

STATE ELECTRICITY OMBUDSMAN

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Appeal Petition No: P/358/2013

(Present T P Vivekanandan)

APPELLANT : Mr. Sudhikumar S,  
Nidhi, S.N.Puram,  
Moongode P O, Varkala,  
Thiruvananthapuram.

RESPONDENT : The Assistant Executive Engineer,  
Electrical Sub division, KSEBoard,  
Kallambalam, Thiruvananthapuram.

ORDER.

BACKGROUND OF THE CASE: -

The appellant is the domestic consumer No. 14363 under Electrical Section, Palachira. The electric meter installed in his the premises of the consumer was found faulty and the party was issued with a back assessment bill amounting to Rs. 5916/- by the respondent. Aggrieved by this, the petitioner preferred a Petition before the CGRF and the Forum in their order vide OP No. 874/2013 dated 18.02.2013, held that; 'The impugned bill issued on 01/12/2012 is quashed. Revised bill may be issued based on the average consumption from 7/2007 to 11/2007 for the meter faulty period from 9/2008 to 7/2009'. Aggrieved by this order, the consumer has submitted the Appeal petition before this Authority.

**Argument of the Appellant:**

(1). The back assessment bill issued is not justifiable and not payable as per the law. All the bills issued by the Board were duly remitted and the Board officials have been visiting the premise regularly for meter readings. It is the duty of the KSEB to inform the consumer the faultiness of the meter and to replace the faulty meter within the time prescribed in the rules. This was not done. The consumer denies the argument of meter faultiness and submits that the meter was working properly during the period in question. The old meter was changed with an electronic meter along with other consumer's, when the Board changed the analogue meter with electronic meter.

(2). Another contention of the appellant is that the decrease in the electricity consumption caused due to non occupancy and due to some other reasons. According to the appellant, the bill issued by the KSEB and the order of the CGRF is contrary to law, facts, probabilities and circumstances existing in the case. It is submitted that an arrear bill issued after a long period, which was based on subsequent meter readings, is highly irregular and against the provisions.

If the meter is faulty, it is the responsibility of the Licensee to replace the same immediately. It is not fair to penalize the consumer based on presumptions.

Argument of the Respondent:

(1). The Consumer No. 14363, is registered in the name of Sri. Sudhikumar, Nidhi, S.N.Puram, Moongode P O, Varkala under Electrical Section, Palachira. This is a domestic connection under LT- IA tariff. The energy meter installed in the premises was found sluggish from the meter reading of the consumer and the billed units for the faulty period were as follows.

<u>Month/Yr</u>	<u>Meter Reading</u>	<u>Billed Units.</u>
1/2008	1867	201 units
3/2008	2107	240 units
5/2008	2291	184 units
7/2008	2446	155 units
9/2008	0	194 units
11/2008	0	194 units
01/2009	0	194 units
03/2009	0	194 units
05/2009	2462	194 units
07/2009	2462	194 units

(2). The Meter was changed on 30.07.2009 and the reading obtained as on 15.09.2009 was found as 331 units, for 45 days.

(3). The Meter readings of the consumer, before the meter became faulty, was;

<u>Month/Yr</u>	<u>Meter Reading</u>	<u>Billed Units.</u>
05/2007	584	438 units
07/2007	912	328 units
09/2007	1726	364 units
11/2007	1666	390 units

The average consumption of six months before meter became faulty is worked out as

$$(328+364+390) \div 3 = 361 \text{ units.}$$

Hence the amount to be billed during 1/2008 to 7/2009 for the average of 361 units =  $918 \times 10$  bimonthly bills = Rs.9180 for 10 bi-months

Fuel surcharge = Rs. 578

Total to be billed  $9180+578$  = Rs.9758/-

Actually billed during the faulty period of 1/08 to 7/08 was Rs. 1481/-.

9/2008 to 7/2009 @ 194 unit =  $\text{Rs.}(418 + 467 \times 2 + 444 + 370 \times 2)$  = Rs.2536

Total = Rs.4017/-

Short Assessment amount =  $\text{Rs. } 9758 - 4017 = \text{Rs. } 5741/-$

The Meter was changed on 30.07.2009. The Consumption obtained with the new meter from 30. 7. 2009 to 15.09.2009 was 331 units.

Average consumption for balance period before meter change

i.e. 15-07-2009 to 29-07-2009 =  $361 \times 15 / 60 = 90$

Amount to be billed =  $331+90 = 421$  units = Rs.1168/-

Amount billed = Rs.993/- and difference =  $(1168 - 993) = \text{Rs. } 175/-$

Short Assessment Amount  $(5741+175) = \text{Rs.}5916/-$

(4). The consumption obtained after the meter change was high justifying the reassessment.

Hence the short assessment bill is legal and sustainable as per the Regulation 42 (3) of terms and conditions of supply 2005.

(5). A petition was filed before the Hon Forum vides OP No.874/2013, against the bill. The Forum after hearing the argument of both parties had ordered to quash the impugned bill and directed the Board to issue revised bill based on the average consumption from 7/2007 to 11/2007 for the meter faulty period from 9/2008 to 7/2009.

(6). The Forum quashed the impugned bill stating that the meter reader has not recorded the sluggish period in the consumer register, that is the period from 1/2008 to 5/2008. It is submitted that the average consumption before and after the meter change was more or less same. Hence the comments of RAO and the assessment made were justifiable.

(8). As per the direction of the Hon'ble CGRF, the impugned bill was revised on 21.03.2013, since no intimation from State Electricity Ombudsman was reached the connection was disconnected on 18.04.2013. Thereafter as on 26.04.2013, as per that office direction the connection was re-effected. It is submitted that the revised bill issued is legal and sustainable.

**Analysis and Findings: -**

The hearing of the case was done on 26.9. 2013, in my Chamber at Edappally, Kochi, and the appellant, Sri S Sudhikumar, was present and for the respondent's side, Sri. K Chandra Babu, the Asst. Executive Engineer, Electrical Sub Division, Kallambalam, has appeared and both parties have argued the case, mainly on the lines stated above. On examining the Appeal Petition, the statement of facts of the Respondent, perusing all the documents attached and considering the facts and circumstances of the case, this Authority comes to the following conclusions and findings, leading to the decisions thereof.

**(1.0).** The Meter readings of the consumer, before the meter became faulty, was;

<u>Month/Yr</u>	<u>Billed Units.</u>
05/2007	438 units
07/2007	328 units
09/2007	364 units
11/2007	390 units

The average consumption of the appellant for the previous six months prior to meter became faulty is worked out as;  $(328+364+390) \div 3 = 361$  units per bi month.

**(1.1).** The consumption obtained after replacing the faulty meter with a good one was;

- 12/2009 - 360 units
- 01/2010 - 379 units
- 03/2010 - 302 units

The average energy consumed by the party, for the six months period, after change of meter is found to be  $(360 + 379 + 302) = 1041/3 = 347$  units /bimonth.

**(1.2).** The consumer's argument that non occupancy caused less consumption is not proved. Moreover, the meter itself was not recording any energy during the said period of 9/2008 to 7/2009 and the party was being billed for an average of 194 units during this period. Hence the argument of the party is not maintainable. On comparing the average energy consumption recorded prior to meter faulty period (i.e. 361 units/bi-month) with the average obtained after replacing the faulty meter i.e. 347 units/ bi-month), it is confirmed that the consumer's true average energy consumption, all these disputed period, is around 350 units per bimonth. But the consumer was being billed for, 184 units for 5/2008, 155 units in 7/2008 and at an

average of 194 units each, for the next six bi-months of 9/2008 to 07/2009. The meter showed a droop in recording of energy from 5/2008 onwards and to 'non recording in 9/2008. Hence, I am convinced that the meter was working sluggishly from 5/2008 and was to a state of non recording with in 4 months. Thus the decision of KSEB to reassess the consumer during the meter faulty period is not arbitrary but is reasonable and justifiable.

**Decision: -**

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

I decide that the consumer shall be reassessed during the meter faulty period, as per clause 42(3) of KSEB T & C of supply, 2005, at the rate of 350 units per bi-month for the previous one year (Six bi-months) prior to meter change done on 30.7.2009, i.e. for the period of 9/2008 to 7/2009 (both inclusive), giving credit to the amount already paid during the same period. The consumer is bound to pay the charges for electricity he has consumed, which is assessed as described above. The Respondent is directed to revise the consumer's disputed bill as stated, with 30 days time (Due date) given to pay the bill. No interest or surcharge need be levied on the consumer during the appeal pending period and up to the due date of the revised bill ordered now. The consumer shall be allowed up to six installments, if requested for and the respondent shall allow the same. The consumer shall pay the whole bill or the 1<sup>st</sup> installment on or before the due date of the revised bill. The installments, if requested and allotted, will attract interest from the due date of revised bill to the day of actual 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 appellant is allowed to the extent ordered and is disposed of accordingly. The related CGRF order vide OP No. 874/2013 dated 18.02.2013, of the CGRF,(SR), Kottarakkara is set aside. No order on costs. Dated the 27<sup>th</sup> of January, 2014.

Electricity Ombudsman.

Ref. No. P / 358 / 2013/ 2173/Dated 27.01.2014.

Forwarded to : (1): Mr. Sudhikumar S,  
Nidhi, S.N.Puram, Moongode P O,  
(Via) Varkala, Thiruvananthapuram.

(2) : The Assistant Executive Engineer,  
Electrical Sub division, KSEBoard,  
Kallambalam, Thiruvananthapuram.

Copy to: - 1). The Secretary, Kerala State Electricity Regulatory Commission,  
KPFCBhavanam, Vellayambalam, Thiruvananthapuram-10.  
2). The Secretary, KSEB,  
VydyuthiBhavanam, Pattom,Thiruvananthapuram - 4.  
3). The Chairperson, CGRF, Southern Region,  
KSEB, Vydyudhi Bhavan, Kottarakkara.