

STATE ELECTRICITY OMBUDSMAN

Pallikkavil Building, Mamngalam-Anchumana Temple Road  
Opp: Kochi Corporation Regional Office, Edappally, Kochi-682 024  
[www.kerala.org](http://www.kerala.org) Ph.0484 2346488 Mob: +91 9567414885  
Email:ombudsman.electricity@gmail

---

Appeal Petition No:P/ 276/ 2012

(Present-T.P. Vivekanandan)

APPELLANT : Sri. N.K.Saleem  
Palayulla Parambath, Cheruparamba P.O.  
Kunnothparamba, Kannur Dt. Pin- 670 693.

RESPONDENT : The Assistant Executive Engineer,  
Electrical Sub Division, KSEB,  
Panoor, Kannur Dt. Pin- 670692.

ORDER.

Background of the case: -

The appellant is a consumer of electricity with No.11439, under Electrical Section, Parat. The connection was obtained in 2004 under domestic tariff. The gist of the grievance of the consumer is the following. The electricity charges of the consumer per month were in between Rs.600/- and Rs.900/-. The highest consumption was in May 2009 because of the continuous use of fan during the summer season and the bill amount was Rs.1484/-. The consumer was paying the electricity bills promptly in every month without any default. While so, on 4-11-2009, the respondent issued a bill for Rs.16090/- for the recorded consumption of 2864 units for the period from 5-10-09 to 4-11-09. Being aggrieved by the bill, the consumer submitted a complaint dated 6-11-09 to the respondent stating that the exorbitant bill is the result of faulty working of the meter. Since the respondent has not admitted the argument of faulty meter raised by the appellant, he directed the consumer to remit the bill amount. The consumer not satisfied by the decision, approached the CGRF Kozhikode, with a petition requesting to set aside the bill. The CGRF after hearing the parties dismissed the Petition on the ground that the bill issued by the respondent is in order and the petition is devoid of merits. Still aggrieved by the decision of CGRF, the appellant has submitted the Appeal petition before this Authority on 21-3-2012.

Arguments of the Appellant: -

The arguments of the appellant are based on the brief facts and circumstances of the case that is narrated above. Further, the appellant has adduced the following arguments.

When the enhanced bill was received, the appellant rushed to the respondent and submitted a complaint on 6-11-09. On the basis of the complaint, the respondent visited the premises and removed the meter by saying that the meter is faulty. Thereafter the respondent installed a new meter and directed the appellant to pay the bill amount on protest and they will see later whether it can be reduced or not. Since the appellant is not satisfied with the decision of the respondent, he had submitted another request dated 25-11-09 for referring the billing dispute to an arbitrator after allowing remitting the average bill amount of the preceding six months from the consumer. In reply

to this, the respondent issued another notice dated 7.12.09 stating that there is no defect in the meter and further directed to pay the full bill amount within the specified date. But the excess bill is due to the defect of the meter and not because of actual consumption by the consumer. The respondent has not considered the said fact and no proper enquiry was conducted. Though the appellant has expressed his readiness to pay the average bill of preceding 6 months, the respondent was not ready to accept the average amount as requested by the appellant.

The appellant after getting the huge bill examined all his electrical connections and wiring and convinced that there is no leakage in wiring. The electrician who carried out the electrifying works in the premises, revealed that if the continuous use of the electrical devices for 24 hours a day in the premises, will show a maximum reading of 20 units per day only. If that be so, there is no chance of consuming such a huge unit of electricity for one month.

The appellant also challenges the authenticity of the meter testing report.

The appellant further argues that the CGRF has erred in arriving a finding that a comparatively low consumption of the appellant cannot be taken as a criteria for exempting the consumer from the exorbitant bill issued to him.

Relief sought: -

The main prayer of the appellant is, to give direction to the respondent to settle the bill dated 4.11.2009, by taking the average consumption of the preceding six months.

Argument of the Respondent: -

The respondent denies all the averments and allegations contained in the petition.

The respondent submits that the connected load in the premises of the consumer at the time of taking the electric connection was 11690 watts (11.69KW). Hence the consumer was under the category 'above 10KW' domestic tariff and the bills were issued every month after taking the meter reading. The reading shown in the meter on 4-11-09 at the time of meter reading was 6509 units and the corresponding previous month's reading in the last bill issued on 5-10-09 was 3645 and hence the bill was issued to the consumer for the recorded consumption of 2864 units (6509-3645=2864). The respondent strongly denied the allegation that the bill for Rs.16090/- was the result of faulty working of the meter as the soundness of the meter installed in the premises of the consumer was tested and proved its correctness as per the provisions of the Electricity Act, 2003.

On receiving the complaint and on the same day itself, KSEB installed a standard calibrated parallel meter and it is found that the units recorded in the existing meter of the premises and the units recorded in the parallel meter were same. Since both the meters recorded same consumption, the consumer was explained the facts and informed that the meter is working in good condition and there is no mistake in the bill issued to him on 4-11-09.

The respondent submits that he had received another complaint on 9-11-09 from the consumer by raising doubts on the working of the meter at consumer's premises and the quality of the calibrated parallel meter installed for testing purpose. On receiving it and after collecting the testing fee, the existing meter was sent to Electrical Inspector, Kannur, for testing. The Electrical Inspector issued a certificate on 12-11-09, stating that the accuracy of the meter of the appellant is within the limit of the accuracy as prescribed in the Indian Electricity Rules. This fact was communicated to consumer by the Asst. Engineer in writing and requested to pay the bill.

Another point of argument is that the consumer is having a connected load of 14KW including 6 Nos of Air conditioners and possibility of such a high consumption cannot be ruled out. The CGRF has also ordered that the bill issued to the appellant is in order and he is liable to pay the bill.

Analysis and Findings: -

The Hearing of the Case was done on 26.7.2012 in my chamber at Edappally and Sri K. Ibrahim Hajee and Advocate, Smt. Celine Joseph, represented the appellant's side and Sri. Sunil K W, Asst. Executive Engineer, Electrical Sub Division, Panoor, for the Respondent's side.

On examining the Petition, the counter of the Respondent, perusing the documents attached and the arguments in the hearing and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

The first point to be decided is whether the Energy meter provided to the consumer was faulty during the period of one month i.e. from 5.10.09 to 4.11.09 and whether the consumption of 2864 units recorded in it during that period is genuine or actually consumed by the consumer. It is noted that the disputed energy meter of the appellant was tested, first at the consumer's premises itself, by installing a good energy meter in tandem with the existing meter; so that both meters carry the same electric current and will measure the same energy, consumed by the party. The test so conducted at the site shows that the two meters are recording exactly the same quantum of energy consumption. This fact shows that the meter is working in good condition. But the consumer has disputed the 'test' done by the KSEB.

As the party was not satisfied on the test done by KSEB and the result obtained, the disputed meter was sent to the Electrical Inspector, Kannur, for testing, on getting the complaint to that effect from the consumer. But the consumer again disputed the 'test' result and the test conducted at the Electrical Inspector Lab, Kannur, saying he was not informed. Hence, the only issue is, to find out the true average energy consumption of the consumer, during the said disputed period of one month. It is established in the Test carried out by the Electrical Inspector, Kannur that the tested Meter is not faulty and is working perfectly. In this context, I have verified the Test certificate of the energy meter issued by the Electrical Inspector which was submitted before this Authority, by the respondent, as document. It is recorded in the certificate that errors are within the permissible limit and the counter mechanism is also working properly.

The energy consumption for only one month has reached the abnormal level of 2864 units. The Installation of a Good meter (standard reference meter), in tandem to the existing (disputed) meter to verify the accuracy of the Meter is justifiable as per the clauses 42(3) in KSEB Board Terms and Conditions of Supply. The test done on the consumer's premises and in his presence is more convincing than any documentary evidence and would help the appellant to clear his doubts on the existing meter. However, this test done by KSEB, did not convince the appellant. Even though the respondent has again sent the meter for testing, by the Electrical inspector, which is permissible as per clause 42(1), the appellant complains that the same was done without informing him and his knowledge. The office procedures necessary for meter test were also flouted, he argues and doubts the authenticity of the test report. The test was arranged as per the request and knowledge of the consumer and hence the action of KSEB is not ultra vires.

The energy consumption of only one month reached the abnormal level of 2864 units. According to the CGRF, consuming 2864 units in a month by a house having a connected load of 14 KW, with 6 air conditioners having a total load of 8700 watts is quite possible. The only argument raised by the appellant is that, there is no possibility for such a high consumption in a house occupied by the wife and 4 young children (consumer abroad), and is due to the fault of the meter only. But it is seen that the respondent has done all the possible steps, as per rules, to check the working of the disputed energy meter, which established the perfect functioning of the meter.

DECISION: -

The energy consumption for only one month, for the period 5.10.2009 to 11.11.2009, has reached the abnormal level of 2864 units. The respondent on getting the Complaint, has acted as per rules and have tested the Meter two times, first at the consumers premises by running along with a Good meter and then at the Electrical Inspectorate Laboratory, Kannur. It is conclusively proved that the Meter is functioning perfectly. However, the energy consumed in a residential house cannot go high as much as 2864 units for one month, unless there is some earth leakage or the party utilized some highly consuming appliances like Air Conditioners. There are 3 A/C's each in the ground and first floor of the house, totalling to 8.7 KW load and if it is used without any restriction, the possibility of a high consumption of 2864 units of energy use, cannot be ruled out. Normally such an irrational usage is rare. Then the question is, why the increase in consumption, for one month only?

Considering the fact that the consumer is a domestic one, the possibility of such a high energy consumption of 2864 units for a single month is remote. For all the other months, prior or previous to the disputed month, the maximum energy used was below 500 units per month. Even though the respondents has established that the Meter is working in good condition, I am of the view that, it is reasonable to assess the consumer at the maximum level he has consumed energy, since the date of taking the electric connection except the disputed month. Therefore I assess the average energy consumption for the disputed month as 500 units instead of 2864 units. The respondent shall revise the Bill dated 04.11.2009 for Rs. 16090.00 for an average of 500 units of energy use.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the consumer stands disposed of with the said decision. No order on costs.

Dated the 16<sup>th</sup> of January, 2012,

Electricity Ombudsman

Ref. No. P/ 276/ 2012/ 1535/ Dated 16.01.2012.

Forwarded to

1. Sri.N.K.Saleem  
PalayullaParambath, Cheruparamba P.O.  
Kunnothparamba, Kannur.
2. The Assistant Executive Engineer,  
Electrical Sub Division, KSEB,  
Panoor, Kannur.

Copy to: -

- (1). The Secretary, Kerala state Electricity Regulatory Commission,  
KPFCBhavanam, Vellayambalam, Thiruvananthapuram-10.
- (2). The Secretary, KSEBoard,  
Vydyuthibhavanam, , Pattom, Thiruvananthapuram-4
- (3). The Chairperson, Consumer Grievance Redressal Forum,  
KSEB, Vudyuthi bhavanam,Gandhi Road, Kozhikode.