

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/084/2015

(Present: V.V. Sathyarajan)

Dated: 29th June 2015

Appellant : Sri Shamsu P.K.
Puzhangara Illath House,
Orumanayur P.O,
Chavakkad,
Thrissur (Dt). 680512

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

ORDER

Background of the Case

The appellant is a tenant of commercial consumer bearing consumer No.1777 under Electrical Section, College, Ernakulam, with a sanctioned load of 2000 watts. The grievance of the appellant is against the exorbitant bimonthly bill for Rs. 30,674/ issued on 20/6/2014. The appellant had approached the officers of the Board for redressal of his grievances, but without any result. Hence, the appellant lodged a complaint before the Consumer Grievance Redressal Forum, Central Region, Ernakulam. The Forum disposed the complaint without allowing the reliefs sought for, vide order No CGRF/Comp.No.43/2013-14/339 dated 03-08-2013. Being aggrieved, the appellant filed this appeal petition before this Authority on 14-1-2015.

Arguments of the appellant

The appellant has adduced the following arguments in his appeal petition. No such parallel meter was installed in the premises of the appellant in order to ascertain whether there was any fault in the meter. The appellant has also raised his doubts about the functioning of the parallel meter if installed. If there is earth leakage as contended by the respondent, there should also be increase in the reading of parallel meter. Hence according to the appellant, the reading in the parallel meter cannot be taken as correct and the

respondent has not taken any initiative to convince the appellant the reading of any such parallel meter installed.

Another point of argument is that the findings of the Learned Forum for dismissing the complaint are not correct. The Forum has not considered the relevant aspect that he had never remitted an amount above Rs. 1,000/- for the electricity consumption previously. The Forum has taken earth leakage as the only possibility of the abnormal reading.

The appellant has also raised objection regarding the document of test meter installation report (Exhibit R1). This report is not prepared in the prescribed form and hence not legally acceptable. There is correction in the installation date. The respondent fails to convince the readings in the test meter.

Arguments of the respondent

The respondent has opposed the contentions of the appellant in the petition filed and raised the following arguments. The appellant is a tenant of consumer number 1777 registered in the name of Sri Shahul Hameed under Electrical Section, College, Ernakulam. The appellant was served his bimonthly invoice amounting to Rs. 30,674/- for the month of June 2014 taking into account of the recorded consumption in the energy meter.

The appellant preferred an application for checking the energy meter for suspected meter reading error. The inspection of the energy meter was carried out using the standard reference meter available in the section office which is tested, calibrated and sealed by the competent authority. The result of the inspection shows that the percentage of error was within the permissible limit prescribed in the Indian Electricity Rules and the same was also convinced to the appellant. Since the energy meter was found working properly, the bill issued on 20/6/2014 was finalized.

The averment in the appeal that no such test meter was installed by the respondent in the premises of the appellant is not true. The test meter was installed in the premises of the appellant on 9/7/2014 and taken back on 14/7/2014 and final readings in the parallel meter and consumer's meter are 1700-1706 and 7443-7449 respectively. The appellant has never raised any complaint regarding the faultiness of the energy meter installed in his premises. The test result reveals that the energy meter of the appellant was working properly and the percentage of error recorded were within the prescribed limit. Further the respondent has submitted that the test meter was installed after the earth leakage was removed by the appellant. Therefore, the contention of the appellant that over reading was not recorded during the installation of test meter is not sustainable.

Analysis and findings

Hearing was conducted on 11/05/2015 in my chamber at Edappally, Kochi. The appellant was represented by Sri Shamsu P.K. Sri P.K. Sabu, Assistant Executive Engineer,

Electrical Sub Division College and Sri. E.A. Rajan, Nodal Officer (Litigation) Electrical Circle Ernakulam represented the respondent and they have argued the case, on the lines stated above. Considering the arguments made by the parties and perusing the appeal petition, statement of facts and other documents produced by both parties, this Authority comes to the following conclusions leading to the decisions thereof.

The complaint is that the appellant was served with an exorbitant bill for Rs. 30,674/-, towards electricity charges, alleging consumption of 3050 units in June 2014. Considering the previous consumption pattern of the appellant it is clear that the consumption noted for the month of June cannot go as high as above, unless there existed some faulty equipments drawing excess power or have connected some additional load like A/C's, or due to jumping/turn of the digit of the counter in the meter. Of course, the leakage of current to earth will also consume energy to a certain extent, but not to this level within a short span of two months.

The respondent argues that the excess energy consumption was due to earth leakage but they did not verify and confirm whether there was leakage of electricity in the premises. On going through the documents it can be seen that the respondent has never conducted any testing of the energy meter or the installations to find out the reason for the excess consumption. The respondent failed to disconnect the supply immediately on detection of earth leakage in the premises. **The new supply code, "Kerala Electricity Supply Code, 2014" - sheds light into the steps to be taken on electricity leakage.** Regulation 65(2) reads thus: ***In the event of any defect or leakage of energy being detected in the installation of the consumer or in apparatus connected to it, the same shall be disconnected forthwith and the incident intimated to the licensee and the Electrical Inspector.*** Also as per Regulation 65(4) reads thus: **the installation of the consumer shall be reconnected by the licensee only with the approval of the Electrical Inspector.** In this background, the respondent has failed to establish earth leakage in the appellant's premises by way of approved testing methods.

As per Clause 82 of Central Electricity Authority Regulation (Installation and Operations of Meters), **it is the duty of the respondent to check the meter and associated apparatus and to ensure any defects in the installations so as to ascertain the possibility of earth leakage.** Further, as per Regulation 116(2) of Supply Code, 2014 which reads ***"if the meter is found defective, the licensee may test it at site, if feasible and if not feasible the meter shall be replaced with a correct meter and defective meter shall be got tested in an accredited laboratory or in an approved laboratory"***.

4. A consumer may request the licensee to inspect and test the meter installed in his premises if he doubts its accuracy, by applying to the licensee in the format given in Annexure 15 to the Supply Code, along with requisite testing fee.

5. On receipt of such request, the licensee shall inspect and check the correctness of the meter within 5 working days of receiving the complaint.

6. If the meter is found defective, the licensee and the consumer shall follow the procedures as per Regulation 115.

In the instant case, the respondents argued that the energy meter was tested by using a standard reference meter and the percentage error was within the permissible limit. On a close reading of the copy of Meter Testing Report produced by the respondent as (Exhibit R1), it can be seen that the respondent failed to convince the appellant the readings in the test report. Hence the test meter installation report submitted by the respondent cannot be accepted as a valid document. Further, there is no allegation that the appellant has connected any additional load like Air Conditioners, motor pumps etc to cause such a high consumption. The appellant had a history of maximum recorded energy consumption is of the order of 125 units and the average consumption recorded in the bills are below 100 units only which was also accepted by the respondent.

DECISION

In view of the above discussions, this Authority comes to the conclusion that it is not just and proper to issue such a huge bill to the appellant even without analyzing or finding out the exact reason for the excess consumption. Hence the disputed bill is hereby quashed. The respondent is directed to issue revised bill based on average consumption for the period preceding the date of the bill challenged before this Authority. The order of CGRF is set aside. The appeal petition is allowed. No order as to costs.

ELECTRICITY OMBUDSMAN

P/084/_____ 2015 Dated:_____

1. Sri Shamsu P.K., Puzhangara Illath House, Orumanayur P.O, Chavakkad, Thrissur - 680512
2. The Assistant Executive Engineer, Electrical Sub Division College, KSE Board Ltd, Ernakulam.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Power House, Power House Buildings, Cemeterymukku, Ernakulam-682 018