

THE STATE ELECTRICITY OMBUDSMAN  
Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,  
Edappally, Kochi-682 024  
[www.keralaeo.org](http://www.keralaeo.org) Ph: 0484 2346488, Mob: 91 9539913269  
Email:ombudsman.electricity@gmail.com

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APPEAL PETITION No. P/018/2018  
(Present: A.S. Dasappan)  
Dated: 28<sup>th</sup> May 2018

Appellant : Smt. Latha Vidyadharan  
TC 30/1276, Jambu Bunglow,  
KRA-18, Pettah P.O.,  
Thiruvananthapuram

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd., Beach,  
Thiruvananthapuram

### **ORDER**

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

The appellant is a consumer under the KSEB Electrical Section, Pettah with consumer No. 1145145000710 under three phase domestic tariff. The appellant had filed complaints before the Electricity Section, Pettah, against the exorbitant and disproportionate amounts towards electricity consumption bills charged by the respondent. The Section authorities installed a parallel test meter on 05.07.2016, and on detecting that the existing Meter was faulty, the Meter was then replaced by a new one on 16.07.2016. But the appellant's request for refund of excess realized from him for the period up to 16.07.2016 was not considered. Hence the appellant filed a complaint before the Consumer Grievance Redressal Forum, Kottarakkara vide O.P. No. 388/2017 which was disposed on 29.06.2017 by directing the respondent, the Assistant Executive Engineer, Electrical Sub-Division, Beach, Thiruvananthapuram, to test the faulty meter in a laboratory and on the basis of the test report to revise the bills for the period of 6 months and adjust the amounts in future Bills. Still aggrieved by the said order, the appellant has filed the Appeal Petition, before this Authority.

#### **Arguments of the appellant:**

The appellant has pointed out the following facts in her appeal petition.

1. From January 2016 onwards the appellant was complaining of excess consumption charges realized from her before the Assistant Engineer, Pettah-Thiruvananthapuram.
2. A parallel Test Meter was installed in the house to verify the accuracy of the Meter on 05.07.2016. It was found that the Meter was faulty and the complaint genuine.
3. A new Meter was installed replacing the faulty one on 16.07.2016.
4. The appellant's request for refund of excess charges realized was not considered in spite of repeated reminders, including the last reminder sent on 14.12.2016.
5. The Hon'ble CGRF as per its order dated 29.06.2017 had directed the Assistant Executive Engineer, Electrical Sub Division, Beach to test the faulty Meter in a Lab and on its basis to revise the Bills for 6 months. This order was not complied.
6. The fact stated in the letter No 1620/Com.Ex/2017/KSERC/146 of the Secretary, KSERC dated 06.02.2018 that electricity bills issued to the appellant for 4/2016, 6/2016, and 8/2016 was revised based on the actual consumption for the subsequent billing cycles i.e., 10/2016, 12/2016 and 2/2017 are not true to facts.

The Assistant Engineer, Pettah as per letter dated 23.03.2017 has stated that bills for 6/2016 and 8/2016 have been revised whereas the Asst. Executive Engineer, Sub division, Beach, as per letter dated 11.08.2017 has mentioned that bills for 6/2016, 8/2016 and 10/2016 were revised. But no steps are seen taken to revise the bill for 04/2016.

From the above facts it is clear that the authorities concerned are not taking any serious steps to allow the refund of excess amounts realized from the appellant. The appellant has stated that she is eligible and entitled for refund of excess amounts realized from her as per rules and as observed by the Hon'ble Consumer Grievance Redressal Forum in its order dated 29.06.2017. The authorities are willfully and deliberately delaying the refund of excess amounts realized from her, for which she is entitled for interest, till the actual date of actual payment.

In view of the above, the appellant requests to issue necessary directions to the concerned to refund the excess amount realized from her towards electricity charges, with interest thereon, at the earliest.

**Arguments of the respondent:**

The respondent's averments on the appeal petition are follows.

The consumer was informed that action will be taken to replace the meter with a new working one and two bills immediately preceding the date of meter change will be revised based on the test meter consumption. Accordingly two bills preceding the date of meter change (i.e. 06/2016 & 08/2016) were revised based on the consumption recorded by the test meter.

As per the complaint from the consumer only, parallel standardized meter was put and with the parallel meter reading, which was found less, it is ascertained that, the meter was faulty and replaced with new meter. Subsequently, faulty meter was returned to Sub Regional Store. Being difficult to trace out the meter from the stores, Pettah section office was unable to test the faulty meter in the lab.

As per section 125 of Kerala Electricity Supply Code 2014, 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. Since, in this case previous data was not available and hence based on the healthy average of the new meter installed, could only, revision of bills was possible.

The healthy average (three full billing cycles) after installing the new meter is shown below:-

Bill Month	No of days of consumption	Usage in units
10/2016	56	573
12/2016	60	615
02/2017	60	651

Based on the above consumption the bimonthly healthy average is arrived at 627 units.

In compliance of the CGRF order, the bills for the months 04/2016, 06/2016 and 08/2016 have been revised based on the average consumption of new meter which is 627 units, on 4.4.2018 and reading for 10/2016 was also reset. The amount after revision with parallel meter is Rs.8054/-and that based on the average of three billing cycles after installing the new meter, i.e. 627 units, is Rs. 3331/- respectively as shown in the Annexure 1 & 2 respectively. The excess amounts realized from the consumer during the month 04/2016, and the short amount for 06/2016 and 08/2016 are to be duly adjusted in the subsequent energy bills.

The delay in revising the bill was due to the fact that, a technical dilemma of to decide that, when revised with respect to average consumption computed from the three billing cycles after the meter is replaced, the amount collected is found to be short from the actual amount to be collected. The delay caused in taking the decision by the staff may kindly be condoned.

Table 1 below shows the consumption of the consumer for the period from 04/2015 to 02/2016

Month	Consumption in units
04/2015	981
06/2015	1000
08/2015	920
10/2015	1021
12/2015	839
02/2016	945

Table 2 below shows the consumption from 04/2014 to 02/2015 of the consumer:-

Month	Consumption in units
04/2014	797
06/2014	1052
08/2014	790
10/2014	582
12/2014	598
02/2015	660

Table 1 shows the consumption of the consumer for the last six bills immediately preceding 04/2016 and Table 2 shows the consumption of the consumer from 04/2014 to 02/2015. Comparing the consumption in Table 1 & Table 2, it is evident that the consumption ranged from a lower value of 582 units to a higher value of 1021 units.

Had the meter been faulty then the consumption recorded by the meter would have been on the higher side.

Hence the consumption for the period from 04/2015 to 02/2016 claimed as exorbitant and disproportionate to actual usage of electricity is baseless and not acceptable.

Hence it may kindly be noted that, the consumer is only eligible for revision of last three bills immediately preceding the date of meter change, i.e. 4/16, 6/16 & 8/16.

**Analysis and Findings: -**

The Hearing of the case was conducted on 14-05-2018 in the Court Hall of CGRF, Kottarakkara. The appellant and respondent were absent. The respondent has informed the inconvenience to attend the hearing on 14-05-2018, but not requested for a further hearing. The appellant has neither informed her inconvenience nor requested a convenient date.

On perusing the Appeal Petition, the counter of the Respondent, the documents submitted and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions there of.

On a perusal of records it is revealed that the disputed energy meter was tested at the appellant's premises itself, by installing a check meter in tandem with the existing meter; but both meters do not carry the same electric current and not measured the same energy, consumed by the appellant. The test so conducted at the site reveals that the two meters are not recording exactly the same quantum of energy consumption which shows that the appellant's meter was faulty.

The appellant's contention is that the monthly bills issued for 4/2016 to 8/2016 were exorbitant and hence she approached the Assistant Engineer against the exorbitant and disproportionate electricity bills issued to her and the respondent verified the accuracy of the meter by installing a reference meter and irregularities detected. Then the respondent changed the meter on 16-07-2016 and the two bills preceding the date of meter change (i.e. 06/2016 & 08/2016) were revised based on the consumption recorded by the test meter. The perusal of the records reveals that even though the respondent replaced the meter on 16-07-2016 and revised bimonthly bills based on the consumption recorded, the appellant raised complaint against the bills as the consumption was exorbitant.

A prudent interference from the respondents would have taken, to find out the reason for the excess consumption either by verifying the appellant's installations or by testing the meter in a laboratory accredited by NABL, the issue could have been settled. But this was not seen done timely in this case, which is the reason for the whole issue. Hence the appellant again was constrained to approach the CGRF on 13-03-2017 alleging that the bills issued were exorbitant and requested to refund the excess amount collected from her.

Regulation 125 of Supply Code, 2014 stipulates the procedure for billing in the case of defective or damaged meter. *"In the case of defective or damaged meter, the consumer shall be billed on the basis of average consumption of the past 3 billing cycles immediately preceding the date of meter being found or reported defective. Provided that the average shall be computed from the 3*

*billing cycles after the meter is replaced if required details pertaining to previous billing cycles are not available”.*

Here in this case, though the CGRF ordered to test the faulty meter in an approved lab, the respondent has not conducted the test and not produced any test report in connection with the testing of disputed meter at the laboratories accredited by the NABL.

*Regulation 115 (9) says that in the case the meter is found to be faulty, revision of bill on the basis of test report shall be done for a maximum period of 6 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 two subsequent bills.*

The appellant's consumption for the months for 04/2016, 06/2016 and 08/2016 were 1112 units, 1059 units and 785 units respectively. The consumption recorded for the months of 10/2016, 12/2016 and 02/2017 were 573 units 615 units and 651 units respectively. So the average consumption after replacement of the meter comes to 613 units.

The respondents who are duty bound to check the meter as per Clause 18(2) of Central Electricity Authority (Installation & Operation of Meters) Regulations, 2006, when a complaint is made by a consumer. As per Regulation 109(20) of Supply Code, 2014, it shall be the responsibility of the licensee to maintain the meter and if it in good working condition at all times. As per Regulation 115(4) of Supply Code, 2014, in the case of testing on the request of the consumer, he shall have to pay the testing fee as per the Schedule of Miscellaneous Charges given in Schedule 1 of Supply Code.

Provided that if the meter found to be recording incorrectly or defective or damaged due to technical reasons such as voltage fluctuation or transients, attributable to the licensee, testing fee shall be refunded to the consumer by the licensee by adjustment in the subsequent bills. When the consumer is all alone complaining about excess billing, the respondent must be reasonable in clearing the doubts of the consumer. In the absence of any documentary evidence to prove that the respondent has checked the meter timely after following the procedure, it is proper and justifiable to revise the bimonthly bills for 04/2016, 06/2016 and 08/2016, on the basis of average consumption of 613 units.

### **Decision**

In view of the above facts, the respondent is directed to revise the bills for the bi-months of 04/2016, 06/2016 and 08/2016, on the basis of average consumption of 613 units. This shall be done at any rate within 30 days from the date of receipt of this order. Any amount remitted in excess by the

appellant shall be refunded or adjusted against the future bills. Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant, Smt. Latha Vidyadharan, stands disposed of as above. No order as to costs.

**ELECTRICITY OMBUDSMAN**

P/018/2018/ \_\_\_\_\_ /Dated: \_\_\_\_\_

Delivered to:

1. Smt. Latha Vidyadharan, TC 30/1276, Jambu Bunglow, KRA-18, Pettah P.O., Thiruvananthapuram
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Beach, Thiruvananthapuram

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.