

## STATE ELECTRICITY OMBUDSMAN

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### APPEAL PETITION NO. P/229/2011.

(Present: T.P. Vivekanandan)

APPELLANT : Smt. Demily Jose.  
Proprietor, Santhosh Theatre,  
Balusserry, Kozhikode.

RESPONDENT : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board, Balusserry, Kozhikode.

### ORDER.

#### Background of the Case: -

The consumer is having a three phase service connection under LT VII C tariff with a connected load of 14763 watts. The meter reading for the month of 12/2009 (recorded consumption) was 9142 units and he was charged an amount of Rs.58902/- vide bill no. 204526 dated 14/12/2009. The consumer had remitted the full amount on 27-01-2010. Due to the exorbitant bill issued, the consumer filed a complaint before the Asst. Engineer, Electric Section, Balussery that the excess consumption was the result of defective energy meter and the meter need to be checked for accuracy. The accuracy of the energy meter of the consumer was verified by connecting a parallel meter to the original one and observed the reading from 26/12/2009 to 14/01/2010 both meters showed the same consumption of 732 units each. The consumer was not satisfied and requested for further testing of the meter. The energy meter was got tested further from Electrical Inspectorate, Kozhikode on 10/3/2010 and found that the counter is working properly and the errors are within permissible limits. Being aggrieved by this, the consumer filed a complaint before CGRF, Kozhikode. The CGRF after conducting a hearing directed the respondent to test the ELCB connected in the circuit. The ELCB was tested on 12/3/2010

in the presence of the operator of the theatre by Sub Engineer, Electrical Section, Balussery and it was found that ELCB is defective and not tripping in the event of shorting the phase and neutral terminals and even on manual testing. The CGRF disposed the petition ordering that the consumer is liable to pay the bill as demanded, vide Order No. 3080083/CGRF-KKD/2010-112 dated 17/02/2011. Aggrieved by this, the appellant has submitted this appeal dated 10/6/2011 before this Authority.

Argument of the Appellant : -

The appellant has adduced the following arguments in his appeal petition dated 10/6/2011.

The appellant here in is the proprietor of Santhosh Theatre, Balussery, Kozhikode. It is a 'B' class Theatre and under LT-7-C tariff and the average monthly consumption energy in the theatre is about 900 units and the maximum consumption during the past several months is less than 1400 units and this is evidenced by the past monthly bills served on the appellant. True copies of the electricity bills dated 11.03.2009, 11.06.2009, 12.08.2009, 14.09.2009, 12.10.2009, 12.11.2009, 11.02.2010 and 6.3.2010 served on the appellant are marked as exhibits, A1, A2, A3, A4, A5, A6, A7, and A8 respectively. During the aforesaid months, the monthly energy consumption noted is from 869 units to 1416 units. In almost all the bills, the average consumption is noted as 920 units.

While so, to the surprise of the appellant, a bill vide No. 204576 dated 14.12.2009 was served on her, showing 9142 units as the consumption, for the month December, 2009 (bill dated 14.12.2009). As per the said, bill a sum of Rs.58, 902/- was demanded towards current charges. A true copy of the said bill dated 14.12.2009 is marked as Exh-A9. The appellant had no occasion to consume any such exorbitant energy during that period.

The appellant submits that the average consumption of energy in the theatre per day lies between 40 to 45 units i.e. around 6 units per hour. Even if assuming the theatre as functioning 24 hours a day, the maximum consumption of energy would be 4320 units. However, in order to avoid disconnection, the appellant had paid the entire bill demanded by the respondent.

As per the request of the appellant, parallel meter was installed in the theatre in order to ascertain whether there was any fault in the meter. However, no fault in the meter was detected. Later, as per the request of the appellant, the meter was sent to the Electrical Inspectorate for Testing. It is understood that no fault was also detected in the said Test. The appellant has no information in this regard. However, the appellant bonafide believe that the excess consumption noted was due to the jumping or turn of the last digit in the meter, due to some mechanical defect. Considering all the facts of the

case and the chance or the probabilities, it might have happened due to the jumping of the digits of the meter. No examination or checking was done by KSEB or Electrical Inspectorate in that aspect.

In these circumstances the appellant filed a petition before the Deputy Chief Engineer, Electricity Board Grievance wing, Kozhikode, to pay back the entire excess amount already paid. A true copy of the said petition dated 19.02.2010 is marked as annexure A-10. However, no action was taken by the department on the said complaint. Thereafter, a complaint under Regulation No.9 (1) of Electricity Regulations was filed before the Consumer Grievance Redressal Forum, Kozhikode, (Electricity Board) on 11.03.2010. A true copy of the said complaint dated 11.03.2010 is produced herewith and marked as annexure A-11. The CGRF heard the matter. According to the Redressal Forum, since no defect in the meter is noted either by the KSEB or by the Electrical Inspectorate, the chance of earth leakage cannot be ruled out. However, the possibility of jumping the last digit of meter due to any mechanical defect in the meter has not been considered or explored by the Learned Forum. Without considering any of these aspects, the Learned Redressal Forum dismissed the complaint as per order dated 17.02.2011. The order no: 3080083/CGRF/KKD/2010-11/448 dated 17.02.2011 is marked as annexure A12.

Another point of argument is that the findings of the Learned Redressal Forum for dismissing the complaint are not correct. The Learned Redressal Forum has not considered the relevant aspects. For the past several years, the average consumption of the theatre was less than 1000 units. It may be noted that, had the meter installed in the theatre been functioned 24 hours in a day, the maximum consumption in that month would be less than 4300 units. As per the impugned bill, the consumption noted for the month December, 2009 is 9142 units. It is clear that the consumption noted for month of December 2009, is patently incorrect and this can occur only due to the jumping/turn of the last digit in the meter. The Learned Forum has not considered this vital aspect of the issue.

Argument of the Respondent: -

The Respondent has opposed the contentions of the Appellant in the Petition filed and raised the following arguments in the details submitted and those stated during the Hearings.

According to the respondent the bill preferred is in order. The bill has been prepared based on the reading recorded on a good energy meter installed which measure the electrical energy passed through it to the consumer's premises from KSEBoard mains. The average consumption per day is around 40-45 units. The disputed bill is based on the recorded consumption of 9142 units and has no

relation to the average consumption of the previous months. The excessive consumption might be due to the earth leakage, as per the corroborative evidence of ELCB defect fitted in the premises.

The field test undertaken (with a parallel meter) as well as the accuracy test of the Meter held at the Electrical Inspectorate shows no defect in the appellant's Meter. The test with parallel meter was done in the presence of the representative of the consumer. As per the test conducted with Standard Meter as well as the test done by the Electrical Inspectorate, it clearly proved that the Energy meter was working properly and the jumping of the digits of the counter was also ruled out. The defective ELCB of the premises will not prevent the earth leakages, resulting in the recording of high energy consumption of 9142 units and is possible. The bill issued is based on the consumption recorded in the meter and its working performance was confirmed through Tests conducted on the Meter twice.

Analysis and Findings: -

The hearing of the case was done on 24/02/2012, at Kozhikode, and the appellant was represented by Smt. Demily Jose and Sri. T.P. Jose and the respondent by Sri. A. Sajithkumar, the Asst. Executive Engineer, Electrical Sub division, Baluserry and they have argued the case, on the lines stated above.

On examining the Petition and argument notes filed by the appellant, the statement of facts of the Respondent, perusing the documents and considering all the facts and circumstances of the case, this Authority comes to the following conclusions and findings leading to the final decisions thereof.

The appellant is provided with Electric connection for running a Cinema Theatre. The complaint is that the consumer was served with an exorbitant bill of Rs.58, 902/-, towards the electricity charges, alleging consumption of 9142 units in 12/2009. The consumer states that she had remitted the said bill in time to avoid disconnection. Thereafter the consumer availed all options to file her complaints against such an exorbitant meter reading and bill. She has lodged Petitions before the Dy. Chief Engineer, KSEB, Calicut on 19.2.2010 and there after approached the CGRF, Kozhikode.

In the impugned bill, the consumption noted for the month of December 2009, was 9142 units. It is clear that the consumption noted for month of December cannot go as high as above, unless there existed some faulty equipments drawing excess power or have connected some additional load like A/C's, or due to the jumping/turn of the digit of the 'Counter' in the meter. Of course, the leakage of current to earth will also consume energy to a certain extent, but not to this level with in a short span of one month. On verifying the meter reading register related to the consumer for the last 3 years, it

shows that the highest consumption recorded was 1436 units in 02/2008 and 1526 units in 01/2011, and 1598 units in 1/2010 etc. taking the previous and the succeeding period of 12/2009.

Further, on comparing with the Energy consumption pattern of a similar Unit, Sandhya Theatre, Balussery, having 17KW as connected load, the maximum consumption goes to 2145 units (06/2011). Here the appellant's theatre has a connected load of 15 KW and the maximum monthly consumption, recorded for the last 3 years, other than the disputed one, is 1598 units. The contention of KSEB, the respondent, in this regard is that the bill has been prepared based on the reading recorded on a good working energy meter installed, having recorded a consumption of 9142 units and it has no relation to the average consumption of the previous months. They argue that the excess energy consumption was due to earth leakage and the consumer's ELCB was defective during this period and this fact was established on inspection. The respondent point out that the Regulation 33(9) of KSEB T&C of Supply 2005, reads "Any leakage of current as assessed by the Board in LT installations shall be charged at the respective tariff rate applicable to the purpose for which the connection is effected". KSEB found that the ELCB is not working but they did not verify and confirmed whether there was any leakage of Electricity in the premises. KSEB assumes that the earth leakage may be due to the defective ELCB.

On the other hand, the argument of the appellant is that the higher reading in the meter was only due to the jumping of the last digit in the Counter mechanism of the meter. This can not be accepted since the previous meter reading recorded on 12.11.09 was 39577 units and the next reading taken on 14.12.2009 was 48719 units and the last digit has moved from 3 to 4 only, which is found perfectly all right. Further, on testing the disputed meter at the Electrical Inspectorate, it was found that the Meter is working with in the allowable error limits and the 'counter' is also working properly.

**DECISION: -**

The main contention of the appellant is that for the past several years, the average consumption of the Theatre is less than 1500 units. The consumer bill for 12/2009 is seen preferred with the initial Meter reading taken on 12.11.09 as 39577 units and the next reading taken on 14.12.2009 as 48719 units and the energy consumption for this period of 32 days ( 48719 – 39577) = 9142 units i.e. around 8570 units for 30 days. It is argued by the appellant that, had the Meter of the Theatre been worked 24 hours a day, the maximum consumption in that month would be only (6 units per hour X 24 hrs X 30 days) = 4320 units. This statement is not fully correct since she had a connected load of nearly 15 KW and assuming for a hypothetical case, an average load of 12 KW out of 15 KW connected load, if

continuously run for 24 hrs a day for 30 days, it shall be  $(12 \text{ KW} \times 24 \text{ hrs} \times 30 \text{ days}) = 8640$  units. This consumption tallies with the consumption recorded in the meter for 12/2009, which implies that an earth leakage current equivalent to 12 KW load, should flow continuously for a month, to cause this much energy consumption recording in the Meter, which is remote and is not technically sustainable.

There is no allegation that the consumer has connected any additional load like Air conditioners to cause such a high energy use or consumption. The consumer had a history of maximum recorded consumption of more than 1500 units per month and including some earth leakage energy wastage as contested by the respondent, I am inclined to fix the energy consumption of the appellant for the disputed month of 12/2009, as the maximum recorded for a similar Theatre, say at 2000 units instead of 9142 units.

Having concluded and decided as above, it is ordered accordingly. The respondent shall revise the disputed bill dated 14.12.2009 for Rs 58, 902/-, for an average energy consumption of 2000 units for 12/2009 instead of 9142 units and the excess amount collected on that account shall be adjusted in the consumer's future bills. The Appeal Petition filed by the consumer is allowed to the extent ordered and stands disposed of. No order on costs. Dated the 8<sup>th</sup> of November, 2012,

Electricity Ombudsman.

Ref No. P/ 229/ 2011/ 1441/ Dated 08.11.2012.

Forwarded to : 1).Smt. Demily Jose,

Proprietor, Santhosh Theatre,  
Balusserry P O, Kozhikode Dt. Pin: 673612.

2).The Assistant Executive Engineer,

Electrical Sub Division,  
KSE Board, Balusserry P O, Kozhikode Dt.

Copy to : (1). The Secretary, Kerala state Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.  
(2). The Secretary, KSEBoard, Vydyuthibhavanam, KSEBoard, Pattom, Thiruvananthapuram-4  
(3). The Chairperson, Consumer Grievance Redressal Forum, KSEBoard, Vudiyuthibhavanam, Gandhi Road, Kozhikode.