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APPEAL PETITION No. P/129/2017  
(Present: A.S. Dasappan)  
Dated: 6<sup>th</sup> March 2018

Appellant : Sri. Thulaseedharan B  
Thulasi bhavan, Thannimmoodu,  
Karingannoor P.O., Oyoor,  
Kollam

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

### **ORDER**

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

The Electric service connection with consumer no.11102, under Electrical Section, Oyoor, stands in the name of Sri. B. Thulaseedharan, ThualasiBhavanam. Karingannoor P.O., Oyoor. The electric connection is under LT-IV A industrial tariff with a connected load of 7640 watts. While being so, the appellant was aggrieved with the exorbitant bill issued for the month of 06/2017, issued by the respondent on 03/07/2017 for Rs.2797/-. The appellant lodged complaint before the CGRF, Kottarakkara on 19-07-2017. It was requested to waive off the excess charges levied in the bill of Rs. 2797/-. 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 04/12/2017.

**Arguments of the appellant: -**

The appellant was running a flour mill in the premises under LT IV A tariff. The mill was closed one year before and sold the machineries as it was found unprofitable to run the business. The appellant has been paying minimum charges of Rs.115/- since the closure of the industry.

On 01-06-2017, an exorbitant bill amounting to Rs. 2797/- has been received and on getting this bill, the appellant had requested for testing the meter by installing a parallel meter. Accordingly the Sub Engineer of the Section Office installed a parallel meter and fixed a 100 watts bulb in the holder for taking the reading since there was no other consumption in the premises. On 15-07-2017, the KSEBL officials informed the appellant that the readings in the existing meter and the parallel meter during the period from 06-07-2017 to 15-07-2017 were same, i.e 25 units and no fault was found in the meter. The respondent directed him to remit the bill amount. Aggrieved by this the appellant approached the CGRF, but the Forum denied him justice.

The request of the appellant is to conduct testing of the meter in an approved laboratory and to convince him that the meter is free of any faultiness. Another request of the appellant is that he is not bound to pay the energy charge of 100 watts bulb used by the Board Authorities for checking the parallel meter and therefore to exempt him remitting the charges of 25 units. The appellant also complains indecent behavior of the Board staff and requests to take action against them.

**Arguments of the respondent:**

The complaint is registered against the monthly bill issued to the consumer on 01.07.2017 for this industrial connection. The industry in this premises was not functioning for more than six months. Monthly reading was taken by the Sub Engineer in this premises. The meter installed in the premises was of L&T make with Sl.No.10417930.

Meter reading on 01.07.2017 was 643 units and that on 01.06.2017 was 196 units. That is the consumption from 01.06.2017 to 01.07.2017 was formed 447 units. Sub Engineer could also notice that the cut out fuses were separated by the consumer. A bill amounting to Rs. 2820/- for 447 units was issued vide spot bill no. 4661070701253 on 03.07.2017, the consumer had given application to reduce the bill. On 06.07.2017 the site was inspected to install the test meter and the reading in that day was noticed as 643 units. The test meter reading was noticed on 15.07.2017 consumption on both test meter and consumer premises meter were the same 25 units. The details of test meter reports were issued to the consumer on 15.07.2017. As per this report, there is no defect to the meter installed at the premises. Hence any change in

the bill amount can be done as per the existing rules. Hence it is informed to remit the bill amount completely.

The cut out fuses were seen separated on 01.07.2017. The fuse carrier may be removed by the consumer to rectify some defects noticed by him in his premises. After 01.07.2017 to 06.07.2017 there was no consumption in the meter. The consumer's argument is that there was no supply in the premises up to 06.07.2017 due to some fault in the post. But this breaking of wire could have happened on any of the previous days. This is not a reason for the argument that there is no consumption for the previous one month.

The bill is issued as the consumption in the meter was found correct when compared with that of the test meter. Hence there is no defect in issuing the bill.

The Premises was inspected by the Assistant Executive Engineer, Electrical Sub Division, Veliyam on 02.08.2017 and explained all these matters. The consumer asked to test the meter in the lab, and he was then informed to remit the fees. He was also informed this matter through letter dated 19.08.2017.

### **Analysis and findings**

The hearing of the case was conducted on 26-02-2018 in the CGRF Court Hall, Kottarakkara and Sri. B. Thulaseedharan represented for the appellant's side and Smt. Latha M.K., Assistant Executive Engineer, Electrical Sub Division, Veliyam 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 point to be decided is as to whether the consumption of 447 units recorded during the month of 06/2017 is genuine or actually consumed by the appellant.

The appellant was remitting minimum charges of Rs. 115/- during the last six months as there was no consumption in the premises due to the closure of his mill. Hence it can be ascertained that the excess consumption recorded may be either due to earth leakage or any malfunctioning of the meter. Even without conducting any testing of the disputed meter the respondent arrived to the conclusion that the abnormal level of consumption was due to earth leakage whereas the appellant has not actually consumed that much of electricity. It is found that reading in the test meter and the consumers premises meter were the same 25 units. The contention of the respondent is that the excess consumption is due to the leakage of electricity or due to any other use and hence the appellant is alone responsible for the same and is liable to pay the bill.

In the letter dated 19-08-2017, the respondent directed the appellant to remit the testing fee for taking further action. It is pertinent to note that the appellant has not remitted the fee for testing of the energy meter in an approved laboratory. At the same time the respondent has also failed to follow the procedure for testing of meter as prescribed in Regulations 113 and 115 of Supply Code 2014. In few cases, it is reported that there are instances of jumping of digits in 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. The argument of the respondent that the excess consumption due to earth leakage rests with the appellant alone is not correct and hence cannot be admitted. The argument of the respondent that the Sub Engineer 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 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. As per clause 18 (2) of Central Electricity Authority Regulation (installation & operations of meters), it is the duty of the respondent to check the meter and associated apparatus and to ensure if there is any defect in the installations in order to avoid the possibility of earth leakage. It is quite surprising to note that the respondent has not even tested the energy meter installed in the appellant’s premises so far. While verifying the consumption details from 01/2017 to 11/2017, there was no consumption except 447 units for 06/2017 and 25 units for the bulb connected for testing.

### **Decision**

From the analysis done and conclusions arrived at, I take the following decision.

- 1.The request of the appellant to quash the bill for 25 units is granted.
2. The respondent shall test the meter in an approved laboratory complying with the provision under Regulation 115 (5) of Supply Code, 2014 and convince him the test result.

3. If the meter is faulty, the appellant shall be exempted from paying the bill for 447 units and if the meter is good, the appellant shall remit the bill amount. No surcharge is payable by the appellant.

4. If the meter is good, testing fee of the meter shall be remitted by the appellant.

Having concluded and decided as above, it is ordered accordingly. The order of CGRF is set aside. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/129/2017/ /Dated: \_\_\_\_\_

Delivered to:

1. Sri. Thulaseedharan B, Thulasi bhavan, Thannimmoodu, Karingannoor P.O., Oyoor, Kollam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Veliyam, 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.