

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/062/2017  
(Present: A.S. Dasappan)  
Dated: 22<sup>nd</sup> September 2017

Appellant : Sri. Dayaram,  
Meenakshi Electrical Spare,  
MC 2901, Rukia Complex,  
Beach Road,  
Kollam 691 001

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

### **ORDER**

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

The appellant is a commercial consumer in LT VIIB tariff having connected load of 1000 watts, vide Con. No. 6674 under Electrical Section, Cantonment, Kollam. While being so, he received an abnormal bill for Rs. 47815/- in 08/2016. He approached the Assistant Engineer, Cantonment with a complaint that he used to consume less and hence the disputed bill for Rs. 47815/- was not in tune with his consumption. Based on the complaint the meter was sent to the meter testing laboratory and the appellant has been directed to remit the bill amount as it was proved that the meter was working in good condition and the errors are within limit. Being aggrieved by this, the consumer lodged a complaint before the CGRF, Kottarakkara which was dismissed vide Order OP No. 346/2017 dated 22.04.2017. Aggrieved by this order, the consumer has filed the Appeal Petition before this Authority.

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

The appellant has raised the following arguments in his petition filed before this Forum.

The appellant is running a small spare parts shop. Normally he remits monthly bills not exceeding Rs. 600/-. The bill issued to the appellant amounting to Rs. 47,815/- for the bill period 07/2016 is abnormal. The

appellant never received such bill amount for any period prior to the said period or after the said period.

The respondent had not inspected the premises and checked the meter and reported that the said meter is working properly and without applying the reasonable mind. Though the CGRF had appreciated the contention of the appellant that the consumption for the previous period was not withstanding the consumption of 4661 units for a single month, it was directed this appellant to remit the exorbitant bill.

**Arguments of the respondent:**

1. Consumer no: 6674 is a commercial consumer in LT VII B tariff under Electrical Section, Cantonment, Kollam. The average bimonthly consumption was around 120 units till 6/2016. The energy meter reading on 20-06-2016 was 3293.

2. The energy meter reading as on 19-8-2016 was 7954, which gives a bimonthly consumption of 4661 units. Subsequently the meter reader served a demand of Rs. 47.815/- to the consumer in the prevailing tariff.

Aggrieved by this, the consumer filed a complaint to the office of the Assistant Engineer and subsequently the meter was sent to the meter testing and standard laboratory, Thiruvananthapuram (under the department of Electrical Inspectorate). The meter test report states that the meter is working properly and the errors are within limits.

Hence it was intimated to the consumer that the bill could not be revised and he is liable to pay the demanded amount.

3. Aggrieved by this the appellant has filed OP No. 346/2017 before the Consumer Grievance Redressal Forum (South), KSEB limited, Kottarakkara.

4. The forum, after hearing both the parties and after examining all the evidences, concluded that the recorded consumption in the meter was the actual consumption of the consumer and the petitioner is liable to pay for the actual consumption.

5. Considering the above, it is hereby prayed before the Honourable Ombudsman to dispose of the appeal on merits.

**Analysis and Findings: -**

The hearing of the case was conducted on 25-08.2017, in the Court hall of CGRF, Kottarakkara and Mr. Dayaram represented the appellant's side and

Smt. Sreekumari Amma, Assistant Executive Engineer, Electrical Sub Division, Kollam, represented the respondent's side. On perusing the Appeal Petition, the counter statement of the Respondent, the documents submitted, arguments during the hearing and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions there of.

The first point to be decided is whether the Energy meter provided to the consumer was faulty during the period and whether the consumption of 4661 units recorded in it during that period is genuine or actually consumed by the consumer.

It is noted that the disputed energy meter of the appellant was tested, at the testing laboratory and found that the meter is working properly and the errors are within limits. This fact shows that the meter is working in good condition. But the meter test report was not produced by the respondent for verification.

A verification of the energy consumption details of the consumer, furnished by the respondent shows that the bimonthly energy consumption pattern was not consistent, but never exceeds 283 units during the period from 23-06-2014 to 21-08-2017. The energy consumption for the month of 07/2016 has reached the abnormal level of 4661 units. The consumption of only one bi-month, i.e. of 08/2016, has reached the disputed high energy use of 4661 units. Consumption of 4661 units in a bi-month by a small shop having a connected load of less than 1000 watts is quite impossible. But KSEB should have prepared a mahazar on the Test undertaken by it, in the consumer's or his representative's presence. The reason of the exorbitant bill could not be found out by the respondent, whether it is fault of respondent's side or the consumer's side.

In general, the reason for the abnormal hike in the consumption may be due to (i) actual energy used by the consumer (ii) leakage of electricity through the installation of the consumer or the installation of the licensee. In addition to the above, errors may occur in taking and entering the meter readings. Here the respondent has not taken any action to investigate the reason of the abnormal recording and assume that 4661 units was used by the appellant.

The appellant has raised the main contention in his appeal petition as follows:

The Forum failed to appreciate the contention of the Petitioner that the consumption of the petitioner never exceeds 125 units except for the months of 07/2016 and 08/2016 for 4661 units and 09/2016 and 10/2016 for 283 units respectively, notwithstanding the fact that the usage of energy is not changed

during all these periods. Hence accepting the argument of the appellant that the usage of energy has not changed and the reason for the exorbitant hike in consumption was not detected, it is decided to fix the average energy use or consumption of the consumer as 120 units taking the average of previous 3 months consumption.

### **Decision**

From the conclusions arrived at as detailed above, I decide to quash the short assessment bill amounting to Rs. 47,815/- issued to the appellant. The respondent is directed to revise the bill by taking 120 units as consumption for the bill period from 20-06-2016 to 19-08-2016 and to issue the revised bill to the consumer within fifteen days.

Having concluded and decided as above it is ordered accordingly. The appeal petition filed by the consumer is allowed as ordered and stands disposed of as such. The order of CGRF, Kozhikode in OP No. 346/2017 dated 22-04-2017 is set aside. No order on costs.

### **ELECTRICITY OMBUDSMAN**

P/062/2017/ \_\_\_\_\_ /Dated: \_\_\_\_\_

Delivered to:

1. Sri. Dayaram, Meenakshi Electrical Spare, MC 2901, Rukia Complex, Beach Road, Kollam 691 001
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Kollam

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, Kottarakkara - 691 506.