

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION NO. P/383/2013.

(Present: T.P. Vivekanandan)

Appellant : Sri. Thomas. K.P. Joe.
Kandathilparambil,
Panampilly Nager, Kochi. Pin - 682 036.

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

ORDER.

Background of the Case:

The appellant is a domestic consumer with Cons. No. 77-1 under Electrical Section, Girinagar. He is aggrieved by the exorbitant electricity bill amounting to Rs. 1,19,3721/- issued to him on 14.2.2013. The consumer approached the Asst. Engineer, with a complaint over the working of the meter and the impugned bill, who then installed a Check meter in the premise from 18.02. 2013 to 22.02.2013. However, no variation or discrepancies were noticed in the existing meter, as the recordings in both meters matched very closely. Being aggrieved, he filed petition before the CGRF, Ernakulam and still not satisfied by its decision in order no. CGRF-CR/Comp.171/12-13 dated 01.06. 2013, the appellant has filed the Appeal petition before this Forum.

Argument of the Appellant: -

(1). The appellant has received an electricity bill dated 14.02.2013, amounting to Rs. 1193721/- for two months consumption for his house, when no one was staying in that house. The KSEB increases the rates day by day, thus putting everyone in a dilemma. The appellant was shocked when received this exorbitant bill. For years, this appellant has been living abroad and there is only a watchman who

stays outside and has no access to the inside of the house. The bill for December 2012 was Rs.8770/-, and the prior bill was for Rs.7280/-.

(2). The shocking bill was received after KSEBoard installed a new meter in the residence on 31.12.2012. The initial reading on the new meter was 65, as per KSEBoard personnel. There is no electricity is being misused or stolen.

(3). The appellant left for U.S. on December 26, 2012 and when his wife came back in February 2013, she received the bill Rs.119372/-. The average consumption is 1110 units. A parallel meter was fitted and reading from February 18-22 showed only 28 units per day although air conditioners were used. Reading for 4 days- i.e. from 31 December to January 4 (when there is only security guard at my place) was 2231 units (446 units per day). On the contrary, reading from January 4th to February 14th was 666 units for 40 days. Out of these days, his wife was staying for 12 days. The meter that gave huge reading was still there during these days.

(4). KSEBoard states that there must have been leakage but this was proved otherwise by the entire three electricians who checked the premises. There is ELCB that is installed in the premises and it would get cut off if there is leakage.

Arguments of the Respondent: -

(1). All the statements, averments, allegations and contentions in the above appeal, except to the extent which have not been specifically denied in this objection, may be considered to have been rejected as false and baseless.

(2). The respondent respectfully submits that the appellant is not entitled for any of the reliefs as sought for in the above petition. The above petition as well as appeal memorandum filed is not maintainable either in law or on facts. The appellant herein has no bonafides and the appeal has been filed suppressing materials facts, with ulterior motives.

The Consumer No.77-1 is registered in favor of the appellant under LT -1 (a) tariff and consumption pursuant to the said connection was recorded bimonthly. For the period from 19.10.2012 to 11.12.2012, the consumption recorded in the said connection was 1169 units. Since, monthly consumption has exceeded 500 units, the existing electric meter was changed as per the prevailing rules and time of day (TOD) meter was installed in the said premises of the appellant on 31.12.2012. As on 31.12.2012, the consumption recorded for 20 days (i.e. from 11.12.2012 to 31.12.2012) was 6041 units.

- (3). The newly installed meter was checked on 04.01.2013 and reading was taken wherein recorded consumption was 2231 units. Thereafter on 14.02.2013, bimonthly consumption was recorded for the rest of days i.e. from 04.01.2013 to 14.02.2013, which were 666 units. Accordingly a bill was issued on 14.02.2013 for a sum of Rs.1193728/- for a total consumption of 8938 units. This bill is in order and proper and is not vitiated by any procedural errors. The contentions contra made by the appellant as against issuance of the bill is without any bonafides and basis and liable to be rejected.
- (4). Pursuant to the complaint made by the appellant, a parallel meter was installed in the said premises from 18.02.2013 to 22.02.2013. However, no discrepancies were found in the recording of TOD meter. The reading of consumption of energy recorded in both meters was correct.
- (5). It is true that consumption in the said premises of the appellant/petitioner, from 11.12.2012 to 04.01.2013 was on a higher side. The same may be due to the fault of electrical fitments in the said premises and the respondent or the Board has nothing to do with the same. Even, if nobody occupies in the premises in the relevant period, if the fitments and earthing are not proper, energy could be consumed or leaked on a higher level. The said aspect was also discussed with the consumer and the respondent reasonably believes that this would have been the reason for recording such higher rate of consumption since thereafter consumption recorded pursuant to the said connection was normal. The meters installed in the premises prior to and after 31.12.2012 are properly functioning, without any technical snags.
- (6). The energy consumption has been recorded properly and bill has been issued only for the energy consumed by the appellant. The allegation that higher rate of amount has been extracted from the consumer is incorrect and therefore denied.
- (7). During the course of hearing, the appellant here in through his counsel expressed willingness to test the concerned meters through the Electrical Inspectorate, after remitting fees and making the necessary applications in this regard. However despite said assurance, the appellant has not turned up. The CGRF has also issued notice dated 15.05.2013 to the appellant in this regard, but in vain.
- (8). However, as per the directions of the CGRF, this respondent has downloaded the meter reading data history of the newly installed TOD meter, which shows its initial reading as on 01.01.2013, as 2497 Kwh. Therefore the actual consumption of energy from 01.01.2013 to 14.02.2013 is 465 units (2962-2497). It was further directed to submit the downloaded memory data in respect of the old meter. However no discrepancies were found in the same. Thus the Hon CGRF by order dated 01.06.

2013 found that the actual consumption recorded in the TOD meter from 01.01.2013 to 14.02.2013 is 465 units and hence petitioner's consumption for the period from 11.12.2012 to 14.02.2013 is 6506 units (6041+465). This respondent was further directed to reassess the petitioner for the said 6506 units in respect of the period concern.

(9). The allegation contra in the appeal memorandum are highly misplaced, misconceived and are made with ulterior motives to circumvent the ends of justice and hence is liable to be dismissed. Grounds raised in the above appeal to assail order dated 01.06.2013 of CGRF, Ernakulam is baseless, illegal improper and hence denied and the appellant is not entitled for the reliefs as prayed for.

Analysis and Findings: -

1.0. The Hearing of the Case was done on 10.09.2013 and 13.09.2013 in my chamber at Edappally, Kochi. Smt. Joe Thomas, has represented for the appellant and Sri. Sasidharan Elayath, Asst.Engineer, Electrical Section, Girinagar, Ernakulam, has appeared for the other side. On examining the Petition, the counterstatement of the Respondent, the documents attached and the arguments made during the hearing and considering all the facts and circumstances of the case, this Forum comes to the following findings and conclusions leading to the decisions, thereof.

1.1. The first point to be decided is whether the Energy meter provided to the consumer was faulty during the period of two months i.e. from 11.12.12 to 14.2.13 and whether the consumption of 8938 units recorded in it during that period is genuine or actually consumed by the consumer. It is noted that the disputed energy meter was tested at the consumer premise 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.

1.2. The energy consumption for only two months has reached the abnormal level of 8938 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 clauses 42(3) in KSEB Terms and Conditions of Supply, 2005. 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.

1.3. Since the Board has instructed to change with a TOD meter, if the energy consumption exceeds 500 units, the TOD meter installed on 31.12.2012 is found to be in order. But during the period of

11.12.2012 to 31.12.2012, with the old meter in service has showed a consumption of 6041 units just for 20 days and with the new meter installed on 31.12.2012, the consumption recorded for the next 45 days i.e. for the period of 1.1.2013 to 14.2.2013 was noted as only 465 units.

1.4 The registered connected load of the consumer is 19660 watts. As per the inspection conducted by the Sub Engineer, the existing connected load is 18652 watts as on 04.04.2013, which shows a slight reduction in Load. The recorded consumption from 16.12.2011 to 18.06.2013 is as follows;

<u>Bill Date</u>	<u>Meter Reading</u>	<u>energy consumption in Units</u>
16/12/11	104305	543
17/2/12	D/L (Door Locked)	1606 (average)
19/4/12	107517	1606
14/6/12	109607	2090
14/8/12	110891	1284
19/10/12	111769	878
11/12/12	112938	1169 (Average for the previous 6 bi-months =1439 units)
31/12/2012	118979	6041 units (Not raised the bill for this Units till 2/2013).
The meter was changed on 31.12. 2012 with IR-Initial Reading as = 2497		
14/02/2013	2962	(old meter 6041 + new meter 465) = 6506 units (Disputed).
17/04/2013	4146	1184
18/6/2013	4949	803
19/08/2013	6076	1127 (Average for the previous 3 bi-months =1038 units)

DECISION: -

From the analysis done above, I take the following decision.

From the Meter reading details furnished by the KSEB, which is reproduced above, I notice that the consumer had recorded an average energy consumption of 1439 units per bi-month, for the previous 6 bi-months during the period of 12/2011 to 12/ 2012. Similarly after changing the old meter with a new TOD meter, it was found to have recorded an average energy consumption of 1038 units per bi-month, for the succeeding 3 bi-months (for the period of 2/2013 to 8/ 2013). Hence, I am of the view that the bill raised against the consumer for the bi-month of 02/2013 i.e. for the period 12/2012 to 02/2013, for a energy consumption of 8938 units originally fixed by KSEB (or 6041 units, revised by

KSEB on a latter date) is found as not justifiable without any valid reasons for such a high energy consumption of 6041 units for 20 days. Therefore, based on the consumer's past consumption pattern records, I assess the reasonable consumption of the consumer, for the disputed period as 1606 units, which was the average issued by KSEB during 'Door locked up periods'. This quantum of energy is decided as the average energy used by the consumer for the disputed bi-month, instead of 8938 units originally fixed by KSEB or 6041 units, revised by KSEB on a latter date. As such, the disputed bill dated 14.02.2013 for Rs 119372/- is quashed and the respondent is directed to revise the same month's bill for an average energy usage of 1606 units for that particular bi-month.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the consumer is found having merits and is allowed to the extent ordered. The related CGRF's order vide, no. CGRF-CR/Comp.171/12-13 dated 01.06. 2013, of the CGRF, Ernakulum, is set aside.

No order on costs. Dated the 12th of December, 2013.

Electricity Ombudsman.

Ref. No. P / 383 / 2013 / 2101 / Dated 12.12.2013.

Forwarded to : (1). Sri. Thomas K P Joe,
Kandathilparambil,
Panampilly Nagar, Kochi-682 036.

: (2). The Assistant Executive Engineer.
Electrical Sub Division, KSEBoard,
College, Ernakulum.

Copy to: - 1). The Secretary, Kerala State Electricity Regulatory Commission,
KPFChavanam, Vellayambalam, Thiruvananthapuram-10.
2). The Secretary, KSEB,
VydhyuthiBhavanam, Pattom, Thiruvananthapuram - 4.
3). The Chairperson, CGRF,
KSEB, Power House Bldgs, Kombara, Cochin-18.