

THE STATE ELECTRICITY OMBUDSMAN
Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,
Edappally, Kochi-682 024
www.keralaeo.org Ph: 0484 2346488, Mob: 91 9539913269
Email:ombudsman.electricity@gmail.com

APPEAL PETITION No. P/102/2017
(Present: A.S. Dasappan)
Dated: 29th December 2017

Appellant : Sri. Raveendran P.K.
Pillaveetil Kadavil Veedu,
Chittakodu, Maranadu P.O.,
Ezhukone, Kollam

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

ORDER

Background of the case:

The appellant, Sri P.K.Raveendran, is a domestic consumer with consumer No. 5304 under Electrical Section, Ezhukone, who is aggrieved by the exorbitant electricity bill issued to him on 18-11-2016 for an amount of Rs. 17491.00. So, the appellant approached the Assistant Engineer with a complaint against the impugned bill. Accordingly, the respondent verified the accuracy of the meter by installing a check meter in the premises of the appellant and found that no variations or discrepancies were noticed in the existing meter. Hence the respondent directed the appellant to remit the bill amount. Being aggrieved, the appellant filed a petition dated 13-02-2017 before the CGRF, Kottarakkara and the same admitted for hearing vide OP No. 373/2017. Meanwhile the respondent issued another bill for Rs.11389/- on 19-01-2017. Hence another petition dated 01-03-2017 was submitted by the appellant before the CGRF which is numbered as OP 382/2017. The Forum disposed of both the petitions in a single order vide order nos. 373/2017 & 382/2017 dated 01-08-2017 with a finding that the bill dated 18-11-2016 for Rs.17491/- is quashed and directed to revise the bill by taking average consumption of previous three

billing cycles and bill issued on 19-11-2017 for Rs.11389/-to the appellant is in order. Against the decision of the Forum, the appellant has filed this appeal petition before this Authority.

Arguments of the appellant:

The appellant is a consumer with consumer No: 5304 in Electrical Section, Ezhukone and normally using energy in the range of 300 to 400 units bimonthly. He received a bill for Rs: 17491/- on 18.11.2016 for a bimonthly consumption of 2112 units which led to file a complaint before the Assistant Engineer seeking reason for the high consumption. The Assistant Engineer tested the meter with another one and found that the excess consumption recorded is not because of the defect of the meter. Immediately the appellant arranged checking of electrical wiring of the house and detected that energy is leaked through the burnt out regulator of a fan, which happened following Natural Calamity. He arranged rectification of the defect with an electrician on the same day. Thereafter the appellant approached the Assistant Engineer and Executive Engineer, Electrical Division, Kundara with a request to cancel the bill and revise it based on the consumption prior to the bill, but no action from the officers. As such the appellant had filed petition before the CGRF, Kottarakkara vide OP No: 373/2017 on 13-02-2017.

In the meantime the respondent served another bill for Rs: 11389/- on 19.01.2017 towards the consumption including the period up to the rectification of the regulator defect and hence again filed a petition before CGRF, Kottarakkara vide OP No: 382/2017 on 01.03.2017

The CGRF heard both petitions together and issued order to cancel the bill for Rs 17491/- and revise by taking average of the previous consumption for three months. Also ordered to remit the second bill amount Rs 11389/-. CGRF cancelled the first bill on the ground of natural calamity and retained the second bill on the ground of delay in rectifying the defect of the fan regulator by the appellant.

The appellant had taken timely action by registering complaint before the Assistant Engineer immediately on receiving the first bill under dispute. Also the defect of the fan regulator was rectified soon after getting the information of the Assistant Engineer that the meter is good. Hence the observation of CGRF that the delay in rectification of defect is the reason for the non cancellation of the second bill is not correct.

As per CGRF order, the respondent adjusted the excess amount remitted in the first bill. It is requested that the second bill for Rs:11389/- may be cancelled and revised by taking the average of the three months consumption prior to the first bill as the defect of the fan regulator occurred due to Natural Calamity was rectified on the same day of getting intimation from the Assistant Engineer that the meter is good.

Arguments of the respondent:

Appellant is a consumer of Electrical Section, Ezhukone with consumer No 5304 under LT 1A tariff. A dispute had been raised against the bill by the consumer in 18.11.2016 and requested to test the meter. Parallel meter was installed for checking the meter and consumption was observed from 22.11.2016 to 06.12.2016. Consumption of both meters are found the same. Existing meter at the premises was found functioning normal. It was found that energy consumption for the testing period, ie for 15 days was 942 kwh which was very high compared to previous consumption profile.

On receiving the complaint from the consumer, Assistant Engineer of Electrical Section, Ezhukone has inspected the premises. Earth leakage was found due to burning of a fan regulator at the premises of the consumer.

Over reading was due to damage in the installation of the consumer. Since the meter had not found faulty, three months average consumption could not be taken for the calculation of demand.

Meanwhile the Hon'ble Chairperson, C G R F (South Zone), disposed the petition of the consumer vide his order no. CGRF/KTR/OP NO. 373/2017 and 382/2017/6654/01.07.2017. Two bimonthly bills dtd 18. 11.2016 and 09.01.2017 pending for remittance.

Analysis and Findings: -

The hearing of the case was conducted on 30-11-2017 in my chamber at Edappally, Kochi. Sri P.K.Raveendran has represented for the appellant and Sri. Shibu R, Assistant Executive Engineer, Electrical Sub Division, Kundara, has appeared for the respondent's side. On examining the petition, the counter statement of the respondent, the documents attached and the arguments made during 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 thereof.

The respondent's contention is that the appellant's meter was tested by installing a good energy meter (check meter) in tandem with the existing meter; so that both meters carry the same electric current and will measure the same energy, consumed by the appellant. According to the respondent, the test so conducted at the site shows that the two meters are recording exactly the same quantum of energy consumption and found that the meter is working in good condition. When the test is undertaken by the respondent on the consumer's meter, it is the best practice to prepare a site mahazar, in the presence of the appellant or her representative, recording the facts of, check meter installed, the details of both meters with their seals, recording their initial reading etc on

the first day and got it witnessed and then leave both meters in service for one week time, for joint working. Similarly, after informing the consumer, a final recording of meter readings in his presence, would have cleared the doubts and the said mahazar so prepared will surely be a valid document before any legal Forum. It is pertinent to note that no such mahazar has been prepared in this case which shows serious lapses on the part of the respondent.

The appellant has argued that his bimonthly consumption is in between 300 and 400 units and the respondent not objected this. Hence it can be assumed that the excess consumption recorded may be either due to earth leakage or any malfunctioning of the meter. Even without conducting any proper inspection or testing the meter in an accredited and approved laboratory, the respondent arrived at the conclusion that the abnormal level of consumption was due to earth leakage is without any documentary evidence. Hence the contention of the respondent that the excess consumption was due to the leakage of electricity through the defective apparatus of the appellant and he is solely responsible for the same is arbitrary and cannot be justified.

On a perusal of the records, the reason for the leakage has not been established particularly by conducting a test as per the procedure laid down in the Regulations. The damage occurred to the electrical appliances of the consumer due to the reason beyond his control such as natural calamity; the consumer shall not be liable to pay charges to the licensee on account of such failures. The argument of the respondent that he inspected the premises and detected that the excess consumption was due to the earth leakage occurred in the premises is merely on the basis of assumption and without any evidence. The argument of the respondent that the excess consumption due to earth leakage rests with the appellant alone is in the absence of any documentary evidence and hence cannot be admitted.

Regulation 138(j) of the Supply Code, 2014 grants the licensee to disconnect the supply of electricity “ if the wiring, apparatus, equipment or installation at the premises of the consumer is found to be defective or unsafe or there is leakage of electricity.”

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.

Here in this case, the respondent has not mentioned any details about the energy meter installed in the appellant's premises at the relevant point of time. If the meter reader was aware of the above said Regulations and informed the appellant about the leakage, if any, in the premises, the appellant can get the wiring checked and rectified the same in time. But this is not done by the meter reader while taking the meter reading. Moreover, the respondent has not followed the procedures mentioned above. This is arbitrary, illegal and hence cannot be justified. The CGRF, in its findings, has admitted that the excess reading was occurred due to leakage by lightening. In the above circumstances I find it as proper to revise the bill amount for Rs. 11389/- issued on 19-01-2017, taking the period of average consumption of three billing cycles prior to the defects occurred.

Decision: -

From the analysis done and the conclusions arrived at, which are detailed above, I take the following decisions.

The bill for Rs.11389/- dated 19-01-2017 is quashed. The respondent is directed to revise the bill by taking the average of the consumption of three billing cycles prior to the defects occurred. The order of CGRF, Kottarakkara in OP Nos. 373/2017 & 382/2017 dated 01-08-2017 is modified to this extent.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is found having merits and is allowed to the extent ordered. No order on costs.

Electricity Ombudsman

Ref No: P/ 102/ 2017 dated

Forwarded to:

1. Sri. Raveendran P.K., Pillaveettil Kadavil Veedu, Chittakodu, Maranadu P.O., Ezhukone, Kollam.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Kundara, Kollam.

Copy to

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSEB, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4
3. The Chairperson, Consumer Grievance Redressal Forum, (South), Vydyuthi bhavanam, Kottarakkara 691506.