

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION NO. P/347/2013.

(Present T.P. Vivekanandan)

Appellant : Sri. Shaheer A.
M/S. Alkhajeej Ice Plant, 22/1631 B,
Pampaimoola, Edakochi-682 010.

Respondent : The Assistant Executive Engineer.
Electrical Sub Division, KSEBoard,
Palluruthy, Kochi.

ORDER.

Background of the Case:

The appellant is an industrial consumer with Cons. No. 15502, under Electrical Section, Palluruthy. While so, an inspection was conducted by the APTS of KSEB on 3.12.2012 in the premises of the consumer and based on a site mahazar prepared, the appellant was issued with a short assessment bill for Rs. 5, 40, 512/-, on 7.12.202012. The APTS has detected that one of the phases of the energy meter is not recording the consumption and hence the short assessment bill issued to recover the undercharged amount. Being aggrieved, he filed petition before the CGRF, Ernakulam and not satisfied by its decision in order no. CGRF-CR/Comp.118/12-13 dated 12.02.2013, the appellant has filed the Appeal petition before this Forum.

Arguments of the Appellant: -

(1). An inspection was conducted by APTS on 03.12.2012 and subsequent to that a letter and a provisional bill dated 7.02.2012 for Rs.6,07,687/- was issued and directed to make payment before 28.12.2012 (which was taken back on 19.12.2012 and another assessment bill for Rs. 540512/- was issued). The complainant approached the CGRF on 10.12.2012 and on order was issued by them on 12.02.2013 and as per this order, they revised the bill to Rs.464125/-

with due date as 21.03.2013. The consumer's 6 month's average energy use, prior to 1/2011 comes to only 20933 units/month. After fixing new CT's and TOD meter on 20.12.2012, the consumption during December 2012 and January 2013 are found as not too high, compared with previous year's consumption.

The appellant has sought for the following reliefs: -

- 1). To limit the assessment period to 12 months prior to the inspection date, as per the Hon High Court of Kerala judgment that has ordered the respondent to take only 12 months meter faulty period for back assessment prior to the inspection date.
- 2). To provide 12 months installments without interest for the 12 months bill (error factor 33.33%) and without Surcharge for the petition pending period since December 2012.

Arguments of the Respondent: -

(1). It is submitted that M/S.Alkhajeej Ice Plant, Edakochi, is a consumer of Electrical Section Palluruthy with Cons. No. 15502. The authorized connected load of the consumer is 68.87 KW and the tariff is LT IV (Industrial). Since the connected load is high, the energy meter is connected using three current transformers (CTs) of ratio 200/5.

(2). On 30.11.2012, the Sub Engineer of Electrical Section, Palluruthy visited the premises to replace the existing energy meter with TOD meter. While opening the cover of the meter box it was noticed that one of the CT connections was broken due to rusting. The meter box was sealed in the existing condition in the presence of Sri.Shaheer, the owner of the Ice plant and the matter was informed to APTS Ernakulum unit immediately, so as to determine the date of breakage of CT connection to the meter.

(3). The APTS inspected the premises on 03.12.2012 and on detailed inspection it was found that one phase current from a CT was missing. Further the accuracy of the energy meter was checked using the device, 'LT Accu Check' meter and it was observed that the energy meter was having an error of 36.8%, due to the failure of the CT connection. Then the data recorded in the energy meter was downloaded to a laptop computer using the optical port of the meter and it was observed that the Y-Phase current was completely missing from 14.01.2011.

(4). Since the meter of the consumer was recording only a portion of the energy consumed by him from 14.01.2011, a provisional bill amounting to Rs.5, 40, 512/- was issued to the party, taking into account that the meter was recording only 63.2% of the energy actually consumed by the consumer from 14.01.2011.

(5). The complainant filed a petition before the Hon'ble CGRF, Ernakulum against this bill and the Forum in its order dated 12.02.2013, ordered to revise the bill based on the error factor of 33.33%. The petitioner was also allowed to remit the amount in 12 monthly installments with

12% interest per annum. Accordingly a revised bill amounting to Rs.464125/- was issued to the consumer on 12.02.2013.

(6). The bill was issued for the energy actually consumed by the consumer. The bill contains only energy charges and no penalty or surcharge is included. The demand of the consumer to limit the assessment period to 12 months prior to the inspection date is not genuine since the date of missing CT connection is clearly known from the data downloaded from the meter.

Analysis and Findings: -

The Hearing of the Case was done on 14.8.2013 in my chamber at Edappally, Kochi and Sri. A Shaheer, the appellant was present and the opposite side was represented by Sri Sunil K W, the Asst. Exe. Engineer, Electrical Sub Division, Palluruthy. On examining the Petition, the counter statement of the Respondent, the documents attached and the arguments raised in the hearing and considering the facts and circumstances of the case, this Forum comes to the following findings and conclusions leading to the decisions, thereof.

1.0. The Regulation 33 (2) of the KSEB Terms and Conditions of Supply, 2005, deals with the procedure regarding the preparation and issuance of a bill, when the meter reading is not available due to its non-recording or malfunctioning of the meter. Here the case was that the meter recorded less, due to the 'current' output, from one phase of the CT to the meter, was lost, i.e. the CT wiring terminal connection was burnt and got disconnected, paving the way for missing of the 'current' input to the Meter. Hence the meter was recording the energy of two phases out of 3 phases. Hence clause 33 (2) is not applicable here.

1.1. But when one phase of CT input to the meter is missing, it will pave the way for reduction of about 1/3rd of the total energy actually consumed in the recordings of the meter, since in an industrial premise, the electrical load is connected, almost in balanced (equal) condition in all the 3 phases of electric supply. Hence when one phase is lost, nearly 1/3rd of total energy consumed will not be recorded and in such a case, the assessment of non recorded energy as 50% of that recorded part (energy consumption) is technically and mathematically correct.

1.3. The Sub Engineer's site mahazar report dated 30.11. 2012, prepared after inspecting the consumer premises and the Meter, clearly depicts the CT terminal isolation from the meter, causing the loss of energy from that phase. The appellant has witnessed the mahazar, being convinced of the facts and has not disputed the findings of KSEB.

1.4. Further, on getting information about the Meter, the APTS visited the premises for a detailed examination and tested the Meter using the device named, 'AccuCheck' meter (a standard Test meter) and also downloaded the data from the Meter. This test on the meter

has conclusively proved that the 'electric current' input of one phase of electric supply from one CT was missing due to burning of CT terminal wire and is in disconnected state. The appellant has witnessed the mahazar prepared on 03.12.2012 and the findings of APTS is not disputed by the appellant. The retrieved data down loaded from the meter by the APTS has proved that the missing of CT output has occurred since 14.01.2011. Hence it is clear that the Meter was recording less energy from that date onwards till it is tested in 12/2012.

1.5. On verifying the energy consumption pattern of the consumer for the previous and succeeding years of inspection, which is reproduced below, the energy usage is noted as;

<u>Month - Consump</u>	<u>Month - Consump</u>	<u>Month - Consump</u>	<u>Month - Consump</u>
01/2010 – 29600 units	01/2011 - 17320 units	01/2012 - 11520 units	01/2013 - 9360 units
02/2010 – 26760 units	02/2011 -15520 units	02/2012 – 11840 units	02/2013 - 12520 units
03/2010 – 22480 units	03/2011 - RNF	03/2012 - 9640 units	03/2013 - 13000 units
04/2010 – 28560 units	04/2011 - 29520/2 units	04/2012 - 9040 units	04/2013 - 7280 units
05/2010 – 25360 units	05/2011 - 19360 units	05/2012 - 9080 units	05/2013 - 27920 units
06/2010 – 15160 units	06/2011 – 23440 units	06/2012 - 80 units	06/2013 - 20720 units
07/2010 - 8480 units	07/2011– 4720 units	07/2012 - 3080 units	07/2013 - 4760 units
08/2010 – 27720 units	08/2011– 19360 units	08/2012 – 18760 units	08/2013 - 8280 units
09/2010 – 22960 units	09/2011 - 13120 units	09/2012 – 15040 units	09/2013 - 27200 units
10/2010 – 31000 units	10/2011 - 15880 units	10/2012 - 6880 units	10/2013 - 38440 units
11/2010 – 18800 units	11/2011 - 8880 units	11/2012 – 8040 + 4681 units	11/2013 - 41680 units
<u>12/2010 – 16640 units</u>	<u>12/2011 – 7640 units</u>	<u>12/2012 — APTS inspection.</u>	<u>12/2013 - 18876 units</u>
Total - 283520 units	- 154760 units	107681 units	230036 units.

That is, the yearly consumption of 2010 = 283520 units,
do.....2011 = 154760 units
do.....2012 = 107681 units.
do.....2013 = 230036 units

1.6. The appellant is running an ice factory and as such his energy usage varies considerably from season to season. Hence, I believe it is better and more reasonable to judge based on his total yearly consumption, which covers all seasons of a year. Accordingly, the consumption per year during the disputed period of 2011 and 2012 is less compared to the period 2010 and 2013 (when meter is working perfectly). This reduction has occurred due to the missing of one phase of CT to the meter.

1.7. As per Section 24 (5) of the Kerala Electricity Supply Code, 2005, the licensee is entitled to recover electricity charges, undercharged from the consumer, if it is established. In the present case it stands proved the consumer was undercharged during the years 2011 and 2012 for 22 ½ months. It is true that the recovery of arrears of electricity charges is not due to any fault or offence committed by the consumer. There is no allegation of misuse or unauthorized use of electricity against the consumer by the KSEB. The KSEB has only demanded the charges for the energy lost in the recording of the meter, which has been actually used by the party. The consumer is bound to pay electricity charges for the energy he has consumed. The energy consumption recorded in the Meter, during the period of missing of one phase of CT (current out put from Y phase of supply) to the Meter, i.e. for the period from 14.1.2011 to 10/2012, is reported as 241060 units.

DECISION: -

From the analysis done and the findings and conclusions arrived at, which are detailed above, I take the following decision.

(i). In the Test done at the site, using the standard reference Meter by the APTS, it is proved that the error is around 1/3rd of the total consumption. Further, perusal of the Meter readings register (copy) furnished by KSEB, which is reproduced above, reveals that the average energy consumption of the consumer for the period 01/2010 to 12/2010 (12 months), was $(283520/12) = 23626$ units per month, whereas the total energy consumption recorded in the meter (when one phase of the CT's output was missing during the period of 14.01. 2011 to 10/2012), is only 241060 units for 22 ½ months. This means an average energy usage of $(241060/22.5) = 10714$ units per month during the disputed period. Here it is seen a sharp drop in consumption.

Again, after replacing the old meter with a new one, the consumption has increased to 230036 units per year with an average of 19170 units per month. This confirms that there was a drastic fall in energy consumption during the disputed period, which is established as due to the missing of one phase current to the Meter.

(ii). The APTS has down loaded data from the Meter and it is conclusively established that the one phase of 'current' has been missing since 14.01.2011. When the time period is known exactly, there is no need to limit the assessment to one year period. In such cases, either the previous or succeeding average consumption is the rule to be adopted, as per clause 42(3) of KSEB Terms and Conditions of Supply, 2005. Since KSEB has estimated the loss as 50% of the recorded consumption, I notice that it is more beneficial to the appellant than based on his previous or succeeding average assessment and hence endorse the same.

(iii). The consumer is bound to pay the electricity charges for the actual energy he has consumed. Hence it is decided that the appellant is liable to pay the bill dated 22.2.2013 for Rs. 4,64,125/- issued by the respondent. But the consumer need not pay any interest for the bill amount, for the Petition pending period before the CGRF and this Forum. The consumer is eligible for up to 20 installments, if he requests for and the respondent shall allow the same. The consumer shall pay the whole amount or the 1st installment on or before 30th day of this order. The installments, if allotted, will attract interest from the 30th day of this order to the actual date of payment, as per clause 22(8) of Electricity Supply Code, 2005.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the consumer is found devoid of merits and is dismissed. The CGRF order No. CGRF-CR/Comp. 118/2012-13 dated 12.2.2013 is quashed. No order on costs.

Dated the 31st December, 2013,

Electricity Ombudsman.

Ref. No. P/ 347 /2013/ 2143 / Dated 31.12.2013.

Forwarded to : (1). Sri. Shaheer A.

M/S. Alkhajeej Ice Plant, 22/1631 B,
Pampaimoola, Edakochi-682 010.

: (2). The Assistant Executive Engineer.

Electrical Sub Division, KSEBoard,
Palluruthy, Kochi.

Copt to : - (1).The Secretary, Kerala State Electricity Regulatory Commission,
KPFChavanam, Vellayambalam, Thiruvananthapuram-10.
(2).The Secretary, KSEBoard, Vidyuthibhavanam,
Pattom, Thiruvananthapuram-4
(3).The Chairperson, Consumer Grievance Redressal Forum,
KESBoard, Power House, Kombara, Ernakulam-18.