

STATE ELECTRICITY OMBUDSMAN

Thaanath Building Club Junction Pookkattupadi Road Edappally Toll

KOCHI 682024

www.keralaeo.org

Phone 04842575488 +919447226341 Email : info@keralaeo.org

REPRESENTATION No: P56/09

Appellant : Smt Sarojini Puthukkuty
W/o Late Choyi Puthukkuti house
PULIYANCHERY , MUCHUKUNNU (Po)
KOYILANDI 673307

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division KOYILANDI 673307

ORDER

Smt Sarojini Puthukkuty W/o Late Choyi, Puthukkuti house, Koyilandi submitted a representation on 24.2.2009 seeking the following relief :

Quash the Bill No 040255 dated 20.10.2008 for Rs 5040/- of KSEB Koyilandi

Counter statements of the Respondent was obtained and hearing of both the parties conducted on 08.07.2009 .

The Energy Meter installed in the premises of the above consumer (3870) was faulty from January 2001 onwards. The Meter was changed on 18.10.2007. During the above period the KSEB issued bi-monthly invoice to the consumer for an average consumption of 150 units for a bi-month period. After changing the meter it was found that the average for 6 month period was 234 units per bi-month. Hence the Respondent revised the assessment for the period from 11/2003 to 9/2007 with 234 units per bi-month and issued the invoice for Rs 5040/- which the Consumer objected. The CGRF upheld the assessment. The representation with the pleas noted above is submitted to the under signed in the above back ground.

The Appellant contends that the Respondents are bound to replace the meter in time. The assessment for four year period based upon the present average is not justifiable since the consumer has added gadgets recently and the consumption has also gone up. The Respondent contended that the statutes and orders of the Board empower them to assess for all the meter-faulty- period with the genuine average worked out after

changing the meter. The change of meter was delayed due to shortage of meter with KSEB.

The Section 42(3) of the Terms and Conditions of Supply of the KSEB reads as given below:

If meter is found faulty such meters shall be replaced immediately at the expense of the Board. If the existing meter after having found faulty is replaced with a new one, the consumption recorded during the period in which the meter was faulty shall be reassessed based on the average consumption for the previous six months prior to replacement of meter. If the average consumption for the previous six months cannot be taken due to the meter ceasing to record the consumption or any other reason, the consumption will be determined based on the meter reading in the succeeding six months after replacement of meter and excess claimed if any, shall be adjusted in the future current charge bills.

The above clause mandates the KSEB to replace the faulty meters 'immediately'. More over the question of taking average of subsequent 6 months arises only when the average of previous 6 months is not available.

In the instant case, as per all the documents produced, the KSEB had been charging average of 150 units per bi-month for the whole meter-faulty-period. The regulations do not empower them to revise the assessed average based upon a subsequent consumption figures.

Failure on the part of the licensee, in replacing the faulty meter for a period of around 5 years, should not result in penalizing the consumer based upon conceived revenue losses. Hence I conclude that re-assessment of this single phase domestic consumer based upon a revised average computed from consumption after changing the meter is not fair.

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 plea contained in the representation of the Appellant is allowed and the Bill No 040255 dated 20.10.2008 for Rs 5040/- of KSEB Koyilandi is quashed.*
- 2. No order on costs.*

Dated this the 13th day of July 2009 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 56/09 /285 / dated 13.07.2009

- Forwarded to: 1. Smt Sarojini Puthukkuty
W/o Late Choyi Puthukkuti house
PULIYANCHERY , MUCHUKUNNU (Po)
KOYILANDI 673307
2. The Assistant Executive Engineer
Electrical Sub Division
KOYILANDI 673307 Kozhikode District

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 ,
VaidyuthiBhavanam Gandhi Road Kozhikode 673032