

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION NO. P/105/2015

(Present: V.V. Sathyarajan)

Dated: 31st August 2015

Appellant : Smt. Nafeesa
Thottathil House,
Kadiyangad P.O., Perambra
Kozhikode.

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

ORDER

Background of the case:

The appellant is a consumer having consumer number 14290 under the electrical section Perambra North under LT VII A tariff. The dispute relates to an exorbitant bill amounting to Rs. 24715/- issued by the respondent to the appellant for the consumption of 2455 units for two months. Aggrieved by this, the appellant approached the CGRF, Kozhikode with a petition in OP No. 85/2014-15 which was dismissed and allowed to remit the bill amount in ten equal instalments, on 23-11-2015. Not satisfied with the above order, the appellant filed this appeal petition before this Authority on 22-04-2015.

Arguments of the appellant:

The appellant has submitted a petition before the CGRF against the exorbitant bill received by her in consumer no. 14290. According to the appellant, the higher meter reading was due to the earth leakage which was caused by the damage of the main switch in the result of lightening. The CGRF has not considered the genuine request to cancel the exorbitant bill

but only allowed 10 installments. The Forum has not considered the request to exempt the interest also. The review petition dated 28-08-2014 submitted by the appellant is also pending. The appellant was compelled to remit the bill and interest.

The appellant has further submitted that though the CGRF admitted that the appellant has not consumed 2455 units for two months, the higher reading was due to earth leakage caused by the burning of main switch rod. The main switch rod burnt due to lightening. The CGRF has denied justice because of the only reason that the responsibility of maintenance of the main switch rests with the consumer. The connection is effected after inspecting the Board officials and no sub standard materials was used for wiring. The building in question was unoccupied during the period and the first two months reading for this new connection was 31 units and the next two months consumption shown was 2455 units. This unusual consumption has not pointed out by the meter reader. At the time of receipt of the bill, the appellant apprehended the defect and found the reason which causes for higher reading. It is not justifiable to punish an ordinary consumer for damage of main switch rod which was happened due to natural calamity like lightening.

Arguments of the respondent:

The respondent stated that the reading of the energy meter installed in the premises of the appellant as 2486 units on 23-11-2013. The reading of the said meter in 9/2013 was 31 units and the appellant has been billed for Rs. 24715/- towards two months consumption of 2455 units. On receiving a complaint from the appellant the Sub Engineer of the Section examined the meter of the appellant and no defects detected. It was found that the rod inside the main switch burnt causing earth leakage. Later the appellant has replaced the damaged main switch and stopped the electricity loss through the earth leakage. The appellant has been charged as per reading in the meter. It is the responsibility of the appellant for the electricity loss which happened due to the damage of main switch. Though the CGRF allowed 10 installments, the appellant remitted bill amount Rs. 24215/- and interest Rs.3409/- on 14-10-2014 itself. The respondent further stated that there is no lapses occurred from his part for rectifying the grievance of the appellant.

Analysis and findings

The hearing of the case was conducted on 16-06-2015 in the CGRF Court Hall, Kozhikode and Sri. P.K. Kuttiali represented for the appellant's side and Sri Gopi N.K., Assistant Executive Engineer, Electrical Sub

Division, Perambra appeared for the respondent's side. On examining the petition and the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, this Authority comes to the following conclusions leading to the decision.

The point to be decided is as to whether the consumption of 2455 units recorded during the period from 25-09-13 to 23-11-13 is genuine or actually consumed by the appellant. The consumption pattern of the appellant from 19-06-13 to 12-06-15 is as follows:

Period		Consumption
19-06-2013	25-09-2013	31
25-09-2013	23-11-2013	2455
23-11-2013	24-01-2014	0
24-01-2014	24-03-2014	16
24-03-2014	11-06-2014	26
11-06-2014	12-08-2014	52
12-08-2014	13-10-2014	63
13-10-2014	12-12-2014	70
12-12-2014	12-02-2015	119
12-02-2015	13-04-2015	48
13-04-2015	12-06-2015	65
12-06-2015	11-08-2015	39

On a verification of the consumption pattern of the appellant it can be seen that the bimonthly consumption has never exceeded 100 units except in one instant. Hence it can be ascertained that the excess consumption recorded may be either due to earth leakage or any malfunctioning of the meter. Even without conducting any inspection the respondent arrived to the conclusion that the abnormal level of consumption was due to earth leakage whereas the appellant has not actually consumed that much of electricity. The contention of the respondent is that the excess consumption is due to the leakage of electricity through the defective main switch and hence the appellant is alone responsible for the same and is liable to pay the bill.

On the other hand, appellant contended that the connection to the premises was given after conducting an inspection by the officials of the respondent. It is the duty of the respondent to inspect the premises and to verify the quality and standards of the materials and the safety aspects etc. before effecting the connection.

As per Regulation 26 (3) of Supply Code 2014, in case of electrical installation using electricity at LT level, the licensee may give the connection after inspection and ensuring that the installation is safe for energisation. In this particular case, the version of the appellant is that lightening is the reason for the burning of main switch rod. This argument has to be considered before taking any punitive steps against the appellant.

It is pertinent to note that the respondent has never conducted any testing of the energy meter or the installations to find out the reason for the excess consumption. While taking the reading, if the Meter Reader had taken any effort to check functioning of the meter, he could have easily found out the leakage if any in the premises. In few cases, it is reported that there are instances of jumping of digits in electronic meters and this jumping cannot be detected in earth leakage testing / calibrating the meter at a later stage, since it does not affect the functioning of the meter. Likelihood of jumping of digits cannot be rejected at the face value. The argument of the respondent that the excess consumption due to earth leakage rests with the appellant alone is not correct and hence cannot be admitted. The damage occurred to the electrical appliances of the consumer due to the reason beyond his control such as natural calamity; the consumer shall not be liable to pay charges to the licensee on account of such failures. The argument of the respondent that the Sub Engineer inspected the premises and detected that the excess consumption was due to the earth leakage occurred in the premises is merely on the basis of assumption and without any evidence.

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 any 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) the installation of the consumer shall be reconnected by the licensee only with the approval of the Electrical Inspector.

As per clause 18 (2) of Central Electricity Authority Regulation (installation & operations of meters), **it is the duty of the respondent to check the meter and associated apparatus and to ensure if there is any defect in the installations in order to avoid the possibility of earth leakage.** It is quite surprising to note that the respondent has not even tested the energy meter installed in the appellant's premises so far. Further, the respondent has not furnished the connected load details in the premises hence this Authority is not in a position to ascertain whether

consumption is proportional to the connected load and the accuracy of the meter installed in the appellant's premises.

Decision

In view of the above discussions this Authority comes to the conclusion that even without analyzing or finding out the reason for the excess consumption it is not just and proper to charge the appellant based on mere assumption for the excess consumption. Hence it is decided to quash the bill amounting to Rs. 24,715.00 issued to the appellant on 23-11-2013. It is also directed to issue revised invoice for the disputed period based on the average consumption for the subsequent three billing cycles with effect from 24-01-2014. The total amount (Rs. 24,215.00 + Rs. 3409.00) already remitted by the appellant may be refunded or adjusted against the future bills. The appeal is allowed. The order of CGRF is set aside. No order as to costs.

ELECTRICITY OMBUDSMAN

Petition No. P/105/2015 _____ Dated: _____

Forwarded to:

1. Smt. Nafeesa, Thottathil House, Kadiyangad P.O., Perambra Kozhikode.
2. The Assistant Executive Engineer, Electrical Sub Division, Perambra, KSE Board Ltd, Kozhikode.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, CV Raman Pillai Road, Thiruvananthapuram-10.
2. The Secretary, KSEB Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSEBoard Ltd, Gandhi Road, Kozhikode.