

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION NO. P/004/2016
(Present: V.V. Sathyarajan)
Dated: 20th May 2016

Appellant : Sri Rajesh P.V.,
Amritham,
P.O. Chovva,
Kannur - 670006

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Chovva,
Kannur

ORDER

Background of the case:

The Appellant is a domestic consumer with consumer No.19918, under Electrical Section, Chovva, Kannur having a connected load of 8730 Watts. The spot bill for the month of April 2015 amounting to Rs. 6,738.00 was issued to the appellant for 136 days (1323 units). The previous bill for an average consumption of 240 units was issued on 09-02-2015. The appellant alleged that due to the delay on the part of Meter Reader in taking the meter reading timely has resulted in the issuance of the excess bill. The appellant had submitted a petition before the Assistant Engineer, Electrical Section, Chovva on 22-04-2015. The appellant was not satisfied with the reply given by the respondent. Aggrieved against this, the appellant submitted a petition before the Consumer Grievance Redressal Forum, Kozhikode which was dismissed vide order No. 24/2015-16 dated 04-11-2015. Still aggrieved by the said order, the appellant has filed this appeal petition.

Arguments of the appellant:

The appellant stated that a new service connection was given in the appellant's premises on 03-06-2014 with initial reading as Zero. First power bill was issued for approximately 240 units and was duly paid in time. Total reading recorded on 22-4-2015 was 1691 units for the period from 03-06-2014 to 22-04-2015 and he was issued a bill for an amount of Rs. 6,738.00 for no fault of him.

The appellant is not contesting correctness of the total reading, but his complaint is that total accumulated reading should actually be spread over the period from 03-6-2014 to 22-04-2015. The appellant complained that

this is the first time in his life that a huge bill for an amount of Rs. 6,738.00 was issued for no fault of him. It is alleged that due to mismanagement of recording of metered units at the Section Office level has resulted in this excess bill.

The initial meter reading was zero on 03-06-2014 and in July meter reading was approximately 240 units. After six months in December 2014 meter reading was only 368 units. This variation cannot be justified as the appellant was residing continuously at the above address with same uniform usage. It is a clear case of mismanagement at the Section Office level to overcharge for the reasons best known to them.

The appellant was a resident of above address since May 2006 and using different meter with consumer no. 1166575008598 at his old house, in the same campus. The appellant requests to take necessary action to investigate the matter and to restore the power bill to normal level.

Arguments of the respondent:

The respondent has submitted a statement of facts against the contentions raised by the appellant. The contentions of the respondent are:

1. The electric connection bearing consumer No 19918 under Electrical Section, Chovva is effected on 03-06-2014 in the name of Sri Rajesh P.V., Amritham, Thazhe Chovva, Kannur-6 and is for domestic purpose with a connected load of 8730 Watts and coming under bimonthly billing.
2. After giving supply on 03-06-2014 the first bimonthly current bill was issued on 09-08-2014 for Rs. 774.00 as the consumption recorded was found 268 units.
3. After that on 09-10-2014 the consumer was served with a bill for Rs. 693.00 (average 240 units) under the Door Lock status as the premise was not accessible for the meter reading.
4. Later on 08-12-2014 again as the premise was kept inaccessible for the Meter Reader to record the current consumption; notice was issued to the appellant asking him to facilitate the reading to be taken at the earliest. Accordingly reading was taken as 368 and the bill issued on 10/2014 was revised and 'Nil' Bill for 12/2014 issued after crediting Rs. 85.00 as advance. To this the petitioner had no complaint.
5. Again on 09-02-2015 the reading cannot be recorded as the premise was kept inaccessible to the Meter Reader and Door Lock bill for Rs. 876.00 (Unit 240 Avg.) and the consumer paid the balance Rs. 791.00 on 05-03-2015 without any objection.
6. During the next billing cycle on 09-04-2014 again the appellant was served notice as the premise was kept inaccessible for the Meter Reader to record the reading. Later on 22-04-2015 he came to the office and requested to take reading after paying the required fee of Rs. 50.00 and reading was

taken on 22-04-2015. The reading obtained was 1691 (1323 units for 136 days) subsequently he was issued bill for Rs. 6,738.00.

7. Upon receiving this bill the appellant registered complaint challenging the reading taken on 08-12-2014 as wrong and requested to revise the bill issued on 22-04-2015 and the respondent had replied with all the details to him on 04-05-2015.

8. The appellant has not registered any complaint of the reading taken on 08-12-2014 till 22-04-2015. It is practically impossible to revisit the reading of 08-12-2014 as per the complaint of 22-04-2015. The increase in electricity consumption between 08-12-2014 and 22-04-2015 cannot be taken extraordinary considering the scorching heat weather experienced and the usage of air conditioner existing in the premise as on general observation.

9. On verifying the consumption pattern of the other connection with Consumer No. 1166575008598 as declared by the appellant as he resides there since May 2006 it can be seen that consumption comes up to 460 units and average more than 326 units. This has to be considered against the fact that registered connected load in this premises is only 1200 Watts much less than the present connected load of 8730 Watts in the new premise it is also found that the consumption pattern of the first consumer number was varied 116 to 450 units during last two years, and both details are submitted for verification. The combined average is 583 units (from 12/2014 to 4/2015) and upon comparing both cases considering the connected load and usage pattern there cannot see any exaggeration or alleged manipulation.

10. The appellant had himself continuously created a situation wherein the official of the KSEB Limited cannot take the actual reading in time and issue bills resulting in creating some sort of suspicion on the part of appellant for which the appellant is responsible.

11. The respondent has made no ill intended move to harass the consumer at any time and all the billing procedures have been carried out using the KSEB Limited approved software and also in a transparent manner. Since 22-04-2015 the KSEB Limited on its part is trying its best to get the reading timely as the concerned Meter Reader is informing every time this appellant telephonically in advance so that Door Lock status billing could be avoided.

12. All these facts have been clearly explained to the appellant personally from this end and also during the hearing conducted by the CGRF. Despite this, it seems that the appellant is intentionally continued to raise the off-repeated argument of mismanagement and harassment at Section level which have no basis whatsoever.

Analysis and findings

A hearing of the case was conducted in the Court Hall of CGRF (Northern Region), Kozhikode, on 10-05-2016. Sri Rajesh P.V. was present for the appellant's side and Smt. A. Praseetha, Assistant Executive Engineer,

Electrical Sub Division, Chovva and Sri. C. Jagadeesan, Assistant Engineer, Electrical Section, Chovva represented the respondent's side. The brief facts and circumstances of the case that led to filing of the petition before this Authority are narrated above. On examining the petition of the appellant, the statement of facts filed by the respondent, the arguments in 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.

The Kerala State Electricity Regulatory Commission has approved the Schedule of Tariff and Terms & Conditions for Retail Supply of Electricity by KSEB Limited and all other licensees with effect from 16-08-2014 to 31-03-2015 vide order dated 14-08-2014 in OP No. 9 of 2014. As per BO (CMD) No.2584/2014(KSEB/TRAC/Tariff Rev 2014-15) dated Thiruvananthapuram 04-10-2014 issued sport billing ready reckoner detailing the procedure to be adopted for billing the consumers of the licensee. Accordingly, the tariff applicable to supply of electrical energy for domestic purpose Low Tension – I – Domestic (LT-I) (both single phase and three phase) are detailed as follows.

Fixed Charges	Single Phase	Rs. 20.00	Per consumer per month
	Three Phase	Rs. 60.00	Per consumer per month
0 -40 units		Rs. 1.50	Per unit (This rate is applicable only to BPL category consumers with connected load of and below 1000 Watts.
Up to 50 units		Rs. 2.80	(Telescopic)
51-100 units		Rs. 3.20	
101-150 units		Rs. 4.20	
151-200 units		Rs. 5.80	
201-250 units		Rs. 7.00	
0-300 units		Rs. 5.00	(Non-Telescopic)
0-350 units		Rs. 5.70	
0-400 units		Rs. 6.10	
0-500 units		Rs. 6.70	
Above 500 units		Rs. 7.50	

In addition to the above the consumer has to pay duty, subsidy, meter rent, fuel surcharge etc as approved by the Commission from time to time.

The appellant's consumption for the period from 03-06-2014 to 22-04-2015 is 1691 units as per the meter reading as on 22-04-2015 and the billing details which are detailed as below:

Bill Date	Consumption	Bill Amount
09-08-2014	268 units	Rs. 774.00
09-10-2014	240 units average (D/L)	Rs. 693.00
08-12-2014	100 units	-Rs. 85.00
09-02-2015	240 units average (D/L)	Rs. 876.00
22-04-2016	1323 units	Rs. 6,738.00

Regulation 110 of Supply Code, 2014 states as:

(1) The meter shall regularly be read once in every billing cycle and on special reading occasions.

(2) The consumer shall extend all facilities to read the meter to the licensee or his employees or to the person duly authorized by the licensee for the purpose.

(11) In case for any reason, the meter is not read during a billing cycle, the licensee shall prepare a provisional bill based on the average consumption of previous three billing cycles when readings were taken.

(12) Such provisional billing shall not continue for more than two billing cycles at a stretch and licensee shall not generate more than two provisional bills for a consumer during one financial year.

(13) The amount paid as per the provisional bill shall be adjusted against the bill raised on the basis of actual meter reading during subsequent billing cycles.

As per Regulation 111 of Supply Code, 2014, if the meter is rendered inaccessible on two consecutive meter reading dates of two billing cycles a notice shall be issued to the consumer to keep the meter accessible for reading and to get the meter read by the licensee after payment of a penal charge as approved by the Commission on a date which shall be at least 7 days after the date of notice and at the time specified in the notice.

Here the issue involved in this case is as to whether the meter reading of the appellant is regularly taken and proper invoices issued by the respondent at the appropriate time or not.

Apparently, the officers of the licensee failed to do their duty as per the above mentioned Regulations. It is specifically stated in Regulation 110(12) that provisional billing shall not continue for more than two billing cycles at a stretch and licensee shall not generate more than two provisional bills for a consumer during one financial year. In this case provisional bill is seen issued on 09-10-2014, 09-02-2015 and 09-04-2015, holding that the door is locked. On going through the meter reading details of the appellant it can be seen that the total consumption of the appellant from 03-06-2014 to 22-04-2015 is 1691 units. Out of which 1323 units were alleged to have been used by the appellant for the period covered from 09-12-2014 to 22-04-2015.

It is pertinent to note that the facility of spot billing is introduced by the licensee with a view not to impose any extra burden to the consumers. Regulation 111 of Supply Code, 2014 specifically insists for the issuance of a notice to the consumer if the meter is rendered inaccessible on two consecutive meter reading dates of two billing cycles. This was also not seen followed by the licensee in this case. In view of the above factual situation and lapses on the part of officers of the licensee in taking prompt and proper meter readings, and issue timely invoices to the appellant resulted this anomaly for an excess amount of Rs. 6,738.00 in the invoice dated 22-04-2015. In this background it is proper for the licensee to revise the invoice for the consumption on pro-rata basis for the period from 09-12-2014 to 22-04-2015.

Regulation 130(4) of Supply Code, 2014, states that on a complaint by any consumer regarding the correctness of a bill, the designated officer shall immediately carry out a review. And as per Regulation 130(5) if the review establishes that the bill is correct, the designated officer of the licensee shall issue a revised bill with necessary particulars within 3 working days and appropriately adjust the account of the consumer. Hence the designated officer is directed to revise the invoice already issued to the appellant. **The amount paid as per the provisional bill shall be adjusted against the bill raised on the basis of actual meter reading during subsequent billing cycle as per sub regulation 13 of Regulation 110 of Supply Code, 2014.**

Decision

Since the respondent failed to follow the sub regulations of the Regulations 110 and 111 of Supply Code, 2014, the invoice issued on 22-04-2015 for an amount of Rs. 6,738.00 cannot be sustained and hence quashed. The respondent is directed to revise the invoice for the period from 09-12-2014 to 22-04-2015 on pro-rata basis as per Regulation 130 of Supply Code, 2014. The amount paid as per the provisional bill shall be adjusted against the bill raised on the basis of actual meter reading during subsequent billing cycle as per sub regulation 13 of Regulation 110 of Supply Code, 2014.

Having concluded and decided as above it is ordered accordingly. The appeal petition filed by the appellant is found having some merits and is admitted. The order of CGRF in OP No. 24/2015-16 dated 04-11-2015 is set aside. No order as to costs.

ELECTRICITY OMBUDSMAN

P/004/2016/ _____ /Dated: _____

Delivered to:

1. Sri Rajesh P.V., Amritham, P.O. Chovva, Kannur - 670006

2. The Assistant Executive Engineer. Electrical Sub Division, KSE Board Ltd, Chovva, Kannur

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, KSE Board Ltd, Gandhi Road, Kozhikode