

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION NO. P/045/2014

(Present: Sri. V.V. Sathyarajan)

Dated: 31st March 2015

Appellant : Sri. P.F. Jacob
M/s. Freddy Ice,
Fisheries Harbour,
Thoppumpady,
Kochi-682 005

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Limited,
Thoppumpady
Kochi

ORDER

Background of the case

The appellant is an industrial consumer with consumer No. 11343 under Electrical Section, Thoppumpady with registered connected load of 38 kW. On 06/02/2014 the APTS wing of KSEB inspected the premises and found that Y phase voltage display in the meter was very low. On a detailed checking with a standard energy meter it was found that the reading obtained was only 52.9% of the actual loading. Analysing the previous consumption a sudden dip was noticed from 07/2013. As per the above findings the Assistant Engineer, Electrical Section, Thoppumpady issued a short assessment bill for the period from 07/2013 to 01/2014 amounting to Rs. 1,93,575 on 12/02/2014. Aggrieved against the bill, the appellant approached CGRF with complaint No. 234/2013-14 on 17/07/2014. The CGRF disposed that complaint on 17/02/2014 directing the respondent to revise the short

assessment bill after excluding the consumption for the month of 07/2013. Aggrieved against that decision, the appellant filed this appeal.

Argument of the appellant

Appellant stated that as per the Electricity Act, 2003, it is the duty of the Licensee to provide supply to the consumer through "proper meter". Once the complaint is raised by the consumer regarding meter fault, then it should be replaced at the earliest or at least within 30 days if detected as faulty. Complaint filed before CGRF on 17/02/2014. Order was issued by CGRF to revise the bill excluding the short assessment for the month of 07/2013. CGRF has not considered the fact that the Central Electricity Authority Regulation does not permit faulty meter for more than one month and if the same is not be replaced within one month it will be the liability of the Licensee. Hence the appellant requested to reassess the consumption of the suspected period by taking into consideration an average of the subsequent 3 months after replacement of the meter or to cancel the impugned bill.

Argument of the respondent

The respondent stated that during the inspection of the appellant's premises on 06/02/2014, Y phase voltage display in energy meter was very low i.e. (1.7 Volts). But with the standard check meter, the reading was 232 Volts. On a detailed checking with standard energy meter the consumption recorded was 3781 Watt-hour. But the consumption recorded in the meter installed in the appellant's premises is only 2000 Watt-hour. From the above the actual consumption recorded in the meter is only 47.10%. On analysing the consumption pattern, a sudden dip is seen noticed from 07/2013 onwards. Based on the above findings the Assistant Engineer, Electrical Section, Thoppumpady issued a short assessment bill amounting to Rs. 1,93,575/- for the period from 07/2013 to 01/2014. Against this the appellant filed complaint before the CGRF which was disposed on 17/07/2014 directing to revise the short assessment bill by excluding the consumption for the month of 07/2013. Accordingly the bill was revised to Rs. 1,78,112/- and issued on 02/08/2014. The respondent has argued that the bill issued is in order., Relevant details of inspection such as copy of the site mahazar, calculation statement etc. are submitted for perusal. Hence the appeal may be dismissed

Analysis and findings

The hearing of the case was conducted on 28/01/2015 in my chamber at Edappally, Kochi. Sri P.F. Mathew represented the appellant's side and Sri O.K.Pavikuttan, Assistant Engineer-in-charge, Electrical Section, Thoppumpady represented the respondent. Hearing the arguments of both parties and perusing the appeal petition, statement of facts and all other documents produced in support of the arguments, this Authority comes to the following conclusions leading to the decisions thereof.

On going through the records, the APTS in its inspection on appellant's premises on 06/02/2014 noted that the 'Y' phase voltage display in the meter was very low and hence the actual consumption was not recorded. The consumption pattern of the appellant also shows the above facts. Hence the respondent issued short assessment for the unrecorded portion of energy at normal rate for the period from the date in which a sudden decrease in consumption noticed. Hence the respondent argued that the short assessment bill issued is in order and the appellant is liable for the payment.

But the appellant's contention is that it is the duty of the respondent to provide supply through a correct meter. In the case of meter faulty / suspected meter faulty, the consumption will be determined based on the meter reading in the succeeding three months after replacement of meter. The respondent cannot collect excess charge or any other payment alleging meter faulty for more than one month because Central Electricity Authority regulation does not permit.

On analysing the consumption pattern from 01/2013, it was seen that there was a sudden decrease in the consumption from 07/2013 and the appellant could not establish any specific reason for the same for the particular month. Moreover, the appellant has not disputed the test result and not insisted for any further testing. Hence the Forum observed the missing of Y phase voltage from 16/07/2013 considering the download tamper data and ordered to revise the short assessment deducting the consumption for the month of 07/2013.

As per Clause 115 (9) the Supply Code 2014, in case of meter faulty, revision of bill on the basis of the test report shall be done for a maximum period of six months or from the date of last testing, whichever is shorter and the excess or deficit charges on account of such revision shall be adjusted in

the two subsequent bills. Hence this authority is of the view that the assessment issued by the respondent is in order.

Decisions

The Forum has taken a decision by revising the assessment limiting to a period of six months which is found in order. Hence the Authority is of the view that there is no scope for interfering with the above order. The order of GRRF is upheld. The appeal petition is dismissed. No order as to costs.

ELECTRICITY OMBUDSMAN

NO.P/045/2014/_____ /Dated:_____

Forwarded to:

1. Sri P.F. Jacob, M/s Freddy Ice, Fisheries Harbour, Thoppumpady, Kochi-682 005
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Thoppumpady, Kochi

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram.
1. The Chairperson, Consumer Grievance Redressal Forum, Power House, Power House Buildings, Cemeterymukku, Ernakulam-682 018