

## STATE ELECTRICITY OMBUDSMAN

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### REPRESENTATION No: P50/09

*Appellant :* Sri Charlie Joseph,  
(Proprietor J.P.Ice Plant),  
Thottathil House, SAKTHIKULANGARA (Po),Kollam

*Respondent:* Kerala State Electricity Board  
*Represented by*  
The Assistant Executive Engineer  
Electrical Sub Division  
SAKTHIKULANGARA (Po),Kollam

### ORDER

Sri Charlie Joseph, Proprietor, J.P.Ice Plant, Sakthikulangara submitted a representation on 9.2.2009 seeking the following relief :

1. *Quash the Order dated 21.10.2008 of CGRF Kottarakkara*
2. *Declare the respondents are guilty of erroneous billing, deficiency in service, and unfair trade practice in the subject matter in dispute*
3. *Quash the Order no:GB1/Appeal/99-00/444/7.4.2000 of Executive Engineer to the extent it directs to issue fresh invoice to the complainant from the date of service connection to January 2000.*
4. *Quash the invoice no: 912525 dated 17.4.2000 for Rs 204986/- issued by the Respondent*
5. *Refund the amounts already deposited by the Appellant towards the impugned invoice.*
6. *Allow cost of proceedings to the Appellant*

Counter statements of the Respondent was obtained and hearing of both the parties conducted on 30.6.2009.

The Appellant's ice plant with connected load 100HP and LT IV consumer number 11463 was commissioned in October 1999. The readings/consumption recorded in the power meter of the consumer was as follows:

DATE	READING	CONSUMPTION
21.8.99	76864(IR)	..
3.10.99	78061	1197
2.11.09	81121	3060
2.12.99	87101	5982
1.1.2000	94321	7128
Meter Changed		
25.1.2000	99100(FR)	IR 4.1 MF20
24.2.2000	1610.4	32126

On finding that the recorded consumption of the unit was much less than similar units the Respondent issued two invoices one for Rs 112429/ and one for Rs 108257/-based on assessment of 'probable consumption' which were quashed by the Executive Engineer on appeal. The Executive Engineer on further verification of the records found out that the meter multiplication factor of 5 was left out by the field staff and hence directed to revise the assessment accordingly. The Respondent issued an Invoice for Rs 204986/- dated 17.4.2000 as per the decision of the Executive Engineer .Against this Appellant moved Hon: High Court in 4/2000 and obtained an order on 25.2.2008 to approach CGRF. The CGRF quashed the Invoice dated 17.4.2000 but directed to issue a revised bill in proper form with a simple billing procedure without disturbing the basic premises of the order of the Executive Engineer on the matter.

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

The contentions/arguments/points raised by the Appellant in the representation documents and during the hearing and in the argument note submitted on 30.6.2009 are summarized below:

In accordance with the direction of the Hon:High Court of Kerala in the judgment on OP 12419/2000dated 25.2.2008 directing him to approach the CGRF, the Appellant had produced copies of the writ petition counter affidavit and other materials along with the representation in addition to other documents.

The Appellant unit had obtained connection in October 1999 and the manufacturing of ice after trial runs had begun in full swing only later. The unit was undergoing trial run during the first four months and the consumption was only a meager volume which gradually grown high. The units recorded in the months of October to January was the actual energy consumed for trial runs.

The number of the removed meter on 25.1.2000 was 0810664 as per the documents of KSEB, while the number of meter tested by TMR was 806719 as per the test report of TMR officials. Neither the mahazar nor the test certificate indicates the same number. The service connection register has been manipulated by the respondents to show that the meter had two numbers.

The Appellant contends that the meter removed from the premises and the meter covered by the test report of the TMR wing are not same. It is also alleged the Respondent have manipulated the records to prove that the meters are the same.

The computation of multiplication factor based upon the TMR test report is wrong because the meter number 806719 was never in the premises of the Appellant.

The reason for arriving at the conclusions of the Executive Engineer in his order dated 7.4.2000 for deciding that the Multiplication factor of the meter was 5 was collusion and after thought of the officials of the KSEB

The connected load in the premises is 100HP and this load when working with 16 hours at 80% efficiency will draw around 59.68Units in one hour. Taking 16 hour working 26 working days the maximum consumption will be only around 24826 units in a month.

The opposite parties are guilty of unfair trade practices and deficiency of service.

The CGRF had erred in not examining the concerned officials who recorded the meter reading .The CGRF had erred in not examining the concerned meter to ascertain the truth

The Executive Engineer committed a grave mistake in coming to the conclusion that the test report of the TMR wing related to the old meter installed in the premises and for taking the MF as 5.

The contentions/arguments/points raised by the Respondent in the counterstatement and during the hearing are summarized below:

The old meter installed in the premises of the Appellant was a CT operated meter. The Initial Reading of the meter was 76864 which shows that it was an old meter used in for a long period and repaired in the MT unit of the Board. As and when the Respondent got the meter from the stores the number inscribed on the meter cover was seen to be 806719 and the number on the dial plate was seen to be 810664.This fact was recorded in the service connection register while effecting the connection.

The FR noted in the meter changing documents id 99100 and the IR in the meter test report of TMR is 99100 which shows that the meter dismantled from the premises it self had reached the TMR wing.

Another record available in the Section office shows that the meter number 0810664 was used on 25.11.2002 to replace an electronic meter in the premises of Consumer Number 1261 and the IR there in is shown as 099115.

All these records prove that the Meter dismantled from the premises of the Appellant had the number 810664 also on it and the same meter was tested by the TMR wing. The Executive Engineer in his order dated 7.4.2000 had unequivocally stated that 'on verification of the above meter it was found that the number furnished in the outer cover is 806719 and on the dial plate it is 810664 and all the seals are found intact. A dial factor of 10 is shown on the dial plate. The meter CT ratio 200/5 and CT ratio of the measuring equipment is 100/5'.

The contention that the unit was on trial run for 4 months is not true. The Appellant had applied and allotted for an additional load of 10 HP during the period which shows that the unit was not on trial run. The total connected load of the Appellant is 79KW (106HP)

## Discussion and Findings:

The important issue to be decided in this case is whether application of Multiplication Factor of 5 on the recorded consumption of the Appellant is correct or not.

There seems to be confusion on the meter number of the 3 phase CT operated meter installed in the premises. The number assigned by the manufacturer of the meter is generally considered to be the unique identification number of the meter.

In the acknowledgement obtained on changing the meter on 25.1.2000 the old meter No: is shown as 0810664 BHEL make 3/100/5 - 25 Rev per KWH - 3 phase. In the test report of the TMR wing the meter number is shown as 806719-3x4x200/5-25 rev per KWH - BHEL with Initial readings as 99100 and the related consumer number is noted as 11463. The Respondent explain that as and when they got the meter from the stores the number inscribed on the meter cover was seen to be 806719 and the number on the dial plate was seen to be 810664. This fact had been recorded in the service connection register when the connection was effected. Both the numbers are shown in the Service connection register of the Respondent as meter number with the same make. The field staff who had dismantled the meter had noted the number 810664 seen on the dial-plate as the meter number while the TMR wing had noted the number 806719 seen on the cover.

But it is seen that the disputed meter was produced before the Executive Engineer during the hearing on 21.3.2000 in the presence of the Appellant. The Executive Engineer has verified the meter and found that *the number furnished in the outer cover is 806719 and on the dial plate is 810664* and all the seals are found intact. The dial factor of 10 is shown on the dial plate. The meter CT ratio is 200/5. In this situation the number provided on the meter dial plate is to be taken as authentic for identifying the meter. Hence the meter dismantled from the premises on 25.1.2000, namely with number 810664, should be the same as produced before the Executive Engineer irrespective of the discrepancies in TMR test report.

The Appellant has questioned the test report of the TMR wing in the various documents produced with valid reasons. But KSEB is depending upon the TMR report *only for deciding the 'Meter CT Ratio'*. If the meter MF is decided without considering the TMR report the Meter CT ratio should be taken as 100/5. In that case the MF shall be 10 which actually shall be to great disadvantage to the Appellant.

The real point to be decided is whether the meter by number 810644 on the dial contains the dial factor 10. The Appellant has no case that the meter dismantled from his premises was not bearing number 810644. The Executive Engineer during the hearing has vouched that the meter 810644 had a dial factor 10. This has never been disputed by the Appellant, not even during the hearing before the under signed.

As such the finding of the Executive Engineer that the meter in the premises had *dial factor of 10* has to be accepted. I do not find any thing wrong in concluding that the Meter CT ratio was 200/5 by which the Meter multiplication factor reduces to 5 from 10 to the advantage of the Appellant .

The Executive Engineer had computed the MF of 5 based on the following:

1. The CT actually used in the premises was an 100/5 CT
2. The dial factor on the meter was 10
3. The CT corresponding to the MF 10 of the meter is 200/5

4. The actual MF under the above condition shall be Dial MF\* Actual CT Ratio/ Meter CT ratio which shall be 5.

Hence I conclude that the Meter multiplication factor should be 5 as decided correctly by the Executive Engineer.

The other contentions raised by the Appellant are also worth examining. The Appellant claims that he had about 4 months of low-consumption-trial-run period, where in the consumption had 'gradually grown high', and the consumption pattern was as given in the table earlier. But the more-than-4 fold jump in the consumption for February, *which exactly happens after the meter was changed*, lacks a convincing explanation.

But the consumption pattern shall be as given below if a MF of 5 is applied:

DATE	READING	CONSUMPTION
21.8.99	76864(IR)	..
3.10.99	78061	5985
2.11.09	81121	15300
2.12.99	87101	29910
1.1.2000	94321	35640
25.1.2000	99100(FR)	23995
24.2.2000	1610.4	32126

(Meter Changed on 25.1.2000 IR 4.1 MF 20)

The above pattern offers a more rational picture on the trial runs and consumption growth.

The computation done by the Appellant on the approximate consumption per month is also erroneous. It is erred by the conceptual misgivings on the questions of efficiency, out put etc. If the efficiency is less by 20% 'as per international standards' the power drawn by the unit will not be reduced to 80HP. The consumption for using 100 HP for 16 hours for 26 days as claimed by the Appellant would be around 31033 units a month.

Based on the above discussions and findings I conclude and decide that the consumption for the period from 21.8.99 to 25.1.2000 of the Appellant has to be computed taking Multiplying Factor as 5. The Respondent shall revise the demand for the period as per the directives in the Order dated 21.10.2008 of CGRF Kottarakkara. The Respondent shall be free to assess and realize interest on the demand from April 2000 onwards, as per provisions in the statutes from time to time, since the delay in payment was not due to any lapse on the part 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 submitted by the Appellant is devoid of merit and dismissed.*
2. No order on costs.

Dated this the 1<sup>st</sup> day of July 2009,

P.PARAMESWARAN  
Electricity Ombudsman

No P 50/09 / 278 / dated 01.07.2009

Forwarded to:

1. Sri Charlie Joseph,  
(Proprietor J.P.Ice Plant),  
Thottathil House, SAKTHIKULANGARA (Po),Kollam
2. The Assistant Executive Engineer  
Electrical Sub Division  
SAKTHIKULANGARA (Po),Kollam

Copy to :

1. The Secretary,  
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2. The Secretary ,KSE Board,  
VaidyuthiBhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF,KSE Board ,  
VaidyuthiBhavanam ,KOTTARAKKARA

