

## THE STATE ELECTRICITY OMBUDSMAN

Pallikkavil Building, Mamangalam-Anchumana Temple Road

Opp: Kochi Corporation Regional Office, Edappally, Kochi-682 024

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### Appeal Petition No.237/2011.

(Present .Sri.T.P.Vivekanandan

Appellant : Smt.L.Leelamony.  
35/2575, Thulasi, Deepam Nager, Karanakodam,  
South Janatha Road, Palarivattom.P.O. Kochi-682 025.

Respondent : The Assistant Executive Engineer  
Electrical Sub Division, KSEBoard, Palarivattom, Kochi.

### **ORDER.**

#### **Background of the Case.**

The appellants are the domestic consumers of Electric Service Connection No.7589 under Electrical Section, Kaloor, and are aggrieved by the decision of CGRF, Ernakulam in fixing their true average monthly energy consumption as 347 units, whereas they argue that it will be around 200 units only. It is a fact that the consumer's Energy meter was faulty for the disputed period of 9/2009 to 5/2010. The case is regarding the true average monthly energy consumption during the meter faulty period, assessed as 409 units by the Respondent, revised to 357 units by the Hon: CGRF, Ernakulam, on filing petition and the estimation of around 200 units by the consumer. Hence the consumer requests for refund of the excess amount paid with interest rather than adjustment in future bills as the amount of refund is high.

#### **Argument of the Appellant:-**

The consumer states that an exorbitant electricity bill was received by her on the month of November, 2009. Hence she approached the section office and as per their advice, an electrician was engaged to check the wiring and verify the electrical appliances, to see if there were any faults or leakage of electricity from them. The Electrician after testing reported everything as O.K. But the meter continued to show unusually high reading in the next spell also. So the matter was reported to Assistant Engineer, Kaloor, and a complaint was lodged on 24.04.2010. The section AE arranged a Test meter and installed it on 07.05.2010 along with the existing Meter to ascertain the difference in the readings. The tests showed that the existing meter was faulty and the same was got replaced with a new one on 25.05.2010. The faulty meter recorded about 3 times the true energy consumption shown in the Test Meter.

Thereafter a request was made with Electricity Office, Kaloor, to refund the excess amount paid as electricity charges during the meter faulty period. Since there was no positive response from KSEBoard,

she filed the petition with CGRF Ernakulam, on 24.05.2011, for the redress of the grievance. The CGRF, after hearing both sides has ordered as follows "Petitioner's meter faulty period shall be reassessed with an average of 347 units. Excess amount remitted shall be adjusted in future bills". The CGRF has observed that the faulty meter has recorded 3 times of the test meter. The Actual 1/3<sup>rd</sup> during the meter faulty period was 213 units only, but it was not considered by the CGRF. Hence they approached the Ombudsman to get the relief and request to refund the excess amount paid with interest.

In the letter dated 24.05.2011, addressed to the chairperson, CGRF, Ernakulam, the consumer has reported as follows; "In this connection it is informed that the average bimonthly usage, before the meter fault as per the bills received were 257 units and bimonthly average after the replacement is 150units".

**Argument of the Respondent:-**

The appellants are the consumers of connection no:7583, a 3 phase domestic service with a connected load of 5.4 KW. The meter of the consumer was replaced as the old meter was reported as faulty. As per the direction of the Executive Engineer, action was taken to withdraw an amount of Rs.4455/- raised against the consumer. The bimonthly average energy consumption was fixed based on the average consumption during meter healthy period. The meter reading showed a constant pattern during the period 5/2007 to 7/2008. Hence average was fixed as 409 units based on that period and the bills revised accordingly.

The CGRF, on filling petition by the consumer, ordered to revise the bills fixing an average of 347 units as the true energy consumption during the meter faulty period. The Forum arrived at such a decision taking the average of 4 months reading prior to meter becoming faulty. Hence the CGRF decision may be honored. The consumer should not take advantage of the meter becoming faulty. The consumer is not eligible for any interest.

**Analysis & Findings.**

The appellants were heard on 11.10.2011, in my chamber at Edappally. On a perusal of the appeal petition filed, the counter statement submitted by the respondent, the averments raised in the hearing by both sides and analyzing all the facts and circumstances of the case leading to the dispute, I come to the following findings and conclusions leading to the decisions.

There is no denial of the fact that the existing meter was faulty during the period of 9/2009 to 5/2010. During the testing of the Meter by the Respondent, the check meter showed a consumption of 19 units, while the faulty meter recorded a consumption of 52 units for the same period. That is to say the existing meter showed an error of  $52/19=2.74$  times the true energy consumption.

**Hence the point for decision is what was the true average bimonthly energy consumption of the consumer during the meter faulty period?**

The Meter Reading Register reveals that during the period of 5/2007 to 7/2008, the consumer had an average bimonthly energy consumption of 409 units. From 7/08 to 5/09 the average consumption drops to 67.2 units per bi-month. The consumer on enquiry replied that occasionally they got out, to staying with their children, who reside away. That is the reason for showing low energy consumption during that period. But during the next spell of 7/09, the consumption rose to 468 units and in 9/09 it

was 225 units. From 09/09 to 5/10, the bimonthly average consumption rose to 638 units. The energy recorded by the Energy meter during this period (9/09 to 5/10) is disputed by the consumer and the Test done by the Respondent on the meter has established beyond doubt that the same was faulty during the said period.

On a perusal of the meter reading register, it is seen that the consumer has an uneven pattern of energy consumption during the past period. The CGRF has ordered to take the average consumption of the previous 4 months prior to meter becoming faulty and this will come to 347 units per bi-month. But as per rules, the average of previous six months has to be taken to arrive at the true average. The energy (bimonthly) consumption for the month 5/09 was 79 units only and it appears to me as an average consumption during the non-stay period in her home which does not reflect the true energy consumption of the consumer. But the rule stipulates specifically to take the average of previous six months energy consumption to arrive at the true average during the meter faulty period. Hence I conclude that the consumption of 5/09 shall also be reckoned for arriving at the true average consumption. Incorporating the said consumption of 5/09, the bimonthly true average energy consumption, taking the previous six months shall be 257 units.

Further, it is noted that during the meter faulty period of 9/09 to 5/010, the bimonthly average consumption recorded in the faulty meter was 638 units. If we go by the faulty meter error rate as 2.74 times the true consumption, observed during the checking of meter with a Test Meter, the true average consumption for that period of 09/2009 to 05/2010, shall be  $638 \text{ units} / 2.74 = 233 \text{ units per bi-month}$ . Moreover, the usage of energy consumption pattern after changing the faulty meter with a good one also showed a lower consumption of around 200 units only. These findings corroborate the earlier method of assessment of 257 units per bi-month as reasonable and justifiable.

**Decision:-**

From the analysis and discussions done above, it is reasonably concluded that the true average energy consumption of the consumer during the meter faulty period of 9/2009 to 5/2010 shall be 257 units per bi-month. Hence it is ordered that the Respondent may revise the bi-monthly bills starting from the month of 9/2009 to 5/2010, at the rate of 257 units per bi-month and the excess amount already paid by the consumer on that account, shall be refunded with interest (as per rules in KSEB) for the period, from the day of actual remittance of excess amount to the date of refund of amount. This refund of amount to the consumer shall be effected with in two months from the date of this order.

Having concluded, decided and ordered, the Appeal petition stands allowed to the extent stated above and the same is disposed of accordingly. No order on costs. Dated the 8<sup>th</sup> of December, 2011.

**ELECTRICITY OMBUDSMAN.**

**No.P/237/2011/1035/dated/12.12.2011.**

Forwarded to:

- (1). Smt.L.Leemony, 35/2575, Thulasi, Deepam Nager, Karanakodam, South Janatha Road, Palarivattom, Kochi-682 025.
- (2). The Assistant Executive Engineer, Electrical Sub Diviosn, KSEBoard, Palarivattom, Kochi-24.

Copy:

- (1). The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
- (2). The Secretary, KSEBoard, Vidyuthibhavanam, Pattom, Thiruvananthapuram-4.
- (3). The Chairperson, Consumer Grievance Redressal Forum, KSEBoard, Power House, Ernakulum-18.