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**REPRESENTATION No: P 39/09**

*Appellant* : Sri P.V.Balakrishnan  
21/1973A Arjun

Civil Station KOZHIKODE

*Respondent:* Kerala State Electricity Board

*Represented by*

The Assistant Executive Engineer

Electrical Sub Division KARAPARAMBA Kozhikode

**ORDER**

Sri P.V.Balakrishnan 21/1973A, Arjun, Civil Station, KOZHIKODE  
submitted a representation on 13.1.2009 seeking the following relief :

*Declare that the following Two bills R 65980085708 dated 07.12.2005 and  
R 65980100164 dated 06.02.2006 are illegal and stay the proceedings dated  
11.11.2008 of CGRF Kozhikode*

Counter statement of the Respondent was obtained and hearing of both the parties conducted on 26.3.2009 at Kozhikode .The Counsel for the Respondent submitted an argument note on 3.4.2009.Remarks of the Appellant on the argument note was also obtained.

Sri P.V Balakrishnan is a domestic consumer with Consumer No KP 7975 under Karaparamba Section Kozhikode. The single phase connection was effected on 21.12.1991 with connected load 2605W which was converted to 3 Phase on 23.8.2005 with connected load 5800W. The 3 phase meter installed in the premises at the time of giving 3 phase connection showed abnormal excess readings and was changed on 17.12.2005 . Abnormal reading was noticed in the new meter also and due to the complaint the KSEB fitted a parallel meter on 3.3.2006. Since then the meter worked in a 'normal manner'.

The consumption pattern of the consumer from August 2005 is given below as per the records produced by the Respondent:

### CONSUMPTION PATTERN

<u>Date</u>	<u>Reading</u>	<u>Consumption</u> <u>Units</u>	<u>Consumption</u> <u>Per Day</u> <u>Units</u>
8-Aug-05	2584	SinglePhase	
23-Aug-05	NA	SinglePhase	
23-Aug-05	7	3 Ph Meter	
7-Oct-05	2861	2854	<b>63.42</b>
7-Dec-05	3398	537	8.80
17-Dec-05	3446	48	4.80
		<i>Meter</i>	
17-Dec-05	11	<i>changed</i>	
6-Feb-06	8240	8229	<b>161.35</b>
6-Apr-06	8562	322	5.46
8-Jun-06	8975	413	6.56
7-Aug-06	9399	424	7.07
9-Oct-06	9808	409	6.49
9-Dec-06	10189	381	6.25
9-Feb-07	10573	384	6.19
9-Apr-07	10986	413	7.00
9-Jun-07	11364	378	6.20
9-Aug-07	11733	369	6.05
9-Oct-07	12101	368	6.03

Note : Parallel 3 phase meter installed on 3.3.2006

The dispute is mainly on the readings and consumption noted on 7.10.2005 and 6.2.2006 and the invoices issued based upon these readings. The representation with the pleas noted above is submitted to the under signed in the above back ground.

I. The contentions/arguments/points raised by the Appellant in the representation and during the hearing are summarized below:

The average monthly consumption before the Single phase to 3 phase conversion was only 152 units per month.

The consumption on the 3 phase meter installed in August 2005 was found to be excessive. The Appellant made a complaint on 8.12.2005 to the KSEB consequent to issue of a bill with average 848 units per month .

The Sub Engineer of KSEB after an inspection on 12.12.2005 had noted in the Faulty Meter Complaint register that the '*pulse continuously working on no load*'. The meter was Elymer make with Batch number 103 manufactured in November 2004.

The meter was replaced with another Elymer Meter Batch 103 on 17.12.2005 with IR 11. During January 2006 the Appellant checked the reading on the meter . The reading was 8184 which means the consumption for nearly one month was 8173 units (daily average being 272 units). A complaint was made to the KSEB on 27.1.2006. But KSEB without looking to the complaint issued invoice

corresponding to the reading on 6.6.2006 which showed a consumption of 8229 units for two months.

A parallel meter was installed on 03.03.2006 to check the readings of the 2<sup>nd</sup> meter. The second 3 phase meter was working normally by then.

Testing of the Meters in question at present as ordered by CGRF shall be irrelevant. There are a number of instances where the Meters of the Batch 103 manufactured in November 2004 by the brand 'ELYMER' had the peculiar defect of recording readings far in excess of the actual consumption for some period, mysteriously getting corrected after some time, which had been noticed in the neighboring Nadakkavu section. Both the three phase meters installed on 23.8.2005 and 17.12.2005 in the Appellant premises are of this make and batch.

The contention of the Respondent that the abnormal consumption may be due to earth leakage is wrong. The Respondent has not made any advice to get the wiring tested for earth leakage. The Appellant had not made any checking or repairs on the wiring. Actually the wiring was done in 2005 only and the allegation that there could be leakage between Meter and ELCB is a false allegation.

II. The contentions/arguments/points raised by the Respondent in the counterstatement,during the hearing and in the argument note are summarized below:

Final reading of the Single phase meter on 23.8.2005 was not 'available'.

The disputed 3 phase meter dismantled on 17.12.2005 was kept under safe custody for facilitating testing by competent authority.

The respondent had ordered for testing of the above disputed 3 phase meter (in the order dated 1.1.2008) issued on the petition dated 30.3.2006 of the appellant. The CGRF had upheld this position and directed to revise the corresponding bill on the basis of the test results.

When the Appellant again raised complaints on 27.1.2006 , on the second 3 phase meter installed on 17.12.2005 , he was advised to check up the wiring installation. A parallel meter was installed on 3.3.2006 after the spot bill reading on 6.2.2006 . There after the second 3 phase meter started to record normal consumption. Both the meters recorded the same consumption since then. The consumer has no complaints about the disputed meter now.

The abnormal consumption may be due to the result of leakage in wiring between the cutout fuse and the ELCB. It *seems* that the appellant had hired the service of a licensed contractor and set right the defective wiring installation. This fact was never reported by the Appellant. The Appellant had removed the earth leakage by the time the parallel meter was installed. The Appellant alone is responsible for this defect.

The important question arises as to how a meter defective on 27.1.2006 suddenly gets rectified from 3.3.2006 in an automatic manner. This question has to be answered by the Appellant and the burden of proof is on him only. The appellant version that a defective meter corrected itself without any intervention from an outside agency cannot be digested.

The 3 phase meter installed on 17.12.2005 was not at all defective at any point of time and the recordings therein were correct at all times. The meter cannot be declared defective for a certain back period as alleged by the appellant on the ground that it showed excess recordings during such period .

Both the disputed meters were tested at TMR Testing Lab before installing at the premises.

### III. Discussion and Findings:

As per the reading on 7.10.2005 in the first 3 phase meter , the consumption in the premises for 45 days is seen to be 2854 units making up a daily average consumption of *63 units per day*. As per the reading on 6.2.2006 in the second 3 phase meter the consumption in the premises for 51 days is seen to be 8229 units making up a daily average consumption of *161 units per day*.

The connected load as per the records in the premises is only 5800 W. The consumption for all the remaining periods is varying from 5 units to 8 units per day.

Hence it is clear that some thing *abnormal* had happened during the periods between 23.8.2005 to 7.10.2005 and between 17.12.2005 to 6.2.2006.

KSEB has no case or allegation that the consumer had used additional loads or additional extensions during the periods. KSEB also do not allege that the consumer had tampered with the meters during the entire periods of review to show abnormal readings. They allege that the abnormal readings 'may be' be due to *earth leakage* in the premises. It had been reported that the 1<sup>st</sup> meter had 'pulse continuously working on no load' even after main switch was off . Hence it is also suggested that *the leakage 'may be' between the meter and the consumers main switch*.

If the contention of the respondent is true, one can see that

1. Energy to the extent of 55 units per day (63units minus average normal daily consumption of 8 units ) had been leaked out of the system through the installations of the consumer continuously for a period of 45 days from 23.8.2005 to 7.10.2005.
2. Energy to the extent of 153 units per day (161units minus average normal daily consumption of 8 units ) had been leaked out of the system through the installations of the consumer continuously for a period of 51 days from 17.12.2005 to 6.2.2006.

This is technically un-acceptable and one cannot believe that a domestic installation will withstand such furious earth leakage for days together.

Hence it can be reasonably concluded that the meter installed in the premises had shown *abnormal readings* during the above periods.

The Appellant has pointed out that the same batch of 3 phase meters installed in the neighboring Nadakkavu section had been almost totally replaced during the period. A report made under RTI Act by the AEE Nadakkavu shows that 22 meters in the batch 103 ELYMER had been replaced by them in the period under question. The Respondent had not questioned these statements nor attempted to prove the contention false. The Appellant also alleged that the failure rates of the ELYMER 3 phase meters purchased by the KSEB was abnormally high and most of the meters had shown excess readings consequent to *pulse continuously working on no load*.

These allegations were found to be true to a large extent on an independent verification by the undersigned with the TMR divisions of KSEB.

Under the above circumstances I conclude that it will not be fair to issue invoices to the Appellant based on the readings of 7.10.2005 and 6.2.2006 and the consumption for the periods are to be assessed as per the provisions in the statutes.

The reassessment for the periods are to be done *'based on the average consumption for the succeeding three months'* as per Section 31(C) of the Conditions of Supply regulations which was in force for the period. The assessment for the two spells may be done by computing the average consumption *for three months after 3.3.2006*.

#### IV. Orders:

Under the circumstances explained above and after carefully examining all the evidences, arguments and points furnished by the Appellant and Respondent on the matter, the representation is disposed off with the following orders:

1. *The pleas of the Appellant are accepted and Two bills R 65980085708 dated 07.12.2005 and R 65980100164 dated 06.02.2006 issued by the Respondent are declared illegal and the proceedings dated 11.11.2008 of CGRF Kozhikode is set aside.*
2. *No order on costs.*

Dated this the 23rd day of June 2009,

P.PARAMESWARAN  
Electricity Ombudsman

No P 39/09 / 269 / dated 25.6.2009

Forwarded to: 1.Sri P.V.Balakrishnan  
21/1973A Arjun  
Civil Station KOZHIKODE

2. The Assistant Executive Engineer  
Electrical Sub Division  
KARAPARAMBA 673010  
Kozhikode

Copy to :

The Secretary,  
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KPFC Bhavanam, Vellayambalam, Thiruvananthapuram 695010

The Secretary ,KSE Board,  
VaidyuthiBhavanam ,Thiruvananthapuram 695004

The Chairman  
Consumer Grievance Redressal Forum  
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