

**THE STATE ELECTRICITY OMBUDSMAN**

Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,  
Edappally, Kochi-682 024

[www.keralaeo.org](http://www.keralaeo.org) Ph: 0484 2346488, Mob: 91 9447576208

Email:ombudsman.electricity@gmail.com

---

APPEAL PETITION NO. P/030/2016

(Present: V.V. Sathyarajan)

Dated: 30<sup>th</sup> September 2016

Appellant : Sri Rajeevan K.P.  
Kanayamkottupoil House,  
Kuttiadi P.O.,  
Vadakara Taluk, Kozhikode

respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd, Kuttiadi,  
Kozhikode

**ORDER**

**Background of the case:**

The service connection with consumer No. 16693, under Electrical Section, Kuttiadi registered in favour of Sri Rajeevan K.P., the appellant. The service was effected on 29-05-2015 under domestic tariff (LT-1A) with a connected load of 4180 Watts. While being so, the appellant was aggrieved with the exorbitant bill issued for consumption for a period of 36 days from 29-05-2015 to 03-07-2015 for an amount of Rs. 1,450.00. It is alleged that the respondent has not conducted any inspection but directed to remit the amount for the time being. Accordingly the appellant remitted the bill amount.

Thereafter the appellant was served with a subsequent bill no. 659251 dated 04-09-2015 for an amount of Rs. 10,768.00 for the period from 03-07-2015 to 04-09-2015. The appellant had submitted a written representation before the respondent with a request to get the electric meter to be tested by the Electrical Inspectorate and to set aside the above said bill. Thereupon, on 14-09-2015 the respondent inspected the site and the said electrical meter and connected apparatus were taken in to custody as per the site mahazar dated 14-09-2015 prepared at the site. On 17-09-2015, the appellant was issued with a notice intimating him that his average consumption was being fixed as 484 units and with a direction to pay Rs. 2,459.00 and accordingly the appellant remitted Rs, 2,509.00, including surcharge on 28-09-2015.

Thereafter, vide notice No. B.B/Meter Complaint/2015-2016/468, dated 18-01-2016, the appellant was directed to pay Rs. 8,309.00 after deducting the amount of Rs. 2,477.00 which was already being paid as per the ad hoc bill,

out of the total amount as per the bill dated 04-09-2015, before 02-02-2016. Being aggrieved, the appellant lodged complaint before the CGRF, Kozhikode on 1-2-2016. It was requested to waive off the excess charges levied in the bill of Rs. 10,768.00 and to avoid disconnection of power supply. The CGRF had dismissed the petition on the ground that the bill issued by the respondent is in order and the petition is devoid of any merits. Aggrieved by this, the appellant has submitted this appeal petition before this Authority on 03-05-2016.

**Arguments of the appellant:**

The appellant has adduced the following arguments in his appeal petition.

- a) The only electrical apparatus which the appellant had in his residence are one refrigerator, one 1½ hp motor, one mixy and a washing machine. In the bill dated 03-07-2015, which was issued to the appellant, by the office of the licensee, it was shown that this appellant had consumed 282 units of Electricity, for a period of 36 days from 29-05-2015 to 31-07-2015. The bill amount, to be paid by the appellant, was not mentioned in the bill, instead of which there was an endorsement in the said bill, stating "contact with the office". Therefore the appellant, had contacted with the office of the licensee and brought to its notice, the fact that there was no possibility such a high level units power as shown in the said bill, being consumed by the appellant, in the existing conditions and the appellant had also orally expressed his apprehension that it may be caused by the meter defects, as it was newly installed. But it was not favourably responded by the office of the second respondent, except directing the appellant to pay the amount, for the time being, to be calculated on the basis of the total consumption, as shown in the said bill, dated 03-07-2015 and all other things would be looked in to subsequently and therefore on 07-07-2015, the appellant had remitted Rs. 1,450.00, the amount being calculated as per the consumption shown in the said bill, to the office of the respondent.
- c) Thereafter, on 04-09-2015, the appellant had been issued with the subsequent bill viz., the bill No. 659251, dated 04-09-2015, in which it was shown that the appellant had consumed in the said house, 1301 units of Electricity for a period of 64 days, from 03-07-2015 to 04-09-2015, against which, charging the appellant, with Rs. 10,768.00 (Rupees Ten thousand, seven hundred and sixty eight only). Being really shocked by such an exorbitant bill, on 14-09-2015, the appellant had submitted a written representation before the office of the respondent, stating the real state of affairs, with a prayer to get the electric meter to be tested by the Electrical Inspectorate and to set aside the above said bill. Thereupon, on 14-09-2015 at 4.30 P.M. the office of the respondent inspected the site and the said electrical meter and connected apparatus were taken in to custody as per me site mahazar dated 14-09-2015 prepared at the site in the presence of this appellant, intending to be sent for testing , after

substituting another meter for the time being. Thereafter, on 17-09-2015, the appellant was issued with a notice from the office of the respondent, intimating him that his average consumption was being fixed as 484 units and with a direction to pay Rs. 2,459.00 accordingly, as it would take time to get the report of the expert examination of meter by the concerned authority and accordingly the appellant on 28-09-2015, remitted Rs, 2,509.00, including surcharge.

- d) Thereafter, it was informed to the appellant by the office of the respondent, vide their notice No. B.B/Meer Complaint/ 2015-2016/468, dated 18-01-2016, issued to the appellant , with a copy of the Meter Testing Result and the Renewed Bill of 04-09-2015, that they have been received with the result of the Meter and found that said meter was properly workable and it was further found that there was earth leakage of electricity for a period of 23 days 7 hours, and 27 minutes after 03-07-2015 and therefore, the high degree consumption as shown in the bill in the month of 9/2015 was due to the defective wiring. Further, by the said notice, the appellant was directed to pay Rs. 8,309.00 (Rupees Eight thousand, three hundred and nine only) after deducting the amount of Rs. 2,477.00 which was already being paid to them as per the ad hoc bill, out of the total amount as per the bill dated 04-09-2015, before 02-02-2016, failure to which the electricity connection to the appellant would be disconnected and issued a renewed bill accordingly.
- e) Being aggrieved, the appellant lodged complaint before the CGRF, Kozhikode on 01-02-2016 and the said petition was dismissed by the C.G.R.F. vide its Order dated 31-03-2016 with a finding that the appellant is liable to remit the bill issued for Rs. 10,768/- (for the consumption of 1301 units) recorded consumed in the energy meter installed in his premises since the down loaded data ascertain earth leakage which is the liability of the consumer.

The Hon'ble C.G.R F. ought to have considered the specific case of the appellant, as it has been clearly stated in the Original Petition, that from the very beginning itself the appellant had expressed his apprehension that the recorded consumption of 282 units of electricity for a period of 36 days, as per the bill dated 03-07-2015, might have been caused due to the meter defect, as there was no possibility of such high level consumption according to the actual use of electrical apparatus, then at his premises.

The Hon'ble CGRF ought to have noted that the respondent, in their version, submitted before it has not specifically disputed the above case of the appellant. There was gross deficiency in the service of the respondent, as they have not taken any action to inspect the premises and check up the meter and connected apparatus, to find out the cause of the high level of consumption, disproportionate to the actual consumption at the premises of the appellant,

even though the appellant had expressed his apprehension over the same before the respondent, as and when he received the first bill, i.e. the bill dated 03-07-2015, for, if the respondent, did anything so, the subsequent events, causing damages to the appellant could be well prevented. This is apparent from the down loaded data of the meter, produced by the respondent, as it is shown in it that there was earth leakage of 59 minutes on 30-05-2015, which is the very next day of availing connection to the premises of the appellant. The respondent while issuing the first bill dated 03-07-2015. the bill amount was not mentioned in the said bill and instead of which the appellant was called upon to contact with the office of the respondent, which itself would show that the respondent had notice of the irregularity of the energy meter installed at the premises of the appellant, and the explanation to the above case of the appellant as made by the respondent in their version, would be quite vague and unsatisfactory. The meter reader who is the worker and the representative of the respondent had noted the high consumption and on his close watch he noted that one of the outgoing wire from cut out fuse was burned and it may definitely effected earth leakage and caused high unit consumption in the Meter and he had also noted that the defect was rectified by someone and no leakage was found at present. But this was brought to light to the appellant only from the site mahazar prepared by the respondent on 14-09-2015, that too on representation made by the appellant, upon receipt of the bill dated 04-09-2013 showing such a high level of consumption of 1301 units and with an exorbitant bill amount to be paid by the appellant. The respondent had submitted in his version that the meter reader had also noted that the defect he had seen on close watch was found rectified by someone and no leakage was found at present, the same was not noted by the respondent as per the site mahazar prepared by them on 14-09-2015. The high consumption recorded in the energy meter was caused by the leakage was that of a manipulated one or otherwise the respondent are liable to the appellant, for their failure to inform the same then and there.

The respondent is duty bound to protect the safety and standards of the electrical supply and as such they are bound to follow the relevant rules for conforming to the standards specified in the Central Electricity Regulations, 2010, as amended from time to time and such other Regulations relating to safety and standards of electrical supply. And therefore it is the duty of the respondent to be satisfied themselves that the wiring works including the installations of connected apparatus have been done in strict compliance of the relevant rules and regulations which includes the quality and reliability of the wiring materials and other apparatus including ELCB and as such the respondent cannot be permitted to wash off their hands and relieve themselves from their responsibility, by saying that the quality or reliability of wiring materials could not be ascertained by the officials of the respondent and it was purely depended on the authorized wireman and the petitioner's taste of selection of materials.

The respondent have not detected, on their inspection of the premises of this appellant on 14-09-2015, any kind of irregularity such as defective wiring

etc, and the only thing they have detected, as recorded in the site mahazar dated 14-09-2015 was that the insulation of the outgoing wire of the outgoing fuse was in a burned condition which was touching over the metal board where it was seemed to have caused sparking and the earth leakage was suspected thereby and it was only after getting the Meter Test Result from the T.M.R. Division, the respondent come with the case of wiring defects and the consequent earth leakage resulting high level consumption recorded in the meter as stated in their notice dated 18-01-2016. However, it is pertinent to note that, the respondent have admitted in their version that the earth leakage was caused due to the reason recorded in the site mahazar. At the same time, the statements attributing the reasons for the high level consumption as stated in their version are quite vague and do not convey any definite meaning.

The respondent has failed to establish real cause of the high level consumption recorded in the meter and what they have brought before the Forum, was only one of the possibilities of high level consumption, which is apparent on the face of the impugned order itself which reads as "suspected earth leakage of the cut out fuse ..." and therefore the Hon'ble Forum ought not have come to a conclusion that "the electricity recorded due to the earth leakage should be remitted by the consumer and hence the disputed bill is in order and holds good" under such a suspicious circumstances. Even if it was a case of earth leakage which had resulted high level consumption being recorded in the energy meter, it might have been caused by other means and reasons also which are beyond the control of the appellant, such as thunder and lightning, especially that everything had happened in the monsoon season, as has been specifically pleaded by the appellant before it and in the event of which the appellant shall not be made liable for it.

The Hon'ble CGRF ought not have placed much reliance over the Energy Meter Test Result, procured by the respondent from the T.M.R Division, Kannur, as it is not an independent body and as such may not be expected to give an independent and unbiased report and further that the Hon'ble Forum ought to have seen that the appellant had, in his representation dated 14-09-2015, submitted before the second respondent specifically requested to the respondent that the said meter to be get tested by the Electrical Inspectorate, but the respondent was fraudulent and deceitfully obtaining consent from the appellant, on a subsequent date, to get the said meter to be tested by the T.M.R. Division, Kannur by making the appellant, through his representations, to believe that it would be better and easier to get the result earlier with the deceitful and fraudulent intention of fabricating false evidence in his favour.

Reliefs sought for:

- a) That this Hon'ble Ombudsman may be pleased to pass an Order to set aside the impugned Order dated 31-03-2016, passed by the Hon'ble C.G.R.F. and
- b) Direct the respondent to get the above said Energy Meter to be tested by the Electrical inspectorate and

- c) Direct the respondent to revoke the bill dated 04-09-2015,
- d) Direct the respondent, not to disconnect the power supply to the premises of this appellant, until the final disposal of this appeal and
- e) Direct the respondent to correctly ascertain the correct electricity charges to be paid by this appellant according to the units of power actually consumed by this appellant during the relevant period and
- f) Order such other reliefs, as this Hon'ble Ombudsman may deem, just and equitable, which may be prayed for hereafter by this appellant.

**Arguments of the respondent:**

1. The appellant is a consumer vide consumer No. 1166296016693 under KSEB, Electrical Section, Kuttiadi and was effected on 29/05/2015 for domestic supply with the ownership of Sri Rajeevan, K.P., Koyyamkottupoil, Kuttiadi.

2. The registered connected load at the premises was 4180 Watts. The Meter Reader noted that 282 units have been consumed from 29/05/2015 to 03/07/2015 and a spot bill is to be prepared for the same unit. To prepare the first spot bill, the date of connection, IR of the meter etc. is to be needed and these details were not available with meter reader and hence requested to the appellant to contact with Electrical Section, Kuttiadi to avail the exact bill amount. The meter reader also noted the mobile number of the office in the said bill dated 03-07-2015 for getting the bill details to the appellant about the spot bill, if the appellant could not contact with office. The spot bill was served on next day. The bill amount for the consumed unit was 1,450.00 and this amount was remitted by the appellant with in date. No irregularity was noticed at the premises of the appellant, in connection with the energy meter or metering equipments, by the meter reader while taking the meter reading.

3. The spot bill issued on 04-09-2015 to the appellant was Rs. 10,786.00 for the consumption of 1301 unit for a period of two months. The meter reader has noted this high consumption, and on his close watch, it was seen that one of the outgoing wire from cut out fuse was burned and concluded that it may definitely effected earth leakage and caused high unit consumption in the meter. He has also noted that the defect was rectified by someone and no leakage was noticed during the time of meter reading. Thereafter, the appellant had submitted a written representation before the office of the licensee requesting to test the energy meter by the Electrical Inspectorate and to set aside the said bill. Thereupon on 14-09-2015, at 4.30 pm the Assistant Executive Engineer, Assistant Engineer and Sub Engineer together inspected at the premises of appellant and detailed inspection was conducted by checking the meter and metering equipments. Site mahazar was prepared with this effect, in the presence of the appellant. The energy meter was taken into custody as per the site mahazar in the presence of appellant, intended to be sent for testing after connecting another meter at the premise. A fresh demand notice was issued to the appellant for Rs. 2,459.00 for an average energy

consumption of 484 unit marked as it would take time to get the test report of the energy meter from the concerned authority.

4. On 15-09-2015, the appellant had clearly requested through his representation that the KSEB can test the energy meter at any one of the testing lab in TMR Kannur or in TMR Shornur, and the test result will be surely admitted by him. The energy meter was submitted to the TMR Division, Kannur on 18-09-2015 to test the accuracy of meter and the test result received in the Section office on 15-01-2016. Thereafter a demand notice vide No.BB/Meter complaint/2015-16/468/dated 18-01-2016 was issued to the appellant demanding to pay Rs. 8,309.00, the balance amount of the original bill. As per the test report, the earth leakage of electricity has occurred for a period of 23 days from 03-07-2015 to 27-07-2015. No earth leakage is detected after 27-07-2015. This leakage was caused the high consumption of electricity.

5. The appellant mentioned in his petition that the entire wiring work of the premises of the complainant has been done by an authorized Wireman and completed all procedures for getting electric connection. So, while giving the service connection, at the premises of appellant there was not detected any kind of fault at the premises. But the quality or reliability of wiring materials could not be ascertained by the KSEB officials, it was purely depended on the authorized wireman and the appellant's taste of selection of materials.

As per the Central Electricity Authority Regulation 42, Earth leakage protective device: - The supply of electricity to every electrical installation other than voltage not exceeding 250 Volts below 5 kW and those installation of voltage not exceeding 250 Volts which do not attract provisions of Section 54 of the Act, shall be controlled by an earth leakage protective device so as to disconnect the supply instantly on the occurrence of earth fault or leakage of current." The appellant was installed ELCB at the premises, but the periodic checking of accuracy of the same may not be ascertained by the appellant or by the authorized Wireman. So definitely poor quality of the materials may lead the earth leakage of the wiring and this effected the high consumption in the said period. Anyway, no type of complaint was noted in the energy meter which was installed by KSEB and hence the appellant is liable to pay the amount with interest demanded by KSEB through its demand notice dated 18-01-2016.

It is clearly proved that the poor quality of the wiring materials was caused the earth leakage of electricity and which leads to the high current consumption. Here is the question is that, if the high unit consumption recorded in the meter due to earth leakage of the internal wiring part of the premises, beyond the energy meter, is the party is liable to pay the energy charge or not. The installation beyond the energy meter is the responsibility of the consumer and the earth leakage of the outgoing part of the cut out fuse is including this portion. So the appellant is committed to pay the said amount, demanded by the licensee.

**Analysis and findings:**

The hearing of the case was conducted on 06-09-2016 in the Court Hall of CGRF, Kozhikode and Sri. Rajeevan K.P. represented for the appellant's side and Sri Mohammed K.K., Assistant Executive Engineer, Electrical Sub Division, Kuttiadi appeared for the respondent's side. On examining the petition and the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, this Authority comes to the following conclusions leading to the decision.

The appellant contended that the respondent had not taken any action to inspect the premises and check the meter and the installation of the appellant to find out the reason for the excess consumption even though the appellant expressed his apprehension over the issuance of first bill on 03-07-2015. If the respondent had taken appropriate steps at appropriate time, the subsequent events of the excess billing could have been prevented. Another contention of the appellant is that the downloaded data of the meter, it is shown that there was earth leakage of 59 minutes on 30-05-2015, on the very next day of availing connection by the appellant. Though the respondent had noted that one of the outgoing wires from cut out fuse was burnt on 03-07-2015, the fact was brought to the notice of the appellant only on 14-09-2015 while preparing the site mahazar. According to the appellant, if the meter reader had noticed the defect in the installations on 03-07-2015 and the fact was brought to his notice, the issue could have been settled then and there. Moreover, it is the duty of the respondent to inspect the premises and to verify the quality and standards of the materials as per safety aspects.

According to the respondent the excess consumption recorded in the meter is due to the leakage of electricity and hence the appellant alone is responsible for the same. Since the earth leakage occurred in the internal wiring of the premises, the responsibility rests with the appellant alone. Even though the appellant was installed ELCB in the premises but the periodic checking of its accuracy was not conducted by the appellant or by an authorized wireman. So the respondent ascertained that poor quality of materials which lead to the earth leakage and effected the high consumption. Moreover, the test report of TMR Division, Kannur in which it is clearly stated that the earth leakage has occurred for a period of 23 days from 03-07-2015 to 27-07-2015. Since the earth leakage was detected in the outgoing of the cut out fuse which is included in the consumer part, the appellant is liable to pay the bill amount for the excess consumption recorded.

***The point to be decided in this case is as to whether the consumption of 1301 units recorded during the period from 03-07-2015 to 04-09-2015 is genuine or actually consumed by the appellant?***

As per Regulation 26 (3) of Supply Code, 2014, ***in case of electrical installation using electricity at LT level, the licensee may give the***



**connection after inspection and ensuring that the installation is safe for energisation.** Hence the argument of the appellant is that the respondents are duty bound to inspect the premises and to verify the quality and standards of the materials used as per safety aspects is found in order.

Regulation 110 (8) of the Supply Code, 2014 says, **“In case the LED indicator for earth leakage provided in the electronic meters is found to be ‘ON’, he shall inform the consumer that there is leakage in the premises and advise the consumer to get the wiring checked and leakage removed.”** Further sub regulation (9) of Regulation says, **“The employee of the licensee or the person duly authorized by the licensee for reading the meter shall also inform the concerned officials of the licensee about the leakage.”**

It is pertinent to note that the ELCB is working but the respondent did not verify and confirm whether there was any leakage of electricity in the premises. Instead they assumed that the earth leakage may be due to the defective wiring materials used in the premises. The argument of the respondent is that if the meter reader had noticed the defect in the installations on 03-07-2015 and the fact was brought to the notice of the appellant, this issue could have been settled then and there can be justified.

The new Supply Code, “Kerala Electricity Supply Code, 2014”- sheds light into the steps to be taken on electricity leakage. Regulation 65 (2) reads thus: **“In the event of any defect or leakage of energy being detected in the installation of the consumer or in any apparatus connected to it, the same shall be disconnected forthwith and the incident intimated to the licensee and the Electrical Inspector”.** Also as per Regulation 65 (4), **the installation of the consumer shall be reconnected by the licensee only with the approval of the Electrical Inspector.**

On going through the test report issued by the TMR Division, Kannur it can be seen that the failure of earth load for 59 seconds on 30-05-2015 and for the period from 03-07-2015 to 27-07-2015 for a duration of 23 days 22 minutes and 20 seconds and the last occurrence of the earth load tamper was on 03-07-2015 at 09.34 hrs. No other details except the date and duration of earth fault can only be retrieved from the test report. This is not a convincing reason for charging the appellant. **As per Regulation 19(4), the licensee shall inspect the system of protection in the premises of the consumer and satisfy itself before the commencement of supply that the system of protection conforms to the provisions of Central Electricity Authority (Measures Relating to Safety & Electric Supply) Regulations, 2010 as amended from time to time.**

It is pertinent to note that whether the earth leakage occurred is either from the appellant’s installations or from any other source is not mentioned anywhere. There is no material to show that the respondent had conducted any detailed checking of the installations in the appellant’s premises and

identify which are the defective equipments. As regards the leakage as stated earlier, there is no clarity in the matter as to whether the leakage is occurred in the appellant's installations. In this background the issuance of this excess bill on the appellant merely on the assumption that the leakage happened due to poor quality of the material used in the appellant's premises is not sustainable.

### **Decision**

In view of the above discussions, there is no justification for issuing such a huge bill to the appellant even without analyzing or finding out the exact reason for the excess consumption. Hence the disputed bill is hereby quashed. The respondent is directed to issue revised bill based on average consumption of the three billing cycles after the period of disputed bill and the excess amount, if any, shall be adjusted in the future bills. The order of CGRF is set aside. The appeal petition is allowed. No order as to costs.

**ELECTRICITY OMBUDSMAN**

P/030/2016/\_\_\_\_\_ /Dated:\_\_\_\_\_

Delivered to:

1. Sri Rajeevan K.P., Kanayamkottupoil House, Kuttiadi P.O., Vadakara Taluk, Kozhikode.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Kuttiadi, 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, KSE Board Ltd, Gandhi Road, Kozhikode.