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APPEAL PETITION No. P/134/2017
(Present: A.S. Dasappan)
Dated: 8th March 2018

Appellant	:	Sri. K.M. Abdulkhader M/s Kallatra Oil Mill, Vedikunnu, Udma, Kasaragod
Respondent	:	The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Udma, Kasaragod

ORDER

Background of the case:

The appellant is a 3 phase industrial consumer under LT IV A tariff in Electrical Section, Udma vide Cons No. 7493, with a connected load of 77kW. This service was effected on 06/07/1992 and has been using the service connection for making coconut oil. The APTS Unit of Kozhikode conducted an inspection in the premises on 19-04-2017 and found that the 'R' phase and 'Y' phase voltage terminals were seen connected interchanged. Accordingly, the appellant was served with a provisional short assessment bill, assessing for a period of 24 months, when the meter was found recording less than the actual, so as to recover the unrecorded portion of energy, for Rs. 400606/-. An objection against the demand was filed before the Assistant Engineer on 21-06-2017. He rejected the petition without quoting any valid reason or regulations, and directed to pay the bill issued vide letter dated 29-06-2017. So the appellant had approached the Hon'ble CGRF, Kozhikode by filing a petition in OP No. 76/2017-18. The CGRF ordered the KSEBL, to reassess the bill for a period of 24 months prior to the date of inspection, taking the average of the consumption recorded in the check Meter for 5,6&7/2017. Aggrieved by the decision, the appellant has submitted the appeal petition before this Authority.

Arguments of the appellant:

The appellant put forward the following versions in his petition filed before this Authority.

On 09.04.2017 an APTS inspection conducted in the premises, and they have prepared a site mahazar. As per KSEBL letter DB5/BK-40/216/APTS-KKD dated 15.06.2017 the meter is faulty. If the appellant accept the procedure for testing the present meter during inspection, for argument sake only conclude that the meter was faulty at the time of inspection. The date from which it was faulty is not known. KSEBL have not taken the MRI readings. The Assistant Engineer, Electrical Section, Udma, not given any calculation sheet which elaborate the details of claim amount Rs.4,00,606/-.

When the appellant object the same through the letter dated 21.06.2017, The Assistant Engineer, Electrical Section, Udma given a letter No. DB/16/2017-18/AE/ES/Udma/43 dated 29.06.2017 stating that the meter is not faulty, they have checked with the parallel meter. They stated that 'the phase association arranged towards the meter was in reverse order so that the meter not recording the actual reading properly which caused a huge loss to KSEEBL.' As per CEA Reg.2(p)'Meter means a device suitable for measuring, indicating and recording consumption of electricity or any other quantity related with electrical system and shall include, wherever applicable, other equipment such as Current Transformer {CT), Voltage Transformer {VT) or Capacitor Voltage Transformer {CVT) with necessary wiring and accessories'. Meter along with CT, VT, and CVT and its wiring is a part of meter, hence if wiring is wrong it can be considered as meter faulty. The date on which the phase reversal occurred is not known.

The appellant have filed a complaint before CGRF and they have ordered the KSEBL, to reassess the bill for a period of 24 months prior to the date of inspection, taking the average of the consumption recorded in the check Meter for 5,6 & 7/2017. They never consider the appellant's argument of six month limitation. In this case ' the phase association arranged towards the Meter was in reverse order so that the Meter is not recording the actual reading properly'. This will affect the accuracy of the meter. Therefore this a clear case of meter faultiness. The penalization is also regarding meter faulty, and the assessment period for meter faulty is only six months.

1. As per Electricity Act Sec.55 (1) 'No licensee shall supply electricity, after the expiry date of two years from the appointed date, except through installation of correct Meter in accordance with the regulations to be made in this behalf by

the Authority'. It is the liability of the KSEBL to provide correct Meter and maintain it correctly.

2. Every month the Assistant Engineer / Sub Engineer is coming for taking the reading. On a single glance it can be revealed that the phase is not working (either voltage or current or phase reversal) if it is so. It is also his liability to check the healthiness by monitoring the LED as per Reg.110 (7) of the Supply Code 2014. If it was done, the consumer would not have been in trouble. Hence the date of last reading just before APTS inspection should be considered as date of inspection.

3. As per Supply Code 2014 Reg.115 (9), which states that 'In case the Meter is found to be faulty, revision of the bill on the basis of the test report shall be done for a maximum period of six months or from the date of last testing, whichever is shorter and the excess or deficit charges on account of such revision shall be adjusted in the two subsequent bills'. KSEBL cannot charge more than 6 months, if the Meter is found faulty.

Reliefs Sought for:

1. To direct KSEBL, to limit the assessment period for six months.

2. To direct KSEBL to provide installment facility for payment.

3. To direct to the KSEBL not to disconnect the supply of above consumers till hearing and disposal of the complaint.

Arguments of the respondent:

As part of the inspection conducted by the Udma Section authorities along with the APTS Kozhikode, accuracy of the energy meter at the consumer premises was verified using a standard meter. Then, it was noted that the energy meter at the consumer premises had recorded low consumption compared to the previous months consumption. Subsequently the current transformer circuits and voltage circuits of the consumer meter were checked. The current circuits were connected in order. However the 'R' phase and 'Y' phase voltage terminals were seen connected interchanged. The 'B' phase voltage terminal connection was in order. Consequently, another Energy meter was installed in the metering circuit using three separate current transformers. The second meter accuracy was verified using the standard meter. The new

meter and standard meter gave identical energy recording. It was then decided to keep the second meter in service as a reference meter.

From the above, it is clear that the consumer meter had been under recording energy consumption. The details of average monthly consumption of the consumer arrived at, using the service of the second reference meter are as follow.

Date	**Reading**
02/05/2017	29.70
02/06/2017	120.70
Difference in Reading	91
Consumption	91 x 40=3640 units

The monthly consumption pattern of the consumer indicates a sudden reduction in consumption since 11/2013.

Thus a short assessment bill for the under charged portion of energy was served to the consumer vide regulation 134 and 152 of Supply Code 2014. Subsequently, the appellant was short assessed for a bill amount of Rs. 400606/-.

It is a provisional assessment order from the Assistant Engineer. The order did mention some irregularities at the premises, but never stated that the energy meter at the premise is faulty. It is true that the date on which the phase reversal occurred is not known, but the reading pattern of the consumer indicates the date from which the monthly consumption fallen suddenly.

1. The meter had been recording less energy owing to irregularity in its voltage circuits. It doesn't mean that the meter is faulty. The reading pattern indicates that the meter had been working properly till 05/10/2013.

2. The undersigned personally inspected the display of the meter. The meter gave all phase currents and voltages. It displayed phase sequence as forward. The LED also blinked. Normally the Sub Engineer takes reading and compares the consumption with previous months consumption. He normally attempts for

a detailed inspection if there is wide variation in consumption. In the present case, the consumption was relatively high till 10/2013. After this, the consumption fell suddenly and it continued to remain low. Hence at a glance the meter reader will not be able to identify the phase interchange in voltage circuits.

3. In the present case an irregularity in the voltage circuit of the meter has been detected. As a result the meter has been under recording energy consumption. An irregularity in circuit connection doesn't make a meter faulty.

The Consumer Grievance Redressal Forum, Northern region, Kozhikode made a decision on this matter on 07.12.2017 to reassess the bill considering the consumption recorded in the check meter during 05,06 & 07/2017.The bill if assessed so will come around Rs 3.18 lakhs.

Analysis and Findings: -

The hearing of the case was conducted on 20-02-2018, in the Court Hall of CGRF, Kozhikode and the appellant was represented by Sri. K.M. Abdul khader and Smt. Uthra Senan, Assistant Executive Engineer, KSEBL Udma Sub Division appeared for the respondent and they have argued the case, mainly on the lines stated above.

On examining the Petition and argument notes filed by the appellant, the statement of facts of the Respondent, perusing all the documents and considering all the facts and circumstances of the case, this Authority comes to the following conclusions and findings leading to the final decisions thereof.

The appellant was served with a short assessment bill for Rs. 400606/- towards the non recording of consumption of the 3 phase meter owing to irregularity in its voltage circuits, as per Regulations 134 (1), 152 (2) and 152 (3) of the Kerala Electricity Supply Code, 2014. The CGRF has observed that the short assessment bill issued by the respondent is genuine and sustainable, but directed to reassess the bill based on the consumption recorded in the check meter during 05,06 & 07/2017.

The appellant has contended that if there was reversal of the measuring parameters of current/voltage was from 10/2013 onwards as assumed by the licensee; it could be easily found out by the Sub Engineer who had taken the monthly readings regularly. Further the appellant also contended that Regulation 134 (1) of Supply Code, 2014 is not at all applicable in this case of meter defective case. According to the appellant, this provision applies in only a case where he has undercharged the consumer which means that the meter has recorded the actual consumption, but the licensee has not realised its charges accurately.

Refuting the above contentions, the respondent has averred that the total period of phase failure was obtained on the basis of the consumption pattern. The respondent relied upon the consumption pattern for establishing the period of low consumption and missing of energy due to the connections of R phase and Y phase voltage terminals were interchanged. According to him, the dip in consumption from 10/2013 is the result of this anomaly. It is submitted by the respondent that the meter installed in the premise is not reported as defective or damaged. The voltage terminals was found interchanged and Regulation 115(9) of Supply Code 2014 is not applicable in this case. Under charging of prior bill is established due to an anomaly detected at the premises for which Kerala Electricity Supply Code, 2014 Regulation 134(1) and Regulations 152(2) and 152(3) are applicable.

In the event of any clerical errors or mistakes in the amount levied, demanded or charged by the Board then in the case of undercharging, the Board shall have a right to demand an additional amount and in the case of overcharges, the consumer shall have the right to get refund of the excess amount provided at that time such claims were not barred by limitation under the law then in force.

The issue arising for consideration in this appeal is whether the period assessed and the quantum of energy loss computed are in order and the appellant is liable for the payment of short assessment for Rs. 400606/- for 24 months as per Regulation 152 (3) of Supply Code, 2014.

Though the respondent has claimed the voltage terminal changing from 10/2013 onwards, the load survey data is not available. The meter will record the time and date of tampers, and the same can be downloaded using MRI/Laptop and can be analyzed. Date of occurrence of CTopen/bypass/short, voltage missing/low voltage/ unbalance etc can easily be found out using downloaded data. But the quantum of loss incurred is not established conclusively for want of the downloaded data.

The site mahazar also justifies the facts that the interchanging of voltage terminals in the appellant's metering equipment which was detected by the licensee during the inspection conducted on 19-04-2017. Moreover, if the respondent had to inspect the metering system soon after the recorded consumption decreases considerably during the disputed period, it can be easily detected the defect in the metering and to avoid the loss if any occurred to the licensee. The respondent adduced lame excuses such as that at a glance the meter reader will not be able to identify the phase interchange in voltage circuits. But there was drastic reduction in the consumption from 10/2013 and he has not taken any effort to check the metering system at that time itself.

According to Clause 18(2) of Central Electricity Authority (Installation and Operation of Meters), Regulations, 2006, the testing of consumer meters shall be done at site at least once in five years. The licensee may instead of testing the meter at site can remove the meter and replace the same by a meter duly tested in an accredited test laboratory. In addition, meters installed in the circuit shall be tested if study of consumption pattern changes drastically from the similar months or season of previous years or if there is consumers complaint pertaining to a meter. The standard reference meter of better accuracy class than the meter under test shall be used for site testing of the consumer meters up to 650 Volts. In the instant case, the respondent has not followed the procedures prescribed above in its strict sense. Interchanging of the connections of the voltage circuits is an anomaly occurred on the part of the respondent. The respondent presumed the missing of energy occurred from 10/2013 based on the reading pattern of the consumer since the monthly consumption fallen suddenly from that date. So the respondent failed to assess reliably the quantum of loss of energy based on any downloaded data.

On going through the consumption pattern of the appellant for the period from 07/2007 to 10/2013, the meter records 3000 to 4000 units for 25 months and more than 4000 units for 19 months. But from 11/2013 onwards the recorded consumption is seen reduced in the range of 400 to 1000 units till 04/2017. It is clearly proved from the consumption details available for the months of 05/2017, 06/2017 and 07/2017, there was energy loss in the premises of the appellant. After rectification of the reversal of voltage polarity in the meter terminal, the consumption recorded for the above months were 3640 units, 3324 units and 2160 units respectively.

The reversal of the voltage polarity in the meter terminal is not accidently happened fault like CT fault, meter fault opening of measuring circuit etc, but which was happened while giving connection in the initial time or during the time of modification/replacement of the metering system. As such a portion of the actual consumption escaped and the respondent is responsible for that. Anyhow a part of the loss sustained to KSEBL has to be compensated by the appellant in compliance with the provisions of Regulation 152 (3) of the Supply Code, 2014.

Decision

From the findings and conclusions arrived at as detailed above, I decide to upheld the decision of CGRF, Kozhikode issued in OP No.76/2017-18 dated 07-12-2017. The respondent is directed to revise the bills for the consumption for the period of 24 months prior to the inspection by taking an average consumption for the months of 05/2017, 06/2017 and 07/2017, i.e 3041 units. Sufficient instalments may be allowed, if the appellant desires so. No

interest is payable by the appellant during the petition pending period before the CGRF and this Authority and till the last date of revised bill issued.

Having concluded and decided as above it is ordered accordingly. The Appeal Petition filed by the appellant stands disposed of as such. No order on costs.

ELECTRICITY OMBUDSMAN

P/134/2017/ /Dated:

Delivered to:

1. Sri. K.M. Abdulkhader, M/s Kallatra Oil Mill, Vedikunnu, Udma, Kasaragod
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Udma, Kasaragod.

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, Gandhi Road, Kozhikode.