

STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION NO. P/328/2012.

(Present: T.P. Vivekanandan)

APPELLANT : The Secretary,
Dhanwanthri Centre & District Planning Officer,
Kasargod.

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

ORDER.

Background of the case: -

The appellant in this appeal petition is the Secretary, Dhanwanthri Centre, Kasargod and is the consumer of the electric connection with No. 17913 under Electrical Section, Kasargod. The Dhanwanthari Centre, Kasargod is an institution functioning under the control of Kerala Govt. for the development and welfare of SCs & STs. The premise of this electric service connection is in a commercial building, which is owned by the 'Dhanwanthari' institution. Some govt. offices, a public sector bank and several private firms are also functioning in this building. The service connection is being used for commercial purpose of water pumping under LT VII A tariff. The respondent had issued a bimonthly current charge bill dated 14.09.2011 for Rs. 9591/- for the month of 9/2011, showing the consumption as 1542 units. Aggrieved by this bill, the appellant lodged complaint before the CGRF, Northern Region, Kozhikode on 03/07/2012. The CGRF had not allowed the plea in the Petition and directed the respondent to collect the bill amount without charging the surcharge during the appeal pending period before the CGRF. Aggrieved by this, the appellant has submitted this Appeal petition before this Authority on 17/12/2012.

Arguments of the Appellant: -

The arguments of the appellant are based on the brief facts and circumstances which are narrated above. The main contentions of the Appellant in the Petition are the following.

(1).The average bimonthly consumption in the premises for the last 5 years was below 60 units. If we take the reading of the last 3 bi-months (reading was not taken for the bi-months of 3/11, 5/11 & 7/11, citing door locked condition) it will never exceeds 240 units.

(2). The appellant denies the argument of 'door locked'. The premise is not in a condition of locking and it has never locked the door since 2008. The Respondent has misled the Forum by presenting the wrong facts before the Forum which enable them to get favorable orders. By

charging the average bill for 3 bi-months, the establishment has suffered much loss in payment of the current charges.

(3). The appellant argues that the respondent's contentions are contradictory as they alleged misuse of meter due to non availability of the door in the premises. At the same time, it is held that the premise of the Electric service connection was kept in locked condition.

(4). The appellant contents that there was no circumstances existed in the premises for misuse or theft of energy in the premises. No modification works or renovation in the building had been conducted during this period which necessitated high usage of energy.

(5). The meter is not reported faulty after the testing. If there was any leakage of energy it should have been recorded before and after the disputed period. The meter reading recorded after this period is also normal. The connection is used only for pumping water from the bore well to the water tank in the building.

Arguments of the Respondent: -

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

(1). The premises of the service connection was kept in locked condition till 7/2011 and meter reading were not regularly obtained. Hence the consumer was billed for the average reading as per previous consumption. On 14.9.2011, the door of the premises was seen removed and the reading in the meter was obtained. Hence the bill for 9/2011 was calculated as per the energy consumption recorded after deducting the amount remitted by the consumer as per average consumption billed previously. The details of meter readings in the premises from 5/2009 to 9/2012 and the calculation details of bill issued on 14/9/2011 are marked Ext. D 1 & D2.

(2). It is true that the consumer is using only a 1 HP motor in the premises for pumping water. The wiring conditions in the premises are seen shabby and the earthing of motor is not proper. The door of the premise is seen removed and it is easily accessible to all. The high consumption could be either due to earth leakage through the wiring or big misuse by a third party.

(3). As per the complaint of the consumer about the huge reading, a test meter was installed in the premises on 20/10/2011, after collecting necessary fees for checking the condition of the meter. The meter was found good and working properly. The meter reading recorded after this incident is also normal.

(4). The premise of the consumer is kept in a very bad condition and used by others for dumping garbage. The appellant had not requested testing of the meter by the Electrical inspector.

Analysis and Findings: -

A hearing of the Case was conducted in my chamber at Edappally, Ernakulam on 10.04.2013. The appellant's side was represented by Sri. Hareendran Nair and the opposite side by Sri. K. Narayana Bhat, the Asst. Exe. Engineer, Electrical Sub division, Kasargod. They have argued the Case mainly on the lines stated above. On examining the Appeal Petition of the appellant, the statement of facts filed by the Respondent, the arguments in the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

The respondent submits that the reading taken in 1/2011 was 3479 units and the readings were not available during 3/2011, 5/2011 and 7/2011, since the premise was under locked up condition on the reading date. The reading on 14/9/2011 was 5021 units with a consumption of 1542 units (5021-3479) for the period from 1/2011 to 9/2011.

It is seen that the meter readings were not taken continuously for 4 bi-months, stating the reason as, 'due to the locking of the premise or blocking the entrance to take reading etc'. It is pertinent to note that there is clear provision in the Kerala Electricity Supply Code, 2005, to deal such cases of 'the premises being locked up or made inaccessible'. By virtue of the Clause 19(5) & (6), the licensee is liable to take proper action in such cases. It reads as; '19 (5)-when the meter reading cannot be taken due to the premise being locked up or made inaccessible, the consumer shall be provisionally charged the average consumption for the last 6 months'. *"19 (6):- During the second instance of locked up premises, the consumer shall be given a written 24 hour's notice to keep open the premises at a particular date and time give facilities for reading the meter to the Licensee's designated employee. If the consumer fails to keep open the premises and give facilities for taking the meter reading as aforesaid, without giving proper reasons, the supply shall be disconnected with due notice. After taking the meter reading, the consumer shall be charged for the whole consumption since last reading less the charges already paid"*.

The non-compliance of the above provisions by KSEB has lost the chance to investigate and decide the cause for such a high consumption of electricity during the disputed period. Though the respondent has stated the reasons of probable earth leakage or misuse of energy during the period in question, the respondent has to substantiate it since the appellant denies such things, but has not succeeded. The appellant has not raised any doubt regarding the accuracy of the meter. The meter is found in good working condition when tested with a 'Check Meter'.

The respondent has failed to take timely action as specified in the above provision. Since the appellant's establishment is functioning in the same building, the meter reader can approach the office staff and make meter available for reading. The Board staff has not taken meter reading for 4 consecutive bi-months and thereby created an unwanted situation raising disputes in the bill issued to the consumer.

While conducting the Hearing, it was pointed out that the electric connection was obtained in 2006 and the Meter readings of one year before and after the disputed period furnished is;

<u>Date of Meter Reading</u>	<u>Reading</u>	<u>Consumption in units.</u>
10/03/2010	3243	57
11/05/2010	3306	63
12/07/2010	3306	43 door locked
13/09/2010	3306	43 "
11/11/2010	3306	43 "
10/01/2011	3479	44 splitted DL
12/03/2011	3479	386 "
10/05/2011	3479	386 "
12/07/2011	3479	386 "
14/09/2011	5021	384 "

10/11/2011	5046	25
10/01/2012	5104	58
09/03/2012	5135	31
14/05/2012	5183	48
12/07/2012	5224	41
12/09/2012	5251	27

DECISION: -

On a perusal of the above consumption particulars of the consumer, just before and after the disputed period, as furnished by the respondent, it is noted that the energy use of the consumer has never exceeded 63 units per bi-month except during the disputed period. It is also confirmed that the meter was not faulty during the said period. Hence I decide that the true average consumption of the consumer during the faulty period as 63 units per bi-month. The bimonthly current charge bill dated 14.09.2011 for Rs. 9591/- is quashed. The respondent shall revise the disputed bills for the bi-months of 3/2011 to 09/2011 (four bi-months) at the rate of 63 units each, in place of the disputed bill, after giving credit to the amount already remitted during the same period, if any.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition No. P/328/2012, filed by the appellant is disposed of, with the said decision to be implemented by the respondent. No order on costs.

Dated the 12th September, 2013.

Electricity Ombudsman

Ref. No. P/ 328/ 2012/ 1970/ Dated 12.09.2013.

Forwarded to: -

- (1). The Secretary,
Dhanwanthri Centre & District Planning Officer,
Kasargod.
- (2). The Assistant Executive Engineer,
Electrical Sub Division, KSE Board,
Kasargod.

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, Vudyuthibhavanam, Gandhi Road, Kozhikode.