

**THE STATE ELECTRICITY OMBUDSMAN**

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**APPEAL PETITION NO.P/067/2014**

(Present: Sri. V.V. Sathyarajan)

Dated: 29<sup>th</sup> April 2015

Appellant : Sri Niranjana Murthy. N.V  
Syndicate Bank,  
Excel Plaza, MC Road,  
Pandalam,  
Pathanamthitta- 689 501

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd.  
Pandalam,

**ORDER****Background of the case**

The appellant was aggrieved by the issuance of a short assessment bill dated 11-02-2014 for an amount of Rs. 2,16,376/- being the arrears of electricity from 08/2012 to 01/2014. The KSEB claimed that the meter had not been recording one of the three phases from August, 2012 onwards and issued the said bill after conducting inspection. The bill amount of Rs. 2,16,376/- was confirmed after conducting a hearing at Pandalam KSEB office. Subsequently 50% of the amount was remitted in protest and an appeal was filed before the Deputy Chief Engineer, Electrical Circle, Kottayam. Hearing was conducted on 21/04/2014 and the appellant was redirected to approach the CGRF. The Forum, after conducting hearing on 07-06-2014, directed the appellant to submit an application for testing the meter. Also directed the respondent to revise the impugned bill on the basis of the test result. Aggrieved against the said order, this appeal petition was filed.

**Appellant's arguments**

According to the KSEB, the meter was not recording consumption in one of the phases from August 2012 onwards. But it was after 18 months, an inspection was conducted. During the period the meter reader was coming to the premises regularly and submitting the bill which the Bank was paying in time without fault. The energy meter is calibrated by the authorities approved by the KSEB. The Bank is not responsible for the alleged fault of the meter. The air conditioners in server room and the ATM room were not working for a long time. The energy consumption for the above

period was very low. The appellant requested the KSEB to calculate the meter reading from 21-01-2014, after the replacement of the meter. After the replacement of the faulty meter, there is drastic reduction in consumption i.e., reduction up to 50% of the consumption recorded earlier. The appellant, therefore, requested the KSEB to waive the bill for Rs. 2,16,376/- and to refund the sum of Rs. 1,08,188/- (50% of the arrear amount) and the appeal fee of Rs. 2,164/-.

### **Respondent's arguments**

During the APTS inspection on 21-01-2014 it was detected that one phase of the energy meter was not recording the energy consumption. Even though the one phase of the energy meter became faulty, electricity was available to the load connected to the same phase. Even if the consumption was not recorded by the meter, the equipments were utilizing the energy and were working properly. The consumption for the months of June, July and August, 2012 were 4301, 3726 and 3301 units respectively. The sudden dip of consumption in the months of July and August is due to the non recording of one phase of the energy meter. After the replacement of meter, it is showing variable consumption from January 2014 onwards. The consumption in the ATM counter may vary with the nature of usage. The old meter was kept under safe custody and it can be tested at any time on submitting an application with required fee for testing.

### **Analysis and findings**

Hearing was conducted on 17-03-2015 in my chamber at Edappally, Kochi. The appellant himself appeared for hearing. Smt. Sreedevi R., Assistant Executive Engineer, represented the respondent's side. Hearing the arguments of both the parties, perusing the appeal petition, statement of facts etc., and considering the facts and circumstances of the case, this Authority comes to the following conclusions.

Admittedly the meter was faulty during the period concerned. There is not much dispute over the finding of the APTS team that the meter was faulty i.e. one phase of the meter was not working. The disputed question is as to whether the consumer can be blamed for the non-functioning of one phase of the energy meter. The appellant's institution, the Pandalam Branch of Syndicate Bank is a nationalized Bank. It seems that they may not be a party to avoid statutory charges/energy charges payable as per the tariff rates approved by the Commission. Their only objection is in regard to the method adopted by KSEB for assessing the charges imposed on the Bank. In this connection, it has come to the notice of this Authority that calculation statement of short assessment bill was not clearly mentioned. The method adopted for calculating the said assessment shown as per Section 126 is not correct. Moreover, the respondent failed to produce a copy of the mahazar prepared by the APTS team. If the APTS had inspected the premises on 21-01-2014, they would have prepared the mahazar showing the faulty nature of the power meter.

The stand of the appellant is that the consumption during the period is very low even after enhancing the connected load from 9 kW to 19.14 kW on 30-11-2013. According to them, the air conditioners in the server room and ATM room were not working for a long time. Hence it is not just and proper to impose a huge bill based on the APTS report that one phase of the energy meter had not been functioning during the period. On the other hand, the respondent has not taken any effort to find out the

accuracy of the meter before issuing the demand notice for a huge amount. The energy consumed by the appellant Bank, after the meter was replaced, will reveal the consumption pattern of the appellant. The appellant has produced a copy of monthly consumption for the period from 02/2014 to 12/2014. It appears that they have been consuming less energy for the said period even after enhancing their connected load. In the circumstances it is unreasonable to impose such a short assessment bill on the appellant whose pattern of consumption reveals the usage of less energy.

### **Decision**

In these circumstances there is no justification in issuing the short assessment bill amounting to Rs. 2,16,376/- and hence quashed. The respondent is directed to revise the bill based on the average consumption for the succeeding three months after replacing the faulty meter on 21-01-2014 as per Regulation 33 (2) of KSEB Terms & Conditions of Supply, 2005. The revised bill may be issued within a period of one month from the date of receipt of a copy of this order. The amount already remitted by the appellant may be adjusted in the bills to be issued by the respondent in future. The order of the CGRF is set aside. The appeal petition is allowed. No order as to costs.

### **ELECTRICITY OMBUDSMAN**

No.P/067/2014/\_\_\_\_\_ /Dated:\_\_\_\_\_

Forwarded to:

1. Sri Niranjana Murthy. N.V, Syndicate Bank, Excel Plaza, MC Road, Pandalam, Pathanamthitta- 689 501
2. The Assistant Executive Engineer, Electrical Sub Division, KSEBoard Ltd., Pandalam.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.