

## STATE ELECTRICITY OMBUDSMAN

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### REPRESENTATION No: P40/09

*Appellant* : Smt P.I.SafiyaBeevi,  
Proprietrix,Agro tech Industries,  
MC Road,Kanjirakkad,  
RAYONPURAM, Perumbavur,Ernakulam Dt

*Respondent:* Kerala State Electricity Board  
*Represented by*  
The Assistant Executive Engineer  
Electrical Sub Division, Perumbavur

### ORDER

Smt P.I.SafiyaBeevi, Proprietrix,Agro tech Industries, Perumbavur submitted a representation on 19.1.2009 seeking the following relief :  
*To set aside the Order No CGRF-CR/Comp46/08-09 dated 19.12.2008 of CGRF Ernakulam*

Counter statements of the Respondent was obtained and hearing of both the parties conducted on 24.6.2009 .

The Appellant is an LT Industrial Consumer with consumer number 10045 under Electrical Section Perumbavur. Arrears pertaining to the period 10/05 to 6/07 amounting to Rs 6,05,175/- was outstanding from the consumer. 24 installments were allowed for payment of the arrears as per the sanction dated 10.9.2007. The consumer was reported to be paying the installments with interest along with monthly bills regularly. The consumer paid only regular monthly charges and installments due for 5/08 and 6/08 but did not pay the interest amounts for 5/08 and 6/08 . This interest amounts due were added to the invoice dated 8.8.2008 and the bill dated 8.8.2008 was for an amount of Rs 42184/-.The consumer did not pay this amount and moved the Hon:High Court with WP(C) 26449/08. The Hon:High Court directed him to make a part payment of Rs 12000/- and to approach CGRF for redressal of grievance. The CGRF upheld the demand made by the KSEB.

The representation with the pleas noted above is submitted to the under signed in the above back ground.

The Appellant stated that he was asked to remit an invoice dated 8.8.2008 for an amount of Rs 42184/- for the months in which he had not worked his plant.

The Appellant also alleges that the meter was not working properly during the period. The dispute on the correctness of the meter was not properly attended by the Respondent. The Appellant also contends that the interests and surcharge could have been waived by the CGRF.

The details of the invoice dated 8.8.2008 submitted by the Respondent is furnished below:

Consumption: Power meter: 4340 units	Light meter: 472 units
Energy Charge	: Rs 15760.00
Fixed Charges	:Rs 3825.00
Duty	:Rs 1333.00
Meter Rent	: Rs 85.00
Interest Arrears on old installments	
(due for 5/08,6/08&7/08)	: Rs 21181.00
TOTAL	: Rs 42184.00

The interest dues for 5/08 was 7565, for 6/08 was 7060 and 7/08 was 6556 totalling to Rs 21181.00.

The copy of the invoice submitted by the respondent shows that the interest arrears were included under the head 'energy charges' due to software-related limitations.

This seems to have lead to the misgivings of the consumer and consequent complaints and litigations .The details of the amount included in the 'energy charge' in the invoice furnished subsequently by the Respondent seems to have failed to convince the Appellant.

The Appellant claim that he had not worked his industry during the months in question was not supported by any evidence. The Appellant was not able to provide any documentary or other convincing proof to establish the claim. But the meter reading register furnished by the Respondent shows readings recorded as below during the period:

<u>Date</u>	<u>Power MF 20</u>	<u>Units</u>	<u>Light</u>	<u>Units</u>
9-Jan-08	17916	13380	2540	1007
8-Feb-08	18421	10100	3242	702
10-Mar-08	18679	5160	3723	481
7-Apr-08	19027	6960	4200	477
5-May-08	19254	4540	4618	418
5-Jun-08	19706	9040	5215	597
1-Jul-08	20039	6660	5634	419
4-Aug-08	20256	4340	6106	472
1-Sep-08	20374	2360	6516	410
2-Oct-08	20504	2600	6916	400

The reading chart and the consumption pattern show that the claim of the Appellant that the plant was not working during August 2008 is not correct.

The claim of the Appellant that the meter was not working properly during the period is also not supported with any evidence. He had not produced any proof to show that he had disputed the correctness of the meter as per the provisions of the statutes which was ignored by the Respondent. As such the argument on the matter raised by the Appellant is not acceptable. The observations of the Hon:High Court in the judgment on the Petition WP(C) 23071/2006 filed by the Respondent is worth mentioning here:

‘It was time and again found by the authorities themselves after inspection that the meter has been recording correct consumption. When ever consumption goes up petitioner has a habit of making complaint of incorrect reading’

The Appellant seems to be continuing the habit even now. But I feel that the misgivings of the consumer and the consequent complaints and litigations could have been avoided if the Respondent had appropriately attached an explanation note along with the invoice dated 8.8.2008 on the extra amounts included in the demand.

In any case the contentions of the Appellant are found to be unacceptable and he can not be excused from payment of the legitimate demands of the Respondent.

#### Orders:

Under the circum stances 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 representation is devoid of merit and hence stands dismissed.*
- 2. No order on costs.*

Dated this the 25<sup>th</sup> day of June 2009 ,

P.PARAMESWARAN  
Electricity Ombudsman

No P 40/09 / 270/ dated 25.6.2009

- Forwarded to: 1. Smt P.I.SafiyaBeevi,  
Proprietrix,Agro tech Industries,  
MC Road,Kanjirakkad,  
RAYONPURAM, Perumbavur,Ernakulam Dt
2. The Assistant Executive Engineer  
Electrical Sub Division, PERUMBAVUR

Copy to :

1. The Secretary,  
Kerala State Electricity Regulatory Commission  
KPFC Bhavanam, Vellayambalam,  
Thiruvananthapuram 695010
2. The Secretary ,KSE Board,  
VaidyuthiBhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF,KSE Board ,  
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