

STATE ELECTRICITY OMBUDSMAN

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Appeal Petition No:P/ 233/ 2011

(Present: T.P. Vivekanandan)

APPELLANT : Mr. Jebin Jose,
Baskin Robbins, National Residency Commercial Complex,
Edappally, Kochi-24

RESPONDENT : The Assistant Executive Engineer,
Electrical Sub Division, Palarivattom

ORDER.

Background of the case: -

The Electric service connection with consumer no.22912, under Electrical section, Edappally, stands in the name of Smt Sherly Sunny, National Residency shopping complex, Edappally. The electric connection was effected on 30-9-2010 under LT-VII A Commercial tariff with a connected load of 5660 watts. While being so, the appellant was aggrieved with the exorbitant bill issued for the period, 15/12/2011 to 18/2/2011, issued by the respondent on 18/2/2011 for Rs.45855/-. The appellant lodged complaint before the CGRF, Ernakulam on 9/3/2011. It was requested to waive off the excess charges levied in the bill of Rs. 45855/- and to avoid disconnection of power supply. The CGRF had dismissed the Petition on the ground that the bill issued by the respondent is in order and the petition is devoid of any merits. Aggrieved by this, the appellant has submitted this Appeal petition before this Authority on 5/7/2011.

Arguments of the appellant: -

The appellant is running a firm named 'Baskin Robbins' which is an international chain of ice-cream parlors with uniform standards. The appellant argues that all the equipment's and fittings used in all parlors are similar. The average energy consumption of his, another parlor, at Palarivattom and parlors of other franchisees is between 2000-2500 units per bi-month. His other contention is that the latest bill in his parlor at Edappally also showed this uniform pattern in consumption. The appellant has challenged the finding of the CGRF that the third energy consumption reading of the petitioner was lower than the second due to judicious management of consumption since the petitioner already had an incident of higher consumption of 5044 units in the second billing cycle. According to the appellant it is not because of judicious management but as doubted before, it may be because of the 'meter jumping' digits only.

Arguments of the Respondent: -

The contentions of the respondent are as follows. The service connection was given on 30.09.2010 and the first bi-month reading taken on 15.12.2010, recorded a energy use of 806 units for 75 days. The consumption of the consumer for the period from 15-12-2010 to 18-2-2011 was 5044 units, and for 19-2-2011 to 25-4-2011, it was 2472 units and for 26-4-2011 to 24-6-2011, it was 1936 units. The consumer had requested for testing his meter on 24-2-2011, on getting the bill dated 18-2-2011. So a test meter was installed on 25-2-2011 and the reading taken on 28-2-2011 shows the consumption pattern of consumer meter and test meter as 97 units each, which implies that the meter is working perfectly. There is no dispute regarding the checking of the existing meter with that of parallel good meter. The lower consumption after receipt of the disputed bill is the result of judicious management only.

The respondent further submits that the appellant might be misled by a concept like meter digit jumping. The possibility of 'meter digit jumping' to have a reading of 5853 from 809 is rare, since the average consumption is only around 2000. The connected load of consumer is 5660 watts. The energy consumption cannot be treated as exorbitant since this is well possible with this connected load. It is also argued that there is possibility of additional work carried out during the time resulting to a higher consumption. The respondent has submitted that he may be allowed to realize the bill amount as it is the actual claim for the energy consumed by the appellant and the dispute is baseless.

Analysis and Findings: -

The brief facts and circumstances of the Case that led to filing of the Petition before this Forum is narrated above. On examining the Petition of the appellant, the statement of facts filed by the Respondent, the arguments in the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

A hearing of the Case was conducted in my chamber at, Edappally, Ernakulam, on 21-12-2011. The appellant, Sri. Jebin Jose and Smt. Savitha K.S, AEE, Electrical sub division, Palarivattom were present and they represented their respective sides. The appellant has presented his arguments on the lines as stated in his Petition. While conducting the Hearing, it was pointed out that the new electric connection was provided on 30.9.2010 and the Meter readings thereafter was as follows;

| <u>Date of Meter Reading</u> | <u>Reading</u> | <u>Consumption in units.</u> |
|------------------------------|----------------|------------------------------|
| 30.9.2010 Initial Reading | 3 | - |
| 15.12.2010 | 809 | 806 Units |
| 18.02.2011 | 5853 | 5044 " |
| 25.04.2011 | 8325 | 2472 " |
| 24.06.2011 | 10261 | 1936 " |

It is noted that the disputed energy meter of the appellant was tested at site by installing a good energy meter in tandem with the existing meter, so that both Meters carry the same electric current and so will measure the same energy consumed by the consumer. The two meters showed exactly the same energy consumption and the consumer has not disputed the 'test' done by the KSEB. This fact shows that the meter is working in good condition. The average daily energy consumption recorded in the meter during the 'test' of Meter is 32 units per day which comes to about 2000 units per bi-

month.

From the statement of the petitioner itself, it is clear that the bimonthly energy consumption of his commercial business Firm 'Baskin Robbins' type Ice-cream parlor, will be around 2000-2500 units and he compares the same with his another Ice-cream parlor in service at Palarivattom and also with other Brand's similar type of franchisee parlors. There is nothing to doubt about his statement and I am inclined to accept that the true average energy usage is around 2000-2500 units per bi-month. In such a case, the energy consumption recorded for the first two and half months, i.e. for the period 30.9.2010 to 15.12.2010, noted as 806 units, is found to be not commensurate with the energy usage of an Ice-cream parlor of the appellant or has any consistency with the statement of around 2000 units as energy consumption.

If we take the total energy consumed between 30.09.2010 to 18.2.2011, from the meter reading register, which is produced above, and take the average, it will be $(5853 - 3) / 141 \text{ days} = 41.5$ units per day. The next bi-month's daily average energy usage was $(8325 - 5853) / 65 \text{ days} = 38$ units per day. The test meter showed a daily average energy use of 32 units. From the above findings it appears to suggest me that the 1st reading taken on 15.12.2010 may be wrong, since in such a situation, the average energy use will be $806 \text{ units} / 75 \text{ days} = 10.7$ units per day, which is very low and does not tallies with the energy usage of an ice cream parlor of the appellant's Firm. Hence I come to the conclusion that the Meter reading taken on 15.12.2010 as 809 might be a wrong one (a mistake or omission) and most probably the meter reading would have been 2809 units instead of 809, and in such a case i.e. if the meter reading was 2809, then the daily average energy use will be $2806 \text{ units} / 75 \text{ days} = 37.4$ units per day, which tallies well with the next bi-month's average consumption of 38 units per day.

DECISION: -

On examining the records, it is found that the energy consumption for first two and half months was 806 units only, which implies a daily energy use of 10.7 units per day against a normal figure of 34 to 41 units (corresponding to 2000 to 2500 units per bi-month), as argued by the appellant. This shows that the 1st meter reading taken on 15-12-02010, as 809 units, might have been wrong. There is possibility that it would be 2809 units and the digit '2' might have left out due to oversight. Then only the Meter reading (the energy usage) has any meaning or significance, as far as an ice-cream parlor is concerned, since such business firms, have a uniform pattern of energy use of around 2000 units, as argued by the appellant. Further, the subsequent bi-month's energy usage or consumption of 38 units per day, tallies well with the average consumption, as stated by the appellant. The analysis done and the findings arrived at, which is detailed above, leads to such a conclusion that a wrong meter reading had occurred on 15.12.2010 and also wrongly entered it in the register as 809 units.

The meter is put to test on getting the complaint from the appellant. It is found working perfectly and the consumer has no complaint about the "Test" done by the KSEB. Afterwards, daily energy use or consumption was watched by the consumer and till date it was reported as working satisfactorily and there was no further complaints. Earlier, he was having the complaint of 'jumping digits' of Meter only which paved the way for an exorbitant bill. His argument of 'meter digit jumping' is not proved. If it were correct, then the 1st bi-month's energy consumption will be very low of 10.7 units per day which is absurd for a ice-cream firm and even the appellant has not raised an averment like

