

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION NO. P/157/2015  
(Present: V.V. Sathyarajan)  
Dated: 29<sup>th</sup> January 2016

Appellant : Sri Shijeesh. A.P  
S/o Mohandas A.P  
Pullavil House  
Feroke P.O  
Kozhikode- 673 631

Respondent : The Assistant Executive Engineer  
Electrical Sub Division,  
KSE Board Limited,  
Feroke, Kozhikode.

### **ORDER**

#### **Background of the case:**

The appellant is a domestic consumer with consumer No. 166331004394 under Electrical Section, Ramanattukara. The appellant was issued a bill dated 05-01-2015 for Rs. 15,566.00 for the consumption recorded in the meter. The appellant had filed a complaint before the Assistant Engineer, Electrical Section, Ramanattukara against the said bill. The respondent has installed a standard meter in parallel with the existing meter on 09-01-2015. The consumption of the two meters was found same. Hence the appellant has been directed to remit the bill amount. Aggrieved against this, a complaint was filed before the CGRF, Kozhikode. The Forum dismissed the complaint vide order in OP No. 111/2014-15 dated 01-8-2015. Still aggrieved by the said order, the appellant has filed the appeal petition before this Authority.

#### **Arguments of the Appellant: -**

The appellant, aggrieved by the electricity bill dated 05-01-2015 amounting to Rs. 15,566.00, approached the CGRF seeking reliefs. According to him, the electricity charges were being paid by the appellant at a regular rate of Rs. 400.00 or below. But in the meter test report it is recorded that the meter was magnetic tampered. The appellant denied the allegation of tampering and pleaded innocence in the allegation of tampering of meter.

The appellant has submitted an argument note with the following averments. The respondent has not specified the actual reason for excess reading. The Forum has also not clarified the reason for high consumption and only depended on the arguments

of respondent. As a layman without technical knowledge to defend the argument against the magnetic tampering the appellant failed to prove his innocence. The respondent has not explained whether magnetic tampering causes excess consumption in the meter. There were such instances of meter faultiness reported even without tampering the meter. Hence the appellant requested to cancel the exorbitant bill issued to him and to revise the bill based on the average consumption of previous periods.

**Arguments of the respondent:**

The appellant is a consumer having consumer No.166331004394 which is owned by Sri Mohandas A.P., father of the appellant, under Electrical Section, Ramanattukara. He is aggrieved by the electricity bill dated 05-01-2015 issued by the respondent for Rs.15,566.00. After lodging a complaint by the appellant, the respondent has provided a standard test meter in parallel with the existing meter of the appellant on 09-01-2015. The consumption of the both meters was observed and it is found that his meter is working properly. The second respondent has informed the appellant to remit the amount.

As per the direction received from the Honourable CGRF, the appellant's meter was tested at TMR Division Kannur after informing the appellant. But the appellant or his representative did not appear for testing of the meter. As per the test report the meter is working within the admissible limits of errors as stipulate in the relevant standards and also has recorded magnetic tamper 29 times.

The energy meter of the appellant showed a consumption of 148 units as per the current bill issued dated 05-01-2015, and the meter is working in good condition, hence the consumer is liable to pay the bill dated 01-05-2015 of Rs.15,566.00 without revising the bill.

**Analysis and Findings: -**

The Hearing of the case was conducted on 12-01-2016 in Court Hall of CGRF, Kozhikode. Sri Shijeesh A.P., has represented for the appellant and Smt. Lekha Rani, Assistant Executive Engineer, Electrical Sub Division, Feroke has appeared for the respondent's side. On examining the petition, the counterstatement of the respondent, the documents attached and the arguments made during the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions, thereof.

**The point to be decided is whether the energy meter provided in the appellant's premises was faulty during the period from 01-11-2014 to 01-01-2015 and the consumption of units recorded during that period is in order or not.**

On going through the records it can be seen that the disputed energy meter was tested at the appellant's premise itself, by installing a check meter in tandem with the existing meter to find out whether both meters carry the same electric current and will measure same consumption of energy. The test so conducted at site shows that both meters are recording exactly the same consumption which shows that the appellant's meter is working in good condition.

The bi-monthly energy consumption has reached an abnormal level of 1876 units for a single bi-month. The installation of a check meter (standard reference meter), in tandem with the existing (disputed) meter is to verify the accuracy of the meter as per Regulation 42(3) of KSEB Terms and Conditions of Supply, 2005. The test so done in the appellant's premises with his presence is the method for convincing the appellant for clearing his doubts regarding the accuracy of meter.

However, as per the direction of CGRF, the disputed energy meter was tested on 23-06-2015 at TMR Division, Kannur and the test results are as under:

1. The meter was tested and errors were found within the permissible limits.
2. Dial test has been conducted and the error was found within the permissible limit.
3. Upon downloading the data it is observed that the meter has recorded magnetic tamper count of 37 and the total duration of 10 days 11 hours and 35 minutes. Last occurrence of magnetic tamper was on 23-12-2014.

From the downloaded data, it can be seen that the occurrence of magnetic tamper was during the billing period 01-11-2014 to 01-01-2015. The Forum is of the opinion that the challenge regarding the meter reading put forward by the petitioner can be dismissed as it is proved that tampering of energy meter has occurred. But the respondent's contention is that the existing meter is working properly since the consumption of both meters is found same.

On going through the consumption pattern it can be noted that the bi-monthly consumption of the appellant has never crossed 163 units i.e. during the period from 03-03-2014 to 03-05-2015. The connected load of the appellant is only 706 Watts, as per the site report. Hence the chance of such a huge consumption of 1876 units in the appellant's premises is very rare. The respondent has not conducted any detailed checking in the appellant's premises to find out the reason for the excess consumption. Instead stated that they have tested the existing meter with a check meter and both recorded the same consumption. It is the duty of the respondent to inspect and check the meter and the installations periodically and to ensure the correctness of the meter as per Clause 18(2) of Central Electricity Authority Regulations (Installation & Operation of Meter).

It is pertinent to note that in few cases it is reported that there are instances of jumping of digits in the electronic meters and this jumping cannot be detected in the earth leakage tests or calibrating the meter at a later stage, since it does not affect the functioning of the meter. Likelihood jumping of digits cannot be rejected at face value. The respondent also failed to observe the procedures to be followed in the case of testing the meter in tandem with a check meter. Moreover, the Executive Engineer, TMR Division, Shornur has reported that there are instances in which magnetic tampering symptoms were noticed even though there is no malpractice with the use of magnet. During the period from 01/2010 to 01/2015, five such instances were reported.

Here in this case, the respondent failed to conduct a detailed checking to find out the reason for the excess consumption in the appellant's premises. Instead the meter reader simply takes the reading and issued bills even without verifying the connected load, any defect in the appellant's installations or energy meter etc. If the respondent had taken any effort to find out the reason for the abnormal consumption, this sort of litigation could have been avoided.

### **Decision**

In the above circumstances this Authority comes to the conclusion that it is not just and proper to realize the bill amount under dispute from the appellant without analyzing or finding out the exact reason for the excess consumption. The test report of the TMR Division, Kannur that the error in the meter is within the permissible limit may be correct. But the demand issued based on the above findings cannot be admitted. Hence the disputed bill is quashed. The respondent is directed to issue revised bill based on the average consumption for the period preceding the date of bill challenged before this Authority. The order of CGRF in OP No. 111/2014-15 dated 01-08-2015 is set aside. The appeal petition is allowed. No order as to costs.

**ELECTRICITY OMBUDSMAN**

P/157/2015/ \_\_\_\_\_ Dated: \_\_\_\_\_

Forwarded to:

1. Sri Shijeesh. A.P, S/o Mohandas A.P, Pullavil House, Feroke P.O., Kozhikode- 673 631
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Feroke, Kozhikode.

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, Vydhyuthibhavanam, KSEBoard Ltd, Gandhi Road, Kozhikode.