

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/015/2018
(Present: A.S. Dasappan)
Dated: 8th May 2018

Appellant : Sri. Jayan V.R.
'Nirmalyam', Thondayad,
Chevarambalam P.O.,
Kozhikode

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd., Kovoor,
Kozhikode

ORDER

Background of the case:

The appellant is a domestic consumer of electricity with consumer No.14818 under Electrical Section, Kovoor, Kozhikode. The energy meter in the premises of the consumer was alleged to be not working properly, resulting abnormal reading since 2014. The appellant had registered a complaint via email on 29-05-2014 and on 12-12-2014 requesting to replace the defective meter. The appellant took the matter before the CGRF, Kozhikode, requesting to replace the faulty meter and to review and adjust the amount charged, as the highest consumption was recorded, during the period since 2014, was due to the defective meter only. The Forum has disposed of the complaint vide Order No. OP 125/2017-18 dated 29-01-2018, by taking the following decision.

- 1) The respondent shall reassess the bimonthly consumption for a period of 12 months (6 spot bills) prior to meter replacement, taking of the average of the consumption recorded in the new meter for three bi monthly spot bills.
- 2) As the petitioner had already remitted the bi monthly spot bills for the above period, the Respondent shall revise the spot bills accordingly and adjust the excess amount if any, in the future bills. If the revised amount is more than the amount already paid by the petitioner, the Respondent shall not realize such amount. Aggrieved by the said order, the Appellant has filed the Appeal Petition, before this Authority.

Arguments of the appellant:

The meter has been faulty since year 2014. The rotating dial of the meter was slanted to one side, causing the last few digits of the dial being not visible. The consumption being recorded by the meter was high as well.

An online complaint via email has been registered on 29-05-2014 (copy of the email reply from KSEB is attached). An online complaint with complaint number 31212140204 has been registered on 12-12-2014 (printout of the complaint list mentioning the above complaint, generated from KSEB website is attached)

Several reminders have been made to the section office regarding this issue. The appellant had filed a complaint with the CGRF regarding this issue requesting for replacing the faulty meter and adjusting the bills issued during the meter faulty period. The meter was replaced only after the complaint was lodged at the CGRF on 19.10.2017.

The online complaints were first made on 29-5-2014 and then on 12-12-2014 after which numerous reminders were made to the section office. There is no ambiguity in the duration of fault and appellant requested to consider the duration of fault from 29-5-2014 to 19-10-2017.

The decision made by the CGRF is not according to the section 125 (1&2) of the Kerala Electricity Supply Code, 2014. Kindly refund the excess amount collected during the meter faulty period according to the Section 125 (1&2) of the Kerala Electricity Supply Code, 2014 and other relevant acts and regulations.

Arguments of the respondent:

The appellant had registered a complaint in online (1912) on 05-10-2017. Also the appellant intimated the matter through phone and requested to take action to rectify the complaint. A Sub Engineer inspected the premises and he reported that the meter is working properly, but the counter of the meter is found to be slightly slanted. Considering the request of the consumer the meter was replaced on 19-10-2017.

The appellant had registered a complaint before the CGRF on 07-10-2017 and the CGRF ordered to reassess the bimonthly consumption for a period of 12 months prior to meter replacement. The bills will be revised as per the CGRF order by taking the average consumption recorded in the new meter for three bimonthly spot bills.

Analysis and Findings: -

The hearing of the case was conducted on 30-04-2018, in the office of the State Electricity Ombudsman, Edappally, Kochi and the appellant was represented by Sri. Jayan V.R. and Sri. Rajesh Krishnan N, Assistant Engineer, KSEBL, Electrical Section, Kovoov 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 the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions thereof.

The main dispute is the period of defectiveness or malfunctioning of the energy meter provided to the consumer. According to the appellant the malfunctioning of the meter commenced from the year 2014 onwards and he had registered complaints via online on 29-05-2014 and 12-12-2014. To prove this statement, the appellant has produced the copies of the print out of the complaint. The appellant had filed a complaint before the CGRF on 07-10-2017. Thereafter the meter was replaced on 19-10-2017. As directed by the Forum, the alleged faulty meter was tested at TMR Division, Shornur and found that the meter was faulty.

The appellant contended that the respondent had not taken any action to inspect the premises and check the meter and the installation of the appellant to find out the reason for the excess consumption even though the appellant expressed his apprehension over the faultiness of the meter. If the respondent had taken appropriate steps at appropriate time, the subsequent events of the excess billing could have been prevented.

On perusing the meter readings, it is noticed that, during the period of 07/14 to 11/17, the highest reading recorded for a bi-month was 884 units for 03/2016 to 05/2016. Now, after its replacement in 10/2017, it is noted that the bimonthly average consumption for the period from 11/17 to 1/18 was 499 units and for the period of 1/18 to 03/18, the usage was 496 units. The consumption pattern after replacement of the meter shows that his average consumption never exceeded 499 units per bimonth.

The procedure for billing in the case of defective or damaged meter is detailed in Regulation 125 of the Supply Code, 2014 which reads as follows:

“In the case of defective or damaged meter, the consumer shall be billed on the basis of the average consumption of the past three billing cycles immediately preceding the date of the meter being found or reported defective:

Provided that, the average shall be computed from the three billing cycles after the meter is replaced if required details pertaining to previous billing cycles are not available:

Provided further that any evidence given by consumer about conditions of working and occupancy of the concerned premises during the said period, which might have had a bearing on energy consumption, shall also be considered by the licensee for computing the average.”

Considering all these aspects, I hold the view that the meter became defective and it is not established a convincing date of meter faultiness. The appellant’s consumption during the period from 07/14 to 01/16 was never exceeded 490 units. Further, it is also noted that there was no drastic change in the bimonthly consumption in the appellant’s premises for the period from 07/14 to 01/16. Hence the decision taken by the CGRF is held legally sustainable and acceptable.

Decision

In view of the factual position I don’t find any reason to interfere with the findings and decision taken by the CGRF, Kozhikode in this case and hence the order of CGRF is upheld. The respondent shall take the average consumption of 3 bi-months from 07-11-2017 for reassessment of 12 months prior to meter replacement and revise the spot bills accordingly and adjust the excess amount, if any, in the future bills. Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/015/2018/ _____ /Dated: _____

Delivered to:

1. Sri. Jayan V.R. ‘Nirmalyam’, Thondayad, Chevarambalam P.O., Kozhikode
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Kovoov, Kozhikode

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