

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION NO. P/278/2012.

(Present: T.P. Vivekanandan)

Appellant : Sri. P K George,  
Puthanpurayil House,  
28/2795, Ponneth South Road,  
Kadavanthra, KOCHI-682 020.

Respondent : The Assistant Executive Engineer.  
Electrical Sub Division, KSEBoard,  
College, ERNAKULAM.

ORDER.

Background of the Case: -

The Appellant is a domestic consumer with No.6773-2, under Electrical Section, Girinager, of the Board. The spot bill for the month of October 2011 was issued to the appellant for 87 days after the previous bill date instead of normal 60 days. The appellant has the complaint that the billing done at the end of 87 days instead of usual 60 days has caused to apply a higher rate for the last portion of units consumed. The appellant had submitted a petition before the AE, KSEB, Girinagar Section on 3-11-2011. Though some reduction was made, the appellant was not satisfied but he paid the bill under protest. Aggrieved by this, the appellant has submitted petition before the CGRF, Ernakulam and the Forum dismissed his petition vide order No. CGRF-CR/Comp.66/2011-12 dated 29/2/2012. Being aggrieved by the said order, the appellant has submitted this Appeal Petition.

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.

The billing cycle is two months and that was continuing so, for last several years, until 28.10.2011 when the meter reading was taken only after 83 days instead of 60 days. The spot bill issued to the appellant was for Rs.2160/- which was questioned for clarity and was revised to Rs.1872/- by the Giri Nagar Section office. According to the explanation provided by the Assistant Engineer and the rate of unit applied for different slabs of consumption, the appellant had computed the amount as hereunder, which shows that the amount should have been Rs.1658/- only.

Computation of Bill amount for the period 06.08.2011 to 28.10.2011 i.e. for 83 days;

Reading on 28.10.2011 : 9699

Reading on 06.08.2011 : 9067 and therefore the energy consumed for 83 days = 632 units

Proportionate energy consumption for 60 days = 457 units.

Charges for 457 units, at the rate and slab provided by the section office = Rs.1226.00

Charges for remaining 175 units for the remaining 23 days = Rs. 280.00

Total = Rs. 1506.00

Duty at 7.15% = Rs. 108.00

Total =Rs.1614.00

Fuel surcharge, from October only, for 175 units = Rs. 44.00

Amount due = Rs. 1658.00

The Bill amount of Rs.1872/- and hence the Excess amount charged and paid under protest = Rs.214

The said bill was paid under protest, as the respondent was not prepared to revise it further. A written complaint was given to the respondent on 03.11.2011 to which a reply was provided stating that the respondent's calculation was in order and the billing is correct. This has caused the appellant to submit a complaint to the Consumer Grievance Redressal Forum at Ernakulum, where a hearing was conducted on 14.02.2012. The petitioner had personally appeared and explained the grievance to the CGRF. The contention raised by the Board was only that they had shortage of staff, could not schedule the duty and area of meter readers and that had caused delay in taking meter reading at the area under which the appellants' connection falls. The section pointed out by the respondent was section 33 (3) of the terms and conditions of supply.

The appellant is not convinced of the contents of the order, which is totally disappointing. The order is erroneous and apparently the Forum had not applied its mind. The order contained an observation under the heading 'Argument of the Petitioner' as; the petitioner had "*stated that if the bill period was changed, the bill amount should be adjusted for 60 days on pro-rata basis, instead of adjusting units on pro-rata basis as mentioned in clause 33 (3) of the terms and conditions of supply*". This is not true, but misleading and showing that the Forum was not serious in considering the facts and figures presented before it, in arriving at, its decision and issuing the order. Regrettably the CGRF failed to read the said section, in its proper meaning and issued a dismissal order.

The Section 33 (3) was the only provision put forward by the respondent in their defense. But the section, if analyzed would prove that it is in support of and proving the case of, the appellant. Section 33 (3) reads as follows.

*In case the Board issues a bill covers a period not consistent with the billing period or a period during which consumer tariff changes, the Board will issue the bill on pro-rata basis for relevant periods with relevant details on the bill.*

The appellant had only argued that the respondent had charged the per unit rate applicable for consumption in the range of 401 units to 600 units i.e. @ Rs.4.30/- in respect of the 175 units for 23 days in excess of the billing period of 60 days. The Appellant's argument was that the rate applicable for 175 units should have been as in the case for a new bill, applying the per unit rate at 0-80 units @

Rs.1.15, plus 81 to 160 units @Rs.1.90 plus 161 to 175 units (which falls in the slab 161 to 240 units @ Rs.2.40. Thus the bill amount should have been worked out separately as for 60 days and 23 days and added together to raise a single bill.

The Section 33 (3) governs the procedure for inconsistency in the billing period. Hence, there is an inconsistent billing period. The section further says that if the tariff changes during a billing period, respective periods with different rates applicable will be worked out separately. The words 'relevant periods with relevant details on the bill' in the said section are significant. The section does not say of a single billing period. Here the respondent had issued a bill for a single billing period, which actually covered 23 days in excess of the normal billing period. The section says of only one bill, not bills. So the section is meaningful and clear, that separate periods and working out of separate amounts for respective periods was necessary and was required to be detailed in the single bill issued and that alone was the lawful method. Therefore the appellant requests the following reliefs:

- a) Directing the respondent to refund the amount collected wrongly and
- b) Allow such other reliefs which deem fit and proper in the interest of justice and equity and which may be prayed for hereafter.

Arguments of the Respondent: -

The respondent has submitted a statement of facts opposing the contentions raised by the appellant. The main contentions of the respondent are;

The respondent submits that the appellant is not entitled for any of the relief as sought for in the appeal. The Statements, allegations and contentions raised in the above appeal are incorrect, illegal and highly misconceived. Consumer no: 6773-2 is registered in favour of the appellant under LT-1 (a) tariff and consumption pursuant to the said connection was recorded bimonthly. In the meantime the KSEB decided to establish Model sections, consequent to which meter reading was streamlined. By 10/2011, the meter reading was reorganized based on some rearrangement made under Electrical Section, Girinager. Accordingly, the area of meter reader was changed and instead of bimonthly recording, the energy consumption was recorded on day wise basis. Due to the said change in reading and recording of consumption consumer may get bills for the period varying from one month to three months. Detailing the aforesaid fact, proper notice was issued from the office of the respondent, including those in vernacular dailies.

As per the clause 33 (3) of Terms and Conditions of Supply, KSEBoard can issue bills not consistent with the bill period but the units billed should be on pro-rata basis. On the basis of this rule the KSEB has the liberty to re-arrange the billing cycle of any consumer or group of consumers. This change was informed in advance to the public through notice, Radio and news papers etc.

So far as the case of appellant is concerned, this consumption was billed for 83 days as aforesaid, instead of bimonthly billing. It is admitted that previous bill issued to the consumer for Rs.2160/- was subsequently reduced to Rs.1872/- on noticing the anomaly in calculation. Accordingly the impugned bill for Rs.1872/- dated 28.10.2011 was issued to the petitioner for consuming 632 units for 83 days. The bill is prepared on the basis of pro-rata not on the bill amount but on the units. The argument of

appellant is baseless and not maintainable in computation. The calculation by taking the bimonthly consumption wise and monthly consumption wise are detailed below.

Considering bi monthly consumption: -

Total consumption for 83 days ..... 632 units

Daily average ....7.61 units (632/83),

Consumption for 60 days..... 457 units (7.61\*83)

Current charge for 60 days .... Rs.1226.10/-

Current charge for 83 days.... Rs.1696/- (Rs.1226.10/60\*83),

Duty for 60 days ..... Rs.88.91/-, Hence Duty for 83 days ..... Rs.122.9/- (88.91/60\*83)

Fuel surcharge..... Rs.53.29/- (0.3373\*632\*0.25)

Total .....Rs.1872/- (1696+123+53)

Considering monthly consumption, the total consumption for 83 days.... 632 units

Therefore the daily average... 7.614 units.

Consumption for the first 30 days.... 228 units.

0 to 40 units = 40 units ×Rs 1.15 = 46.00

41 to 80 units = 40 units× Rs 1.90 = 76.00

81 to 120 units = 40 units ×Rs. 2.40 = 96.00

121 to 150 units = 30 units× Rs. 3.00 = 90.00

151 to 200 units = 50 units×Rs.3.65 = 182.50

201 to 228 units = 28 units ×Rs.4.30 = 120.40, Hence Total = 610.90

Consumption for second 30 days .....229 units.

0 to 40 units = 40 units ×Rs.1.15 = 46.00

41 to 80 units = 40 units ×Rs.1.90 = 76.00

81 to 120 units = 40 units × Rs.2.40 = 96.00

121 to 150 units = 30 units × Rs.3.00 = 90.00

151 to 200 units = 50 units× Rs3.65 = 182.50

201 to 228 units = 29 units×Rs.4.30 = 124.70, Hence Total = 615.20

The amount payable for the energy consumed for 23 days i.e. for 175 units.

It is projected to one month = 228 units per month

Amount for one month = 610.90 (detailed calculation as above)

So the electricity charges for 23 days = 610.90/ 30days \*23 days = 468.35

Total unit charge = 610.90+615.20+468.35 = 1694.45

Electricity duty = 1694.45\*7.35/100 = 124.54

Thermal surcharge = 53.29

Grand Total = 1872.28, Round off = 1872.00

Thus it is submitted that the bill dated 28.10.2011 issued in favour of the appellant here in is legal and proper and the KSEB has not done anything which is contrary to law as alleged. The calculation of bill furnished by the appellant is incorrect. The energy consumption was recorded properly and the bill has been issued only for the energy consumed by the appellant. The averment that higher rate of

amount has been extracted from the consumer is incorrect and therefore denied. The Hon'ble CGRF accepted the calculation and found the petition as without merits.

The Grounds raised in the above appeal are baseless and hence denied and the appellant is not entitled for the reliefs as prayed for. It is humbly submitted that the above objection is filed without prejudice to the right of this respondent to file additional objections, if found necessary.

### Analysis and Findings: -

The Hearing of the Case was conducted on 24.07.2012 in my chamber at Kochi and Mr.P.K. George, the appellant and Sri. Ramesh Babu B, AEE, ESD, College, represented for either side. On examining the Petition and the argument notes filed by the Appellant, the statement of facts of the Respondent, perusing the documents and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions thereof.

The KSERC has approved the billing procedure to be adopted for bi-monthly billed consumers of KSEB. Accordingly, all the charges levied on consumers including fixed charges, energy charges, electricity duty, meter rent, fuel surcharges and any other charges shall be indicated in the invoices. The bimonthly consumption slabs for domestic consumers existed up to 30/6/2012 were as follows: Up to 80 units = Rs. 1.15, for 81-160 units = Rs. 1.90, for 161-240units = Rs. 2.40, for 241-300 units = Rs. 3.00, for 301 – 400 units = Rs. 3.65, for 401 – 600 units = Rs. 4.30, for 601 – 1000 units = Rs.5.30 and for above 1000 units, it is = Rs. 5.45 per unit of energy consumption.

The KSEB has published a printed ready reckoner for noting the energy charges of each quantum of consumption. This ready reckoner is issued with an intention to avoid disputes in calculation of energy charges of domestic consumers. This Forum agrees with the contention of the appellant that a billing cycle cannot be changed at the will of a Licensee and if changed, the bill amount should be adjusted on pro rata basis, as instructed in Clause 33 (3) of T & C of Supply, 2005. The appellant and the respondent, both are relied upon the provision of clause 33 (3) in adducing their arguments. According to the appellant the CGRF misinterpreted the clause 33 (3) in favour of the respondent.

The appellant has calculated charges for 175 units for the 23 days as Rs. 280/-. But it seems not correct as per the then existing tariff and consumption slabs. The consumer has taken bi-monthly slabs for calculating the monthly calculation. The correct monthly charges for 175 of the consumer are calculated as follows:

Up to 40 units –	1.15 X 40 = Rs.46.00
41 to 80 units -	1.90 X 40 = Rs.76.00
81 to 120 units -	2.40 X 40 = Rs.96.00
121 to 150 units –	3.00 X 30 = Rs.90.00
151 to 175 units –	3.65 X 25 = Rs.91.25
Total	= <u>Rs. 399.25</u>

The 83 days electricity charges is calculated is as follows:

Bimonthly current charges for 60 days and for 457 units	=Rs. 1226.10
The balance 23 days current charges for 175 units	= Rs.399.25
Total	= Rs. 1625.25

The Electricity duty and the thermal surcharge as applicable, as per rules, may be added to the above calculated amount and the final bill arrived at, accordingly.

DECISION: -

The Rule stipulates for issuing bimonthly bills to domestic consumers and in the instant case of the appellant, the bimonthly electricity bill of 10/2011, was seen raised for 83 days instead of 60 days, for administrative reasons of KSEB. But that reason of KSEB should not bring any additional burden on the consumer. The bill has to be raised on prorata basis, if it exceeds 60 days of energy consumption, as the billing tariff rate increases at the upper slabs of the units of consumption, as described above. So naturally a bill has to be limited for 60 days period and if it exceeds it has to be reworked as for the next bimonthly consumption. The 23 days consumption corresponds to the next month's energy use only and it has to be billed separately at the rates corresponding to a month rate accordingly, i.e. it need not be split up, considering as for next two month's consumption, for the billing purpose.

Hence the respondent is directed to revise the bill on the lines stated above. The excess amount collected shall be refunded to the consumer by way of adjustment in the next bimonthly bill issued within 60 days of this order with applicable interest, with communication to the consumer of the amount adjusted as per this order.

I do not find any purposeful attempt from the respondent's side to harass the consumer in this case.

Having concluded and decided as above it is ordered accordingly. The Appeal Petition filed by the consumer is allowed to the extent ordered. No order on costs.

Dated the 7<sup>th</sup> of March, 2013.

Electricity Ombudsman

Ref. No. P/278/2012/ 1618/ Dated 07.03.2013.

Forwarded to

- 1). Sri. P.K. George,  
Puthanpurayil House, 28/2795, Ponneth South Road,  
Kadavanthra, KOCHI-682 020.
- 2). The Assistant Executive Engineer.  
Electrical Sub Division, KSEBoard,  
College, ERNAKULAM.

Copy to: -

- 1). The Secretary, Kerala State Electricity Regulatory Commission,  
KPFChavanam, Vellayambalam, Thiruvananthapuram-10.
- 2). The Secretary, KSEB,  
Vydyhuthibhavanam, Pattom, Thiruvananthapuram-4.
- 3). The Chairperson, Consumer Grievance Redressal Forum,  
KESB, Power House Building, Ernakulam- 682018.