

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/010/2018
(Present: A.S. Dasappan)
Dated: 18th May 2018

Appellant : Smt. M. Thanuja
Thavakkal Industries,
Evoor (South), Keerikkad P.O.,
Kayamkulam, Alappuzha.

Respondent : Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Limited, Kayamkulam,
Alappuzha.

ORDER

Background of the Case

The Appellant Smt. M. Thanuja is running an ice factory under Electrical Section, Cheppad bearing Consumer No.1155307025542 in industrial tariff (LT IVA) with connected load of 59.281 KW having a contract demand of 65.868 kVA with ToD meter facility. While so, on 19-07-2017, the APTS of KSEBL conducted an inspection in the premises and found that the energy used in one phase (out of 3 phases) was not recording in the meter. Accordingly, the appellant was served with a short assessment bill, for the non functioning of CT in B phase from 26-11-2016 to 21-07-2017, so as to recover the unrecorded portion of energy, for Rs. 3,34,771/-. The appellant filed objection before the Assessing officer, the Asst. Engineer, against the said assessment. Being not satisfied with the decision of the Assistant Engineer, the consumer approached the CGRF, Central, Ernakulam, with Petition No. 55/2017-18 and the Forum disposed of the petition on 11-01-2018 upholding the decision of the respondent. The APTS, Alappuzha has further conducted another inspection in the premises of the appellant on 11-09-.2017 and a short assessment bill of Rs. 1,32,156/- was issued to the appellant on 16-10-2017 as per Section 152 and 134 (1) of Kerala Electricity Supply Code, 2014, Aggrieved by this, the consumer filed O.P. No.78/2017-18 before the Consumer Grievance Redressal Forum and the decision of the Forum is still pending. Aggrieved by the decision in OP No. 55/2017-18, the appellant has submitted the Appeal petition before this Forum.

Arguments of the appellant:

The appellant has raised the following arguments in his appeal petition.

On 19-07-2017, Mr Suresh Kumar, Sub Engineer, Electrical Section Cheppad inspected the premises in the presence of APT Squad, Kollam and drafted a Mahazar and alleged the meter was recording less electricity consumption since current in B phase is not recorded in the meter due to malfunction of CT connected in that phase. Basing that Mahazar the Assistant Engineer issued a notice accompanied with a bill demanding to pay Rs. 3,34,771.00. Against this assessment statutory dispute was filed and the Assistant Engineer disposed the dispute without awarding relief.

For an assessment of electricity charges for the preceding period on detecting defect in a meter at a later period is only permitted under statutes after testing of the metering equipments in an NABL accredited laboratory of the consumers choice and then finding defective after all compliances by the licensee with the procedures enumerated under Sub clause 5,6,7,8 & 9 of Clause 115 of Supply Code, 2014. Then even, the assessment shall be limited for the preceding period of six months only. Here in this case the licensee never followed any of the procedures as required under statutes while issuing the assessment and demand for the preceding period of one year and then for subsequent period in another assessment.

The alleged defective CT on B Phase was replaced on 22-07-2017. While so, the same Sub Engineer Mr. Suresh Kumar who has conducted inspection on 19-07-2017 conducted another inspection dated 11-09-2017 in the presence of the APTS team Alappuzha and prepared a Mahazar. In the Mahazar, it was again reported that the CT on B phase is again defective. Also it was stated in the Mahazar that tamper indication was seen. In the Mahazar it was also stated that the CT was found bypassed and then found open. Also stated that interference with CT was possible through fuse box in the bottom even if the meter box and CT chamber is sealed which is not true and humanly impossible due to the position of the meter since the meter was positioned in such a way that hand or any tool could be inserted through the fuse box and also the CT is not visible since it is in a sealed chamber. However, there was no specific allegation of theft of electricity. The Assistant Engineer who being the authorized officer never took any action for theft or attempted theft of electricity and chose to issue an assessment for Rs. 1,32,156.00.

During the first inspection dated 19-07-2017 the inspection team had downloaded the data of the meter. During the second inspection dated 11-09-2017 also they have down loaded the meter data and reported in the Mahazar. The CT open date in both occasions of down loading is the same. However, even after the CT change dated 22-07-2017 CT open status was found open during the second inspection dated 11-09-2017. Also in the Mahazar CT bypass data from 03-06-2016 to 24-07-2017 is furnished which was not available in the down load data.

The last event of bypass as in Mahazar is on 24-07-2017 from 15-18 hrs to 15-37hrs and it is after CT change dated 22-07-2017 and the last CT open status was on 03-08 2017 and remained so at the time inspection date 11-09-2017. There was no finding that, the meter & CT terminal box seal was tampered, even though some attempt of interference with the CT by narration in the Mahazar to suggest attempt of theft of energy. However, the Authorized Officer who is the Assistant Engineer did not accept the theft theory and issued short assessment notice and bill. This bill was first disputed before the Assistant Engineer and then before the CGRF in complaint OP No.78/2017-18 on which, the order is not issued.

In this matter it is submitted that, two independent witnesses were not available during both inspections and signature of them were not obtained in the Mahazar as required under Clause 173(9) of Supply Code 2014 and reason for such vital omission is not recorded in the Mahazar on both occasions of inspection which is vital in proving the Mahazar genuine and the report in the Mahazar is correct. This licensee is signatory to the agreement for electricity supply and in which this appellant is the counterpart signatory. This agreement is a contract signed by two equal parties which are the licensee and this appellant. All the statutes regarding electricity supply is part of the agreement and it is implicit and to be followed by both parties equally which is explicit. Thereby, the Mahazars are unilateral documents created by the licensee for its convenience and have no legal validity at all and is not at all accepted by this appellant. Thereby the Mahazars are illegal and hence the bills issued basing the Mahazar are null and void and hence is not accepted.

It is the duty of the Licensee to keep the meter always good under Clause 109(20) of Supply Code, 2014 and the licensee is bound to supply electricity only through a good meter under Section 55 of Electricity Act, 2003. Thereby the burden due to defect and burden of defect in meter and connected equipments never fall on this appellant. The provision available under statutes to bill a consumer during meter defect period is Clause 125 of Supply Code, 2014 and it is the procedure to bill a consumer for the periods after detecting the meter defective until the defect is rectified. As submitted earlier, the provision to bill a consumer for the preceding period for defect in meter detected at a later date, and that too for a limited period of six months only is under Clause 115 of Supply Code, 2014. For that, matter procedure under sub Clause 5, 6, 7, 8 & 9 of Clause 115 has to be followed. The some and substance of the regulation is that, the metering equipments shall be declared defective after a test in an NABL accredited laboratory of consumers choice before issuing a basement and that such assessment is limited for six months only. The licensee never resorted to such steps ever before issuing the bills or after issuing bills. No other enabling regulation is available under statutes conferring unfettered right upon the licensee to issue bill up on this appellant or upon any consumer pleading that, the meter was detected defective and it was detected defective by the licensee's test including down load data by the licensee at a later date. This appellant even suspects the down loaded data of the meter and the claimed test conducted at

site were created by the licensee for its convenience since the down loading of meter data or the test conducted at site or anywhere is not done by an NABL accredited laboratory. Thereby the basements under the bills are not issued with clean hands. Also it is submitted that, after stating under Mahazar that the CT at B phase is defective even after changing it on 22-07-2017 which was detected defective under Mahazar, the licensee changed the meter and CT on 23-09-2017. Why the meter was also changed while the CT in B Phase only defective by their test and the meter was never reported defective. Nature of relief sought from the Ombudsman.

To call for the documents and to hold and declare that the bill for Rs.3,34,771/- dated 25-09-2017 and the Bill for Rs.1,32,156/- dated 15-10-2017 are illegal and hence to quash.

To issue orders to pay expenses of the appeal to the appellant, which the Ombudsman find adequate.

Such other reliefs the appellant prays for, during the course of appeal.

Arguments of the respondent:

On 19-07-2017 APTS, Kollam inspected the premises of Consumer No.1155307025542 and found that output current of CT was 3.9 A and 3.6 A in R&Y phases respectively and in B phase the current is only 0.06A. When they tested the primary current, it was 78A, 78A and 76A respectively in R. Y and B phases i.e., B phase of the CT was not working properly and thus the meter data was down loaded by using a Digital meter reading instrument and noticed that B phase of the meter had not been reading current from 26-11-2016 to 21-07-2017 due to the non functioning of CT in B phase. Hence there is inaccuracy in metering consumption during the above period of the consumer as per Regulation 152 (3) of Kerala Electricity Supply Code, 2014 and a short assessment bill amounting Rs. 3,34,771/- was issued.

The meter was not damaged or defective as alleged in the appeal. The short assessment bill was issued for unrecorded energy consumption due to the non-functioning of CT in B phase connected to the meter. After detecting the defect of the CT, the CT was changed and after the replacement of CT all three were working normally. From this, it is found that the defect is in the CT and not in the meter. The energy meter was not changed and only CT alone is replaced. In this case, the CT is outside the meter and not inside the meter using for the single phase connection.

Section 55 of the Electricity Act 2003 and Regulation 125 of Kerala Electricity Supply Code, 2014 are not applicable in this case. The meter is not defective and hence following the provisions under the above regulation is not relevant at this juncture. The non recording of consumption by B phase of the meter was solely due to the defect in the CT and the same was rectified after completion of the inspection. The period of assessment was arrived by considering the downloaded data regarding non recording of the actual consumption.

Here the assessment is not for a tampered meter, it is only a short assessment bill at normal rate for unrecorded consumption, under Regulation 152 (3) of the Kerala Electricity Supply Code, 2014 which permits the licensee to recover the amount short collected from the consumers by issuing a bill. Here the meter is not defective. It shows 2/3rd of actual consumption since one phase CT was showing minute reading, the meter was not showing the real consumption. When the CT was rectified all the phases showed the correct consumption.

Regulation 152 (3) of Supply Code, 2014 empowers licensee to realize electricity charges short collected for the entire period during which the anomaly persisted. The bill was issued due to inaccuracy in meter consequent to defect in CT. Hence the contentions to follow Regulation 125 of Supply Code, 2014 are not relevant in this case and hence liable to be dismissed.

The defect in the CT of non recording consumption was detected during the inspection and the appellant is liable to remit the short collection as per Regulation 152 (3) of Supply Code, 2014. The period of short collection was reviewed according to the downloaded data from the meter and as such Regulation 134 (1) was applied to recover undercharged amount from the appellant.

The appellant exercised all efforts to establish that the meter is faulty and therefore eligible for the provisions related with issue of bills during meter faulty period. But all such efforts are in vain and not at all sustainable before law. Board had established the escaped energy unrecorded due to defect in CT. On detection of the defect the CT was changed and after the replacement of CT on 22-07-2017, all three phases were working normally. Hence the short assessment bill of Rs. 3,34,771/- was issued for the non functioning of CT in B phase from 26-11-2016 to 21-07-2017 as per Regulation 152 (3) of Kerala Electricity Supply Code, 2014. The Forum has found that the short assessment bill for Rs. 3,34,771/- issued by the Board is genuine and sustainable and as per the above Regulation licensee is empowered to realize electricity charges short collected due to non-recording of meter/inaccuracy of metering for the entire period.

The APTS, Alappuzha has further conducted another inspection in the premises of the consumer on 11-09-2017 and it was found that there is a tamper indication in the meter. It is suspected that there was a theft or malpractice occurred in the particular premises. On further examination it was found that, out of the four nuts and bolts used to fix the Red colour hylem sheet separating the chamber of CT and meter and HRC fuse, two of them fixed in the north side were seen set apart and the hylem sheet was moved 10 Centimetre downwards. The hylem sheet was shifted in such a way that in spite of the seal affixed over the CT & Meter the chamber of HRC fuse can be opened for committing malpractices in the CT. It was also noticed that there is dust and oil in the south portion of CT and the same were seen removed in the north portion by regular handling which confirms the malpractice done by the appellant. The voltage of the

three phases were normal as per the meter reading, while the current in R and Y phases showed 0.308 A and 0.32A but B phase showed only 0.00 A. At that time only a cooling pump was working. When the meter and CT were tested with a testing machine ZERA MT 300 it was found that B phase of CT was not working and the current was not recording properly. Also, the percentage error in the meter was recorded by the machine as (-) 31.8. As per the tamper data obtained using Genuine Oorja DLMS Software, CT in B phase was found open during the time of inspection. The date and time of 'CT open' was clearly shown in the site Mahazar. The tamper data showed that the CT in the premises was bypassed several times previously. The new CT which was installed on 22-07-2017 was also found as bypassed and found as open. Photograph was also taken to establish the malpractice committed by the appellant. The site mahazar and tamper data confirm the financial loss occurred to Kerala State Electricity Board Limited due to the non recording of current in the meter. Accordingly, the meter and CT units of the premises were renewed with new meter and CT units and the tampered components were sent to TMR Division, Pallom on 23.09.2017 for detailed testing of meter and CT units. Current in the B phase was not recorded in the meter as per the downloaded tamper data report for the period from 21-07-2017 to 23-09-2017. Hence, 1/3rd of the total energy consumption was missed, i.e., unrecorded portion is the half of the recorded portion. As such, a short assessment bill of Rs-1,32,156/- was issued to the consumer on 16-10-2017 as per Section 152 and 134 (1) of Kerala Electricity Supply Code, 2014. Aggrieved by this, the consumer filed O.P. No.78/2017-18 before the Consumer Grievance Redressal Forum and the decision of the Forum is still pending.

It is the responsibility of the consumer to keep in safe custody, the meter and other equipment of the licensee and seals on the meter and associated equipment installed within the premises of the consumer as per the condition stipulated in Regulation 21 of Supply Code, 2014. The tampering or damage or destruction caused to the meter and associated equipments with dishonest intention will attract the provisions of Section 135 of the Act. The offence committed by the appellant is punishable under Section 138 (d) of Electricity Act, 2003 for maliciously injuring the CT connected to the meter. The photographs obtained from the Anti Power Theft Squad wing confirm the deliberate intention of the consumer in not passing current through the B phase of CT.

The averment of the appellant that no interference is possible without breaking the seal is false and hence denied. The malpractice of shifting the hylem sheet separating the two chambers of CT and meter with HRC fuse is made in such a way that tampering of CT can be made without removing the seal. The CT and meter were renewed after the first inspection and hence the chance for repeating the same defect in the CT after a few days is -'Nil'. The peripheral removal of dust and oil in the north portion of CT also clearly establish regular human handling for conducting malpractice in the CT.

The short assessment bill was not issued for short collection during meter faulty period as alleged in the petition. In OP No.55/2017 filed by the appellant

the same allegation was raised in the petition. It is submitted that the assessment is not for a tampered meter, it is only short assessment bill at normal rate for unrecorded portion of energy as per Regulation 152 (3) of the Kerala Electricity Supply Code, 2014 which permits the licensee to recover the amount short collected from the consumers by issuing a short assessment bill.

The intention of the Appellant is to treat the issue as short assessment bill during meter faulty period and to get undue benefit from it.

In the case of OP 55/2017-18, the meter was not damaged or defective, but CT alone was changed due to the non-functioning of CT in B-Phase connected to the meter and after replacement of CT with a new CT, all the three phases of the meter were seen functioning properly. In the case of OP No.78/2017-18 both CT and meter were replaced. As per Regulation 21 (3) of Kerala State Supply Code, 2014 seals fixed on the meters and equipment of the licensee shall on no account be tampered with, damaged or destroyed. The site mahazar, tamper data and the photograph established the non-recording of current through the B phase of CT connected to the meter and the malpractice committed by the Appellant with dishonest and deliberate intention. Hence the meter and CT were replaced and the tampered components were sent to TMR Division, Pallom for detailed testing purpose only. That is the reason the meter was also changed while the CT in B phase alone was defective.

The averments of the appellant that the report in the mahazar was not complete and hence incorrect are false and denied. The short assessment bills were issued after proper inspection, testing the ampere and voltage by using tong tester and after down loading the data from the meter. All the above procedures were conducted in the presence of the operators of the ice plant and convinced them the irregularities. After the inspections, the defective CTs were sent to TMR Division, Pallom and confirmed all the anomalies found during the inspection. All the test reports are available with the field office and the appellant is at his liberty to examine and get a copy on demand. It is true that the CT was opened for examination during inspection but the down loaded data and tamper report prove that the B phase of CT was not functioning intermittently, after the date of inspection.

Analysis and Findings: -

The hearing of the case was conducted on 11-04-2018, in the Conference Hall of Vydhyuthi Bhavan, KSEBL, Alappuzha. Sri Abubecker, represented the appellant's side and Sri. Hari Kumar C, Assistant Executive Engineer, Electrical Sub Division, Kayamkulam, represented the respondent's side. On perusing the Appeal Petition, the counter of the Respondent, the documents submitted, arguments during the hearing and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions there of.

The APTS has inspected the consumer's premises on 19-07-2017 and found that one phase of the Current Transformer (CT is a device for measuring high values of electric Current on a proportionate reduced scale), was not feeding the „current inputs“ to the Meter, thus resulting in the recording of a lower consumption than what is actually consumed. Hence, the appellant was issued a short assessment bill to recover the energy escaped from billing due to CT's fault in one phase. The CGRF has observed that the short assessment bill issued by the respondent is genuine and sustainable and hence the consumer is liable to pay the amount.

Normally, the respondent is bound to rectify the defect of the CTs to the meter or renew the CTs or the CT meter itself, if it is found defective/faulty, after informing the consumer. The consumer was assessed for Rs. 3,34,771/-, for non-recording of energy due to defects of the B phase CT, from 26-11-2016 to 21-07-2017, by taking the lost energy as half of the recorded energy (1/3rd of the actual consumption. On perusing the Mahazar, this Forum feels that the contention regarding the one No. of CT's defects noticed during inspection by KSEBL was correct, since the Mahazar was duly witnessed, but the appellant has disputed the mahazar.

The respondent has averred that the total period of phase failure was obtained by downloading the meter. The respondent relied upon the down loaded data and consumption pattern for establishing the period of phase failure and missing of current in one phase. According to him, the dip in consumption from 11/2016 is the result of the CT failure. It is submitted by the respondent that the meter installed in the premise is not reported as defective or damaged. The CT current in one phase was found missing (somehow) and Regulation 125 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) is applicable. It was also contended that the downloaded data was convinced by the CGRF.

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. 3,34,771/- and Rs.1,32,156/- as per Regulation 134(1) of Supply Code, 2014.

Here in this case, the respondent declared that the current in one of the CTs connected to the meter is detected as missing/abnormal on the basis of the inspection conducted in the premises on 19-07-2017. The data is downloaded on 14-09-2017 by the APTS. It is also found that the consumption of the appellant before and after the disputed period and during the disputed period is not in a consisting pattern.

From the site mahazar, it is revealed that the CT connected to one terminal of the meter was failed and thereby consumption by the load connected to that phase in the premises was not recorded by the meter. 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 CT open/bypass/short, voltage missing/low voltage/ unbalance etc can easily be found out using downloaded data. Considering these facts, an assumption of missing of 1/3rd consumption during the disputed period cannot be sustained. As per the site mahazar of the inspections dated 19-07-2017 and 11-09-2017, the loss of energy detected by the respondent is 31.79% and 31.8% respectively. But the appellant was billed in both cases by taking 50% of the recorded consumption to compensate 33.33% of the actual consumption if all the CTs are functioning properly. Under the above circumstances the short assessment issued by the respondent is required to be revised considering the loss as 31.8%.

The site Mahazar also justifies missing of current in one phase of the Appellant's metering equipment in the appellant's premises. In view of the above facts it is clear that the energy meter installed in the appellant's premises was only recording in two phases of actual consumption more or less on the inspection date of 19-07-2017 and further on 11-09-2017.

Further this Authority is of the opinion that 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 has issued the short assessment bill for a period from 26-11-2016 to 21-07-2017 by taking 50% of the recorded consumption following the inspection conducted on 19-07-2017 and further on 11-09-2017 on detecting of non-recording of actual energy in the meter.

The respondent has an argument that, the meter is not defective, to attract Clause 125 of Supply Code, 2014. Meter defined as under Supply Code, 2014 is extracted here for ready reference,

2. (57) ***"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 capacitance voltage transformer (CVT) necessary for such purpose;*

The meter is not a recording or display unit only but as defined above all the components above including lead wires include a meter. Moreover, this is not a whole current meter but a CT operated meter, where external CT is connected with metering unit using lead wires and phase voltage from all three phases are tapped from the source of supply and then connected with the same metering unit. Thereby wiring is also there for this metering system. This coordinates for computing energy is lead to the processing unit of the meter unit from different components of the meter then various electrical quantities are processed then recorded cumulative or otherwise and displayed in the display unit.

Under the regulation 113, sub clause (7) of Supply Code, 2014 requires the licensee to test the CT, PT and the wiring connections, where ever applicable while testing the meter. In the judgment in WA No. 114 of 2013 in WP© 5614/2007 dated 13-02-2014, the Hon: High Court of Kerala ordered and held that:-

“5. Insofar as Clause 24(5) of the Supply Code is concerned, that provision states that if the licensee establishes that it has undercharged the consumer either by review of the bill or otherwise, the licensee may recover the amount undercharged from the consumer. It is true as contended by the learned counsel for the appellant this provision does not specify any limitation on the period up to which the recovery is permitted. However this provision also may not have much relevance insofar as this case is concerned because this provision takes in only a case where the licensee has undercharged the consumer which means that the meter has recorded the actual consumption, but the licensee has not realized its charges accurately. Therefore, none of the aforesaid three provisions pointed out by both the sides specifically deal with a situation where the meter is inaccurately recording the energy consumed on account of a wrong connection given to the meter”.

Regulation 134 (1) of Supply Code, 2014 is extracted here under for ready reference.

Clause 134 (1) of Supply Code, 2014:- *If the licensee establishes either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill.*

In the event of any clerical errors or mistakes in the amount levied, demanded or charged by the Board then in the case of under charging, the Board shall have a right to demand an additional amount and in the case of over charges, 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 respondent has not produced any test report in connection with the testing of disputed meter at the laboratories accredited by the NABL. But the respondent has tested the meter in TMR Division, Pallom. But the appellant’s argument is that testing in a laboratory accredited by the NABL is mandatory. But the appellant has also not raised any objection and not taken the opportunity to test the meter in a laboratory accredited by the NABL, by requesting the same remitting the required fees. Here in this case, the respondent confirmed the non recording of one phase on the basis of the inspection conducted in the premises and load survey/tamper report down loaded.

Another contention of the appellant is that two independent witnesses were not available during both inspections and signature of them were not obtained in the Mahazar as required under Clause 173(9) of Supply Code 2014 and reason for such vital omission is not recorded in the Mahazar on both occasions of inspection which is vital in proving the Mahazar genuine and the report in the Mahazar is correct. Regulation 173 (9) says, ‘ As far as possible, the officer authorized to inspect the premises of the consumer shall take two independent witnesses for the inspection of the premises and shall make such witnesses fully aware of the facts recorded on the Mahazar and shall obtain their signature in the Mahazar.’ Though there was no independent witnesses, the findings in the Mahazar was not challenged by the appellant. The appellant’s representative had signed in the Mahazar without any objection. The absence of independent witnesses cannot be considered as a sufficient reason to question the genuineness of the Mahazar.

On going through the records, it is found that the average consumption (recorded) for the faulty period from 12/2016 to 08/2017 (9months) is 17284 units. Average consumption recorded prior to the faulty period for 08/2016 to 10/2016 (3 months) is 33347 units and average recorded consumption from 10/2017 to 12/2017 is 17588 units. 150% of the average recorded consumption during the B phase CT open period from 12/2016 to 08/2017 is less than the average of 3 months consumption prior to the date of occurrence of fault in B phase in 12/2016. The down loaded details of B phase CT open are as follows.

Duration of CT current available in all the three phases					
Restored	07-03-17	9:46 AM		4 Hours	51 minutes
Occurred	07-03-17	2:37 PM			
Restored	06-07-17	4:16 PM			
Occurred	07-07-17	7:53 PM		3 Hours	37 minutes
Restored	22-07-17	5:25 PM			
Occurred	01-08-17	4:06 AM	9 Days	10 Hours	41 minutes
Restored	01-08-17	7:49 AM			
Occurred	03-08-17	11:50 PM	2 Days	16 Hours	
Restored	23-09-17				
				14 Days	

The consumption recorded in the meter itself was taken for assessing the unrecorded portion of energy. The above details shows that the CT current in the three phases are available for 14 days during the disputed period and hence 14 days can also be excluded from the calculation of short assessed amount. The downloaded data clearly indicates and justifies the respondent’s claim that the appellant was undercharged for the period in dispute. So, a probable conclusion can be arrived at in this case is that the CT current in ‘B’ phase was missing from 12/2016 onwards as per the consumption pattern of the appellant.

Decision

From the findings and conclusions arrived at as detailed above, I decide to set aside the short assessment bills amounting to Rs. 3,34,771/- and for Rs. 1,32,156/- issued to the appellant. The respondent is directed to revise the bills for the consumption for the period from 26-11-2016 to 23-09-2017 excluding 14 days considering the loss as 31.8% instead of 33.33% and issue the revised bill to the consumer within fifteen days.

The appellant is also eligible for installments, if requested for, and the respondent shall issue the same. The consumer shall pay the whole amount or the 1st installment within 30 days of the revised bill date. The subsequent installments will bear interest from 30th day of the bill issued to the day of payment. No interest or surcharge is payable by the consumer for the Petition and Appeal pending period before the CGRF and this Authority up to 30th day of the revised bill date.

Having concluded and decided as above it is ordered accordingly. The Appeal Petition filed by the Consumer is allowed to the extent as ordered above and stands disposed of as such. The order of CGRF in 55/2017-18 dated 11-01-2018 and order in OP No.78/2017-18 dated 17-03-2018 are set aside. No order on costs.

ELECTRICITY OMBUDSMAN

P/010/2018/_____ /Dated:_____

Delivered to:

1. Smt. M. Thanuja, Thavakkal Industries, Evoor (South), Keerikkad P.O., Kayamkulam, Alappuzha
2. Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Kayamkulam, Alappuzha.

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, CGRF-CR, 220 kV, KSE Board Limited, Substation Compound, HMT Colony P.O., Kalamassery, PIN: 683 503.