
Industrial Nagar (Po)
Changanacherry Kottayam Dt
2. The Assistant Executive Engineer
Electrical Sub Division, Thengana Kottayam Dt

Copy to:

1. The Secretary,
Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam, Thiruvananthapuram 695010
2. The Secretary, KSE Board,
Vaidyuthi Bhavanam, Thiruvananthapuram 695004
3. The Chairman, CGRF, KSE Board , Kottarakkara

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