

STATE ELECTRICITY OMBUDSMAN

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REPRESENTATION No: P 68/09 ,69/09,70/09 &71/09

- Appellants* :
1. Sri Antio Paul,
Proprietor, Star Plus,
MULLURKARA 680583Thrissur Dt
 2. Sri Bobby Paul
Managing Partner, Three Star Plastics,
MULLURKARA 680583Thrissur Dt
 3. Sri Bobby Paul
Proprietor, Star Polymers
MULLURKARA 680583Thrissur Dt
 4. Smt Rosy Paul
Proprietor, Vikas Plastics
MULLURKARA 680583Thrissur Dt

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division KUNDANUR Thrissur Dt

ORDER

Sri Antio Paul, Proprietor, Star Plus, Sri Bobby Paul, Managing Partner, Three Star Plastics, Sri Bobby Paul, Proprietor, Star Polymers, & Smt Rosy Paul, Proprietor, Vikas Plastics, Mullurkara Thrissur Dt submitted representations on 5.5.2009 seeking the following relief :

To set aside the short assessment bills issued by KSEB

Counter statements of the Respondent was obtained and hearing of both the parties conducted on 28.7.2009 and 31.7.2009.

The appellants are LT industrial consumers under electrical Section Cheruthuruthy. On 4.2.2009 APTS squad inspected their premises and found that the functioning of the meters in their premises were not correct and recorded as per the details as given below:

1. Consumer Number : 6940 : Star Plus: Voltage on P1 terminal of the meter from R phase was zero. Only 2/3rd of the actual consumption was being recorded.
2. Consumer Number : 4929 : Three Star Plastics: Voltage on P1 terminal of the meter from R phase was zero .Only 2/3rd of the actual consumption was being recorded
3. Consumer Number : 6009 : Star Polymers: Voltage on one terminal of the meter from B phase was zero Only 2/3rd of the actual consumption was being recorded
4. Consumer Number : 1127 : Vikas Plastics: Voltage on Terminal P2 of the meter from Y phase was Zero. Also no current in B phase. Only 1/3rd of the actual consumption was being recorded.

The APTS team found out that the absence/drop in voltage on the meter terminals were generally due to formation of verdigris at the tapping point where the copper wire was connected to tap the phase voltage to the energy meter. Respondents issued short assessment bill to the Appellants for a period of 12 months .

The Appellants challenged this assessment and filed petitions before the CGRF .But the CGRF upheld the demands issued by the Respondent.

The representation with the pleas noted above is submitted to the under signed in the above back ground.

The main contention of the Appellants is against the period of assessment. They allege that the Respondent had not provided any satisfactory explanation on the period adopted. No evidence or document has been produced supporting the period of short assessment. As per the clause 24(5) of the Supply Code the licensee can recover the under charged amounts but has to establish that it has under-charged the consumer and the extent of under charging. The Respondent had failed to establish the period for which under charging had been going on and arbitrarily taken a period of one year without any basis. The Respondent has failed to provide explanation for adopting the billing period as envisaged in the above regulation.

The Respondent stated that the period of one year was adopted as per the directives of the APTS squad. More over the general practice for such short assessment bills was to take one year when a specific period could not be found out.

The quantum of short assessment based upon the technical findings of the APTS team have not been disputed by the Appellants. But the period for which the short assessment had to be done is the main point of contention. Hence the single point to be decided in these cases is the appropriate period for which short assessment is to be done. It is true that the Respondent had not given any satisfactory explanation or reason for adopting the period of one year. The regulations neither limit nor specify any period up to which the licensees can recover the under charged amounts. As such the period has to be decided judiciously based upon the concrete realities of the situation.

The Appellant units are producing PVC pipe and the related PVC parts. The production has no annual cyclic schedules. The volume of production depends on the market value

of petrochemical – related raw materials and the demand for the end products. Hence previous consumption figures will not convey any message.

Although copper is resistant to corrosion, it is attacked by a moist atmosphere. The resulting green coating, verdigris, is mechanically stable and will generally protect the underlying metal. This layer is an excellent insulator. With copper wire the green oxide layer makes electrical connections difficult.

The formation of verdigris at the tapping point of connection to meter terminals normally does not happen on one fine morning. The drop of voltage to zero on the meter terminals can develop only through a reasonably long period. In other words one can assume that the situation resulting in under-recording and under- charging had developed through fairly long periods.

During the hearing the Appellants pointed out that the APTS had inspected their premises previously on 7.8.2007 but had not found any problems. This was verified and found to be true. The APTS Trichur unit had inspected the site on 7.8.2007 and had given a report on the anomalies found out in the premises of some consumers in the area .The Appellant numbers are not seen included in the list. Hence it can be fairly concluded that the defects in the premises had developed between August 2007 and February 2009. Even during this period of 18 months Respondent has not pointed out any specific month from which dip in consumption is noted.

In the absence of any such concrete evidence it would not be proper to re-assess the consumers for one year. Hence I conclude and decide that it will be fair if the consumers are re-assessed for a period of 6 months only.

The respondents shall revise the short assessment bill taking a period of Six months prior to the date of inspection.

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 pleas made in the representations are partially allowed and the Respondent is directed to revise the demands as per the guide lines given above.*
2. *No order on costs.*

Dated this the 10th day of August 2009,

P.PARAMESWARAN
Electricity Ombudsman

No P 68-69-70- 71/ 09/ 311 /dated 11.8.2009

- Forwarded to:
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Proprietor, Star Plus,
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MULLURKARA 680583Thrissur Dt
 5. The Assistant Executive Engineer
Electrical Sub Division
KUNDANUR Thrissur Dt

Copy to :

1. The Secretary,
Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram 695010
2. The Secretary ,KSE Board,
Vaidyuthi Bhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF,KSE Board ,
PowerHouse Buildings , ERNAKULAM