

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION NO. P/304/2012.

(Present: T.P. Vivekanandan)

Appellant : Mr. Syed Immamudeen K.
Plot No: 8, SubhashNager,
Edappally,KOCHI-682 024.

Respondent : The Assistant Executive Engineer.
Electrical Sub Division, KSEBoard,
Palarivattom,KOCHI- 682024.

ORDER.

Background of the Case: -

The appellant is the domestic consumer No. 13888, under Electrical Section, Edappally and has the complaint that his bimonthly bills, were billed for 270 units of energy consumption regularly, whereas his actual bimonthly consumption for the same period were only 190 units. Further, he is receiving his regular bills with door locking remarks. Though he had requested for replacement of the meter on suspecting over reading, the respondent did not replace the meter. Aggrieved by this the party preferred a petition before the CGRF, Ernakulam. The CGRF had disposed the petition ordering as; 'Disputed meter is to be replaced with the meter purchased by the petitioner. No back assessment permitted except as mentioned above'. Aggrieved by the decision of CGRF, the appellant has filed the Appeal petition before this Authority.

Argument of the Appellant: -

- 1). The appellant submits that the consumer has been allowed to change the meter purchased by him and a new meter was installed. But all brands in the market are not defects free. All LCD meters (brand-new) purchased from the market have 36% error.
- 2). KSEBoard officials visited the premises of the consumer on 10/9/2012 and 19/09/2012. Major offences committed on both dates by the officials. On 11.09.2012, KSEB staff used some gadget near the meter which caused the computer and phone charger to be burnt. These are expensive devices. On 19.09.2012, a bill was given with wrong readings (photocopy attached) and the meter was sealed and a form filled up and signed by threatening notes. All the LCD meters in the marked have 36% error which is proved beyond doubt by L&T service engineer. Hence his meter needs

repair and servicing to bring to normalcy. Both L&T meter and Techno meter are not good and same in performance. The mechanical meters have 31% error. The Electrical Inspectorate procedures will double the contamination.

During hearing on 27.03.2013, he pleaded as follows. The testing of Meter done by the Electrical Inspectorate is not correct. I have recorded the defects. When the meter was purchased it showed a 'reading of 0.5 units. This reading was obtained after conducting all tests on the meter by the manufacturer company. Hence the reading to be obtained after testing by the Electrical Inspector should have been $0.5 + 0.5 = 1$ unit. But the reading of the meter shows as 1.4 units. Hence there is error on the meter. The new meter purchased by me is also faulty. This I will arrange to repair by a Technician and make it normal and accordingly I will remit the bills as per its readings.

Argument of the Respondent: -

1). The respondent has submitted the following counter arguments in his statement of facts. The allegations in the petition No/304/2012 filed by Sri.K.Syed Immamudeen is totally baseless. On 11.09.2012 the Assistant Engineer & Sub Engineer of Electrical Section Edappally visited the site of the appellant for installing the new meter purchased by him. But the petitioner himself has already installed the energy meter purchased by him without informing the KSEB. This is a serious mistake from the part of the petitioner. The Sub-Engineer prepared the mahazar and noted the reading of the newly installed energy meter. The petitioner disagreed to put sign in the site mahazar. The copy of the site mahazar is marked as defense document.

2).The order of CGRF, Ernakulum was "Disputed meter is to be replaced with the meter purchased by the petitioner. No back assessment permitted except as mentioned in the order. The petition is at liberty to file appeal before the Electricity Ombudsman within 30 days of receipt of this order, if the petitioner is not satisfied with this decision." The respondent has implemented this order. Disputed meter is to be replaced with the meter purchased by the petitioner. No back assessment has been made except as mentioned in the order. Hence the appeal petition is baseless.

3).The KSEBoard is not responsible for the burning of petitioner's computer. No over voltage or any other abnormalities has been occurred in the KSEBoard supply on 11.09.2012 or recent days. The KSEBoard staff not used any gadget near the meter as alleged in the petition. The average bill given to him on 19.09.2012 is as per rule. The meter is sealed and the meter sealing certificate is issued by the Assistant Engineer as per rule. The calculation of average energy consumption of the consumer is produced as a defense document.

Analysis and Findings: -

A hearing of the Case was conducted in my chamber at Edappally, Cochin, on 27.3.2013. The appellant, Mr. Syed Immamudeen, was present and Mr.V.P. Mohammed Sherif, AEE, Palarivattom and Mr.Jurrin Paiva, AE, Electrical Section, Edappally, represented on behalf of the respondent. Both parties have argued the case on the lines stated above. On examining the appeal petition,

statement of facts of the respondent, the documents attached and considering all the facts and circumstances of the case, this Forum comes to the following conclusions leading to the decisions.

The appellant's main allegation is that, the meter reading is not correct and reliable, as the meter is defective and it shows 36% error in its functioning. The consumer had also raised this argument before the CGRF and the Forum has directed to check the healthiness of the meter using a Check Meter (calibrated standard meter). Accordingly, the test was arranged and consumption recorded in the standard meter was 34.71 units when compared to 25.8 units recorded in the disputed meter. The consumer was not satisfied with the test and hence challenged the readings in the standard meter and the disputed meter and argues that both are not reliable.

Regulation 42 of KSEB Terms and Conditions of Supply, 2005, deals with 'Accuracy of Meters' and gives the details of how to proceed in such cases as well as how to assess the consumer, if the consumer disputes the accuracy of the Meter. The Regulation 42 -Accuracy of Meters' reads thus:

(1) ".....Should the consumer dispute the accuracy of the meter installed in his premises, he may send a written application to the Asst.Engineer and pay the prescribed fee for the test. On receipt of the application and testing fee, the Asst.Engineer shall have the meter specially tested by the Board or Electrical Inspector to Govt. and where the meter is found to be beyond the limits of accuracy as prescribed in the I.E.Rules, in force from time to time, the testing fee shall be returned to consumer and the consumer's bill adjusted in accordance with the result of the test taken with respect to the meter reading of six months prior to the month in which the dispute has arisen, due regard being paid to conditions of occupancy during the month. The faulty meter will be replaced by another one in good working order or the same will be repaired and reinstalled. If the error is found to be within the limits allowed by the Indian Electricity Rules, testing fee shall be forfeited to the Board and the consumer's bill shall be confirmed.

(2) in the event of the test being undertaken by the Electrical Inspector and the meter being found to be incorrect, the period during which the meter shall be deemed to have been incorrect and the amount of energy supplied to the consumer during the period shall be decided by the Electrical Inspector.

(3) The consumer may report any complaint regarding meter to the concerned Electrical Section. The inspection of the meter will be carried out using the standard reference meter (Single phase/ Three phase) available in the Section office which is tested, calibrated and sealed by the Electrical Inspectorate. If meter is found faulty such meters shall be replaced immediately at the expense of the Board. If the existing meter after having found faulty is replaced with a new one, the energy consumption recorded during the period in which the meter was faulty shall be reassessed based on the average consumption for the previous six months prior to replacement of meter. If the average consumption of previous six months cannot be taken due to the meter ceasing to record the consumption or any other reason, the consumption will be determined based on the meter reading in the succeeding six months after replacement of meter and excess claimed if any, shall be adjusted in the future current charge bills"

The respondent states that the meter purchased by the consumer was installed by the party himself without informing the KSEB authorities. Earlier, the KSEB has replaced the faulty meter on 28.7.2012, which was tested by the Electrical inspector and Test certificate issued on 9.8.2012, in which it is certified that the meter is working properly and the percentage of errors are within limit. But the consumer was not satisfied with the test report of Electrical Inspector (EI) and he alleges that the meter has 36% error, by his own reasons, which is not authentic.

The argument of the appellant that the EI has expended 1 unit of energy for testing instead of 0.5 units, as tested by the manufacturer company, is not an expert opinion but a logic reasoning which is absurd. The Electrical Inspectorate is an authorised agency under the statutory provisions of Law and is an expert body to Test the Meters and even gives advice to Govt in matters relating to safety, operation and maintenance of Electric Plants within the state. The agency might have done more tests or might have repeated tests to ascertain the quality of the Meter under test. To challenge the test result of EI, the appellant has not raised any valid points or expert opinion and hence the arguments of the appellant is found as baseless.

Finding fault with the tested meter, the appellant has purchased a new meter and replaced the existing meter of KSEB, saying it is permitted by the CGRF. The CGRF has allowed the consumer to purchase a good meter from the market, but that does not imply the consumer can himself install the same and that too, without the meter being tested by the Licensee or the EI. The CGRF did not allow the consumer to replace the KSEB's meter by himself. Even after replacement of the meter, the consumer is not satisfied with the functioning of the new meter (purchased by him) and says it has also have 36% error and wants it to be repaired by a technician of his choice. His demand is that he will arrange the repair and after that he is ready to pay the bills issued as per the meter readings recorded (after repair).

Regulation 58 of KSEB Terms and Conditions of Supply, 2005, insists the following conditions for purchase of meter by the consumer.

(i). Electronic meters with ISI mark only shall be installed.

(ii). The meter shall be got tested and sealed and certified to be confirming to IS 13779/99 and latest amendments if any by the meter testing units under the Electrical Inspectorate.

(iii). The meters will be of accuracy class 1 i.e. the error shall not exceed the limit of +/- 1%.

(iv). The Board's meter shall be taken back after installation of the new meter. The final reading of the Board's meter shall be recorded by the Board and the same may be witnessed by the consumer / his representative. Bills may be prepared on the basis of existing meter reading upto the date of installation, if the existing meter is in good condition and thereafter on the basis of the new meter reading. If the existing meter is found faulty then the bills for the period during which the meter was faulty shall be revised on the basis of the reading as per new meter.

(v). Supplementary agreement shall be executed in a stamp paper worth Rs.50/- by the consumer to the effect that-----“

It is revealed that the consumer has not complied with the above condition (ii) before installing the meter in his premises. Similarly the consumer is not authorised to replace his existing meter (of the Licensee), which is a grave offence because nobody can interfere with KSEB Power supply. Further, if every consumer resorts to replace his meter after consuming energy, then it will lead to total disorder. Moreover, only authorised persons are allowed to work in Electric fields, for which specific Indian Electricity Rules and Central Electricity Authority (CEA) Regulations are framed to deal such cases, for safety reasons.

The Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, which came into effect from 17.3.2006 reads as follows; (only relevant regulations are cited).

3-Applicability of Regulations- (1) These regulations are applicable to meters installed and to be installed by the Licensee who are engaged in the business of supply of electricity and to all categories of consumers.

6-Ownership of Meters- (2) (a) Consumer meters are generally owned by the Licensee.
(b) If any consumer elects to purchase a meter, the same may be purchased by him. Meter purchased by the consumer shall be tested, installed and sealed by the Licensee. The consumer shall claim the meter purchased by him as his asset only after it is permanently removed from the system of the Licensee.

9-Installation of Meters-

(1). The Generating company or Licensee, as the case may be, shall examine, test and regulate all meters before installation and only correct meters shall be installed.

10-Operation, Testing and maintenance of Meters-

The operation, testing and maintenance of all types of meters shall be carried out by the Generating Company or the Licensee as the case may be.

11-Access to the Meter-The owner of the premises where the meter is installed shall provide access to the authorised representative(s) of the Licensee for installation, testing, commissioning reading and recording and maintenance of the meter.

15- Meter failures discrepancies- (2) Consumer meters- In case consumer reports to Licensee about consumer meter readings not commensurate with his consumption of electricity, stoppage of meter, damage to seal, burning and damage of meter, the Licensee shall take necessary steps as per the procedure given in the Supply Code of the Commission read with the notified conditions of supply of electricity.

It is very clearly specified in the CEA Regulations that, even though the Meter may be purchased by the Consumer, it is to be tested and installed by the Licensee only. Moreover, the consumer can demand the Meter possession (purchased by him) only after its removal from the Licensee's supply System. Hence for the above reasons, it is found that the action of the consumer in

changing the meter by himself, interfering the KSEB supply system, with the meter purchased by him, is an illegal act.

The other contentions of the appellant like the actions of KSEB officials caused burning of the computer and mobile charger is not proved, by giving any evidence or witness to the wrong actions alleged to be committed by the KSEB. Hence the argument of the appellant is found not maintainable.

DECISION : -

The consumer has the grievance of his energy meter running fast i.e. the meter records a higher consumption of energy than his actual usage of electricity. In such a case, if the consumer lodges a complaint, as per the CEA Regulation-15 cited, stipulates that the Licensee has to act according to the Electricity Supply Code and KSEB Terms and Conditions of Supply. Accordingly, as per Reg. 42-Accuracy of Meters, vide Subsection (3), the Licensee, KSEB has to install a standard meter as Check Meter to test the consumer's meter (both meters in service simultaneously) and comparing the consumption recorded in both the Meters. Or the Licensee can resort to clause under 42(1) of T & C of Supply, 2005, under which the Asst. Engineer will test the meter at the Licensee's Lab or can sent it to Electrical Inspector, who will test the Meter at their Lab: and will intimate the result. In the event of meter being found incorrect, the Electrical Inspector will also determine the quantum of energy used by the consumer during the meter faulty period.

The test done with a Check meter at the consumer premise was not acceptable to the consumer. Similarly, the Test of the Meter done by the Electrical Inspector was also not acceptable to him. The consumer has deposed in the hearing that he has lost faith in the testing done by Govt agencies. Hence he has purchased a new meter as allowed by the CGRF, Ernakulum. But the meter was installed by the consumer himself, without any test being undertaken by the Licensee or the Electrical Inspector, which is against the rules. The CEA Reg.-6 & 9 clearly states that even if the meter is purchased by the consumer, it has to be tested by the Licensee and to be installed by the Licensee only. The appellant states that the meters available in the market is not good and the meter purchased and installed by him, is also showing excess consumption and therefore he wants to repair it by a technician of his choice, which is an illegal demand and is rejected.

In the circumstances, the appellant is directed to approach the Asst. Engineer, Edappally, and pay fees for testing the meter or file a petition directly to the Electrical Inspector, requesting to test the existing meter and act as per the test results. In the event, the consumer fails to oblige the direction within a month of this order, the respondent may take steps to get tested the meter for which they may sent the existing meter(purchased by the consumer) for testing by the Electrical Inspector, for which the test fee has to be borne by the consumer. If the consumer files objection against the test by Electrical Inspector, the respondent is free to take action against the consumer as per rules, since the consumer is not supposed to interfere with the supply of electricity and install a meter (not tested by the Licensee or EI) by himself in the meter board and remove the existing meter of the Licensee. Further, the purchased Meter is also alleged to be a faulty by the consumer himself. The Licensee cannot be compelled to provide electric supply to the consumer

through an incorrect meter installed by a consumer. The consumer has to take the Govt. agencies or the Licensee in good faith and confidence. If in doubt, he can arrange another Test, through the Licensee, by an approved agency of the Govt., like the Engineering College Test Labs etc. and not by any technician of his choice.

The consumer has entered into an agreement with the Licensee, KSEB, while availing the electric connection and as such he is bound to obey the KSEB Terms and Conditions of Supply, issued from time to time. The consumer cannot contravene its provisions nor unilaterally decide to install a non-tested meter in his premises. Also he is not authorised to install the energy meter by himself, in the electric service line part of the KSEB system of supply, which has to be done by the Licensee only. The demand of the appellant to allow him to arrange the repair of the meter in service, by a technician, is not granted. In brief, the consumer is bound to abide by the 'Terms & Conditions of Electric supply' of the Licensee. The consumer as well as the Licensee has to act, observing the Rules, Regulations and provisions of the Indian Electricity Act only.

The Appeal Petition filed by the consumer is found devoid of any merits and hence stands dismissed. Having concluded and decided as above, it is ordered accordingly. No order on costs. Dated the 5th of June, 2013,

Electricity Ombudsman.

Ref. No. P/304/2012/ 2012/ Dated 05.06.2013.

Forwarded to :1). Sri. Syed Immamudeen K.
Plot No: 8, SubhashNager,
Edappally, KOCHI-682 024.

2). The Assistant Executive Engineer.
Electrical Sub Division, KSEBoard,
Palarivattom, KOCHI-24.

Copy to 1. The Secretary, Kerala State Electricity Regulatory Commission,
KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSEB,
Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4
3. The Chairperson, Consumer Grievance Redressal Forum,
Power House, Cemetery mukku, Ernakulam-682018.