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APPEAL PETITION No. P/024/2017  
(Present: V.V. Sathyarajan)  
Dated: 25<sup>th</sup> April 2017

Appellant : Sri. Viju G.,  
'Revathi',  
Kumarapuram P.O.,  
Haripad,  
Alappuzha.

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd.,  
Haripad,  
Alappuzha.

### **ORDER**

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

The appellant is a domestic consumer having consumer number 23209 under Electrical Section, Haripad. According to the appellant, his average bimonthly consumption was around 300 units only. Being so, he was served with an exorbitant bill dated 07-07-2016 for an amount of Rs. 35,139.00 alleging that the bimonthly consumption is 5908 units. Even though the appellant filed a complaint in the Section Office, he remitted the bill amount on 18-07-2016 due to the fear of disconnection. Later, the appellant approached the CGRF, Ernakulam with a complaint to refund the excess amount collected from him. But the CGRF has dismissed the petition vide order No. CGRF-CR/Comp.97/2016-17 dated 30-12-2016, on finding that the excess consumption was recorded due to the failure of main switch of the appellant. Aggrieved by the decision of CGRF, the appellant has submitted this appeal petition before this Authority.

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

The appellant is a single phase domestic consumer under Electrical Section, Haripad. The reading recorded as on 07-07-2016 in the meter was 10095 units and consumption was 5908 units, thereby he was issued a bill for Rs. 35,139.00. From the date of service connection, the bimonthly

consumption has never exceeded 300 units. Though the appellant filed a petition in the Section Office, the respondent directed him to remit the amount otherwise the service will be disconnected. So the appellant remitted the amount on 18-07-2016. The respondent has also intimated that there are no defects in the meter. The appellant has lodged a complaint to the Assistant Engineer for getting the downloaded data pertaining to his consumption per day from the period 07-05-2016 to the disputed bill date of 07-07-2016. The appellant received a reply that there is no provision in the meter to get the downloaded data on a daily basis.

The appellant then submitted a petition before the CGRF requesting to refund the excess amount collected and the downloaded data for previous six months, which was not provided. The appellant has also adduced the following arguments. According to the appellant, his connected load is 2.5 kW. Even by using all the equipments in his premises for 10 hours, the consumption will not exceed 1500 units ( $2.5 \times 10 \times 60 = 1500$ ). There was lightning and thunder in the area during the months of June and July and this may be the reason for excess consumption due to jumping of digits. The reason for exorbitant consumption can be easily detected by downloading the data but this was not done by the meter reader who inspected the premises which shows a serious lapse on the part of respondent.

#### **Arguments of the respondent:**

The appellant is a consumer of Electrical Section, Haripad bearing consumer No. 23209 and the bimonthly average consumption before 7/2016 is below 300 units. While preparing the bimonthly bill of the appellant during 7/2016, an abnormal consumption was noted against the appellant by the meter reader who enquired the matter and revealed that there wasn't any occasional usage of energy during the present billing period. On 07-07-2016 while taking meter reading the FR was noted as 10096 and the consumption recorded as 5908. A bill was issued for Rs. 35,139.00 based on this reading and the appellant remitted the amount on 18-07-2016. After this, the appellant lodged a complaint to the Assistant Engineer on 19-7-2016 for inspecting the meter. The meter was tested at the Meter Testing Laboratory of TMR Division Pallom on 18-08-2016. The Assistant Executive Engineer, Meter Testing Laboratory reported that the errors were found within the permissible limits. The appellant was also informed that the existing meter having no facility to download the datas. The Sl. No. of the meter is 01917426, L&T make and model EM101+.

On detailed inspection in the premises of the appellant it was noted that the main switch connected in the premises was seen faulty and one of the cables connected to the main switch was burnt and in contact with the metal box and there was earth leakage. The appellant himself was convinced and admitted the fact. The KSEB Ltd. has nothing to do with at this juncture. Energy was flew out from the Kerala State Electricity Board mains and the

same is recorded in the meter which is in good condition certified by the meter testing laboratory at TMR Division Pallom. In these circumstances KSEB Ltd cannot write off the sum assessed against the said consumption was met due to substandard action of the electrical installation made in the appellant's premises.

Hence the bill was issued and the same was already remitted. Also stated that the consumption after rectification in the faulty main switch by the consumer shows normal and usual consumption is recording in the meter. The meter reader taken reading on 27-07-2016 and FR recorded as 10169 since the meter reader taken reading on 07-07-2016. It shows consumption of 73 units only for 21 days and this also confirming the meter having no defects. Hence the bill issued is in order. Still now the same meter is working in the premises of the appellant.

### **Analysis and Findings:**

The hearing of the case was conducted on 11-04-2017 in my chamber at Edappally and Sri Viju G, represented the appellant's side and Sri Sathyan K, Assistant Executive Engineer, Electrical Sub Division, Haripad represented the respondent's side. On examining the petition, the counter statement of the respondent, perusing the documents attached and the arguments in the hearing and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

**The point to be decided in this case is as to whether the energy meter provided to the appellant was faulty or not during the period and if so the consumption of 5908 units is actually consumed by the appellant?**

The perusal of records reveals that the respondent had conducted an inspection in the appellant's premises on 07-07-2016 and detected exorbitant consumption of 5908 units, but failed to conduct a detailed verification to ascertain the reason for the abnormal consumption. Though the appellant filed a complaint against the abnormal consumption, the respondent directed the appellant to remit the amount otherwise the service will be disconnected. As per the request of the appellant, the meter was tested and the respondent intimated that the errors were found within the permissible limits and there is no defect in the meter.

On a verification of the consumption pattern it can be seen that the bimonthly consumption has never exceeded 273 units. Hence it can be assumed that excess consumption recorded may be either due to earth leakage or any malfunctioning of the meter. In few cases there are instances of jumping of digits in the electronic meters and this jumping cannot be detected in earth leakage testing / calibrating the meter at a later stage, since it does not affect the functioning of the meter. Likelihood of jumping of digits cannot be rejected at the face value.

Here in this case, the appellant's contention is that excess consumption may be due to lightning occurred during the months of June and July. Further, the appellant installed ELCB (Earth Leakage Circuit Breaker) in his premises. Against this, there is no material to show that the respondent had conducted any detailed checking of the installations in the appellant's premises to identify which are the defective installations. 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 premises or due to jumping of digits. In this background, the issuance of the excess bill on the appellant is merely on the assumption that the leakage was happened due to the substandard installation of the appellant.

While evaluating the rival contentions it is essential to look into the provisions contained in the Regulation 65(2) of Supply Code, 2014, which is extracted below. **“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.**

As per Regulation 110 (7) of Supply Code, 2014, **it shall be the duty of the employee of the licensee or the person duly authorized by the licensee for reading the meter, to check the condition of light emitting devices (LED) on electronic meters.**

110 (8) **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.**

110 (9) **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 the duty of the respondent to inspect and check the meter and installations periodically and to ensure the correctness of the meter as per Clause 18(2) of Central Electricity Authority Regulations (Installation & Operation of Meters). Further, the reason for leakage has not been established particularly by conducting a test as per the procedures laid down in the Regulations. The argument of the respondent that the excess consumption was due to earth leakage occurred in the premises is merely on the basis of assumption and without any documentary evidence. In this background, the demand issued to the appellant without conclusively proving the real cause for

exorbitant reading in the meter and even without complying with the statutory formalities is not sustainable before law and liable to be quashed.

### **Decision**

In view of the above discussions, the issuance of demand for an amount of Rs. 35,139.00 towards the excess consumption on the appellant merely on the assumption that the leakage happened due to substandard installations of the appellant is arbitrary, illegal and not sustainable and is hereby quashed.

The respondent is directed to revise the bimonthly bill for 07-07-2016 based on the average consumption. The excess amount remitted by the appellant shall be refunded with interest as per Regulation 134(2) of the Supply Code, 2014. This shall be done at any rate within 30 days from the date of receipt of this order.

The order of CGRF No. CGRF-CR/Comp.97/2016-17 dated 30-12-2016 is set aside. No order as to costs.

**ELECTRICITY OMBUDSMAN**

P/024/2017/\_\_\_\_\_ /Dated:\_\_\_\_\_

Delivered to:

1. Sri. Viju G., 'Revathi', Kumarapuram P.O., Haripad, Alappuzha.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Haripad, Alappuzha.

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, CGRF-CR, 220 kV, KSE Board Limited, Substation Compound, HMT Colony P.O., Kalamassery, PIN: 683 503.