

STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION NO. P/326/2012.

(Present: T.P. VIVEKANANDAN)

APPELLANT : Sri. Anwar Sadath
RC-4, 3-D, AEC Apartment,
Kalpaka Road, Mankavu, Kozhikode.

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

ORDER.

Background of the Case

The appellant is a domestic consumer, vide Con. No. 22706-5 under Electrical Section, Mankavu. While being so, he received an abnormal bill dated 4.4.2012 for Rs. 14610/-. He approached the Assistant Engineer, Mankave with a complaint dated 27.4.2012 that he used to consume less and hence the disputed bill for Rs. 14610/- was not in tune with his consumption. He contended that the energy meter connected in his premises was faulty and hence the excess bill amount. Based on the complaint a test meter was connected and it was found that the consumptions recorded in both the meters were the same during the testing period. The consumer has been directed to remit the bill amount as it was proved that the meter was working in good condition. Being aggrieved by this, the consumer lodged a complaint before the CGRF, Kozhikode on 10.7.2012 which was dismissed vide Order OP No. 22/2012-13 dated 23.11.2012. Aggrieved by this order, the consumer has filed the Appeal Petition before this Authority.

Arguments of the Appellant: -

The appellant has raised the following arguments in his petition filed before this Forum.

- 1) The order of the CGRF is wrong, contrary to law and opposed to the facts of the case.

2). The CGRF is erred in dismissing the complaint without appreciating the evidence in the case.

3). The CGRF ought to have considered the fact that the bill amount of Rs. 14610/- for the bill period 4/2012 as per the bill dated 4/4/12 is abnormal. The Forum ought to have noted the fact that the petitioner never received such bill amount for any period prior to the said period or after the said period.

4). The CGRF ought to have considered the fact that since the energy meter is faulty, such an abnormal bill was shown for the said period.

5). The CGRF ought to have considered the fact that the respondent inspected and checked the meter for the name sake and mechanically reported that the said meter is working properly and without applying the reasonable mind.

6). The CGRF failed to appreciate the contention of the petitioner that the consumption for the period 6/12 was 635 units & 0 unit was shown for the period 12/2012 notwithstanding the fact that the usage of energy is not changed for the period 4/12, 6/12 & 12/2012.

Arguments of the Respondent: -

The Respondent has filed the counter statement against the complaints contained in the Appeal Petition, stating that all the averments in the petition except which are admitted, are false and hence denied by him.

1. Based on the complaint received from the consumer, after collecting testing fee from the consumer, a test meter was connected in the premises of the consumer on 9.5.2012. On 16.5.2012, meter readings were taken and found that consumptions recorded in both the meters were the same as 51 units. The matter was informed to the consumer and directed him to remit the current charges as per bill dated 4.4.12, since the meter is working in good condition as per the test.
2. On 8.6.2012, the Assistant Engineer inspected the consumer premises and directly informed them that the meter is working in good condition and instructed him either to remit the electricity bill or to remit the required testing fee for getting the meter tested at approved laboratory, if he so desires. The consumer was not willing to remit neither the electricity charges nor the testing fee, but filed a petition before the CGRF, Kozhikode. As per the site mahazar prepared by the Assistant Engineer

who inspected the premises on 8.6.2012, the consumer is having the connected load of 8115 Watts.

3. The consumption recorded in the bill dated 4.4.2012 was 2637 units (bimonthly). With the connected load of 8115 watts, the bimonthly consumption recorded could not be considered abnormal and far below the maximum possible consumption. Also the energy consumption pattern of a rented flat can be changed based on the occupation of the building. The consumer's conclusion that the energy meter is faulty simply because the consumption recorded in different bill period varies considerably is not correct. The variations in meter reading can be due to the variation in usage of electricity. The correctness of the meter can be ensured by either testing the meter by using a test meter or testing the meter at the Electrical inspectorate or at any approved laboratory. By test meter method it was found that the energy meter at the consumer's premises is a good one. Even the direction of the CGRF to remit the required fee for getting the meter tested at Electrical Inspectorate has not been complied with, by the consumer.

Analysis and Findings: -

The Hearing of the case was conducted on 10.4.2013, in my chamber at Edappally, and Mr. Abdul Azeez K.T. represented the appellant's side and Mr. K.P. Hari Kumar, Assistant Executive Engineer, Electrical Sub Division, Mankavu, represented the respondent's side. On perusing the Appeal Petition, the counter of the Respondent, the documents submitted, arguments during the hearing and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions there of.

The first point to be decided is whether the Energy meter provided to the consumer was faulty during the period and whether the consumption of 2637 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, at the consumer's premises, by installing a good energy meter (Check 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.

The Installation of a Good meter (Check meter), in tandem to existing (disputed) meter to verify the accuracy of the Meter is justifiable as per clause 42(3) in KSEBoard Terms and

Conditions of Supply. The test being done on the consumer's premises and in his presence is more convincing than any other documentary evidence and would help the appellant to clear his doubts on the existing meter. However, in this case the test done by KSEB, did not convince the appellant, may be due to, carrying out the test by KSEB without insisting the presence of the consumer and preparation of a mahazar on the 'test' done.

When the test is undertaken by KSEB on the consumer's meter, it is the best practice to prepare a mahazar, in the presence of the petitioner or his representative, recording the facts of, Check meter installed, the details of both meters with their seals, recording their initial reading etc on the first day and got it witnessed and then leave both meters in service for one weeks time, for joint working. Similarly, after informing the consumer, a final recording of meter readings in his presence, would have cleared the doubts and the said mahazar so prepared will surely be a valid document before any legal Forum. But the respondent failed to do so and the consumer has raised the allegation that the testing was not done properly and the matter remains unsettled.

The meter testing, by the Electrical inspector, can be resorted to, if the consumer was not satisfied with the test undertaken re by the Licensee, as per clause 42(1), but this was not done because the consumer did not turn up for such a testing by paying the fees. But if the consumer continues with his complaint on the meter, then KSEB itself can make the request to the Electrical Inspector and arrange the test, giving notice to the party, even if the party fails to remit the required fees for testing. If the meter was found as good on testing by Electrical Inspector, the 'test fee' can be realized from the concerned consumer.

DECISION: -

A verification of the energy consumption details of the consumer, furnished by the respondent shows that the energy consumption pattern was not consistent, at least from 6/2011 onwards. The energy consumption was recorded as zero in 12/2011 and it was 81 units in 2/12. The energy consumption for the next bi-month of 4/2012 has reached the abnormal level of 2637 units. The consumption of only one bi-month, i.e. of 4/2012, has reached the disputed high energy use of 2637 units.

According to the CGRF, consuming 2637 units in a month by a house having a connected load of 8.1 KW, with 2 air conditioners in a summer season is quite possible. This finding cannot be argued as faulty and can be true, if the consumer uses his A/C's lavishly. Also it is

seen that the respondent has taken steps, to check the working of the disputed energy meter, on getting the complaint, which established the perfect functioning of the meter. But KSEB should have prepared a mahazar on the Test undertaken by it, in the consumer's or his representative's presence. Further, they could have filed a request to the Electrical Inspector to test the Meter if the consumer still raises his dispute, on the test done on the meter by KSEB.

The appellant has raised the main contention in his appeal petition as follows;

"The Forum failed to appreciate the contention of the Petitioner that the consumption of the petitioner for the period of 6/2012 was 635 units and 0 units was shown for the period 12/2012, not withstanding the fact that the usage of energy is not changed for the period 4/2012, 6/2012 and 12/2012".

The appellant's energy consumption in 6/2012 was 635 units and he has no dispute over this quantum of energy usage and readily paid the electricity charges for the same. The energy consumption for 12/2011 is reported as 0 units by KSEB. It is seen that there is wide variation, in energy consumption recordings in the meter during 12/2011 to 6/2012. Hence accepting the argument of the appellant that "the usage of energy has not changed for the period 4/2012, 6/2012 and 12/2012", it is decided to fix the average energy use or consumption of the consumer as 635 units per bi-month, for the period of 12/2011 to 4/2012 i.e. for the bi-months of, 12/2011, 2/2012 and 4/2012 as 635 units each. Hence the disputed bill dated 4.4.2012 for Rs. 14610/- (for 2637 units) stands cancelled and the respondent is ordered to revise the bills of the consumer, pertaining to the three bimonths of 12/2011, 2/2012 and 4/2012, at the average energy consumption of 635 units for each bi-month, instead of the earlier raised bills.

The respondent shall also replace the energy meter (Con No. 22076) urgently, with a good meter since its working is disputed, giving notice to the consumer, and get it sealed.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition No. P/326/2012, filed by the appellant, Sri. Anwar Sadath, is disposed of as above. No order on costs. Dated the 12th of August, 2013.

Electricity Ombudsman.

Ref. No. P / 326 / 2012 / 1892/Dated 12.08.2013.

Forwarded to 1). Mr. Anwar Sadath,
 RC-4, 3-D, AEC Apartment,
 Kalpaka Road, Mankavu, Kozhikode
 2). The Assistant Executive Engineer,
 Electrical Sub Division, KSE Board,
 Mankavu, Kozhikode.

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