

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/033/2018
(Present: A.S. Dasappan)
Dated: 9th August 2018

Appellant : Sri. Ramaswamy
H. No. XI/290, Perumpilly,
Njarakkal P.O., Ernakulam

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd., Vypin,
Ernakulam

ORDER

Background of the case:

The appellant, Sri Ramaswamy, is having domestic service connection with consumer number 10466 under the jurisdiction of Electrical Section, Njarakkal. The appellant complained to the Consumer Grievance Redressal Forum of the Kerala State Electricity Board, Ernakulam that he has not consumed the energy as shown in bill for 06/2017 for the consumption shown as 2067 units billed amounting to Rs.15099/-, which are exorbitantly high. The Forum, vide order in OP No. 83/2017-18 dated 28-03-2018, had directed the respondent to revise the bill for the months of 4/2017 to 6/2017 based on the data downloaded from the energy meter. Aggrieved by this order of the CGRF, the Appellant has submitted this appeal before this Forum.

Arguments of the appellant:

The appellant paid the bills regularly without any default. The bill amount for the appellant on the month of June 2017 is 15,785. This amount is exorbitant and unreasonable with regard to the previous bills of the consumer. The average bill amount of the appellant is 1400. The electricity charge for the previous months were 10/2016 – Rs. 1379, 12/2016 – Rs. 1417, 02/2017– Rs. 1347, 04/2017- Rs.1396, 08/2017- Rs.1048, 10/2017- Rs.1656, 12/2017- Rs.1462. In the month of April 2017, there was no power supply and hence the amount was charged on the basis of the average of previous six months electricity bill. The door lock adjustment is calculated wrongly and an unreasonable and excess amount is charged on the appellant for the month of June. How the door lock adjustment is

calculated is not clearly shown in the bill nor explained by the electricity board. The recorded consumption of 2067 units for 25/2/2017 to 27/6/2017 is stated in the bill, but how this 2067 arrived i.e., the consumption unit for the previous months is not shown. Then only, consumption unit can be calculated. The bill was charged unreasonably, so the first thing all the common people will do is to lodge a complaint regarding the meter. The same thing is done by the appellant also. The respondent installed the new meter, but the appellant is not informed of dismissing the application of the appellant. Vigilance of the Electricity Board examined the meter to find whether the appellant has done any malpractices in the meter to reduce the electricity bills following the month of June. The report was in favor of the appellant. The Appellant approached the Forum and filed a petition on 25/11/2017 to revise the bill amount. The Appellant in the argument notes alleged the possibility of clerical mistakes. When the appellant approached the consumer forum, then the respondent admitted manual mistakes in the additional statement of facts.

Relief sought for:

1. The Appellant is approaching this forum in order to prove the truth in his part. The exorbitant consumption has not consumed by the Appellant. Clerical mistakes are possible on the part of Electricity Board. There is no clarity regarding the order dated 28/03/2018. KSEB's bill dated 24/04/2018 is shown as Rs. 2381 and the advance amount is shown as Rs. 771. KSEB has not shown the bill amount of the disputed month. The Respondent has accepted manual errors in the additional statement of facts. The Order stated "there is a serious lapse occurred in taking the meter reading and issuing the bill during the alleged period". The Appellant prays to make a clarity in the order by stating the electricity bills of the disputed period and the amount to be refunded.

2. KSEB is a Govt. Board with lot of responsibilities. There is negligence on the part of the respondent. Mistake committed on their part resulted in huge loss to the appellant. The appellant approached respondent office so many times raising the issue. The Electricity Board has also harassed the Appellant by sending an unexpected vigilance inquiry in the respondent premises. Even though the mistake was accepted by the Respondent, no cost was ordered by the Consumer Forum. Hence the Appellant prays for adequate cost.

Arguments of the respondent:

The respondent billed bimonthly for the actual consumption recorded in the energy meter of the appellant and the appellant paid the bills regularly. The billing pattern of the appellant for the periods is of 10/2016 - Rs.1379, 12/2016- Rs. 1417, 2/2017 - Rs. 1347 and 4/2017 - Rs. 1396. In 4/2017, regular current charge of the appellant for Rs. 1396 was issued on an average of the last six months consumption due the Door Lock. The regular current bill of the appellant 6/2017 issued to the consumer on 27/6/2017 for the recorded consumption of 2067 units for a sum of Rs 15099 after effecting door lock adjustments on 4/2017. The door lock adjustments means that the total units consumed during

25/2/2017 to 27/6/2017 i.e. 2067 units divided by two and calculate the total energy charge and the paid amount (Rs.1396) adjusted and the balance amount is the regular current charge bill for 6/2017.

The appellant lodged an application for the meter test before the Assistant Engineer, Electrical Section Njarakkal and remitted required fees for the same on 27.6.2017. A test meter installed in the premises of the appellant on 27/6/2017 to 24/7/2017 with IR 291 and the original premises meter reading at the time of test meter installation is 5356. It is submitted that the final reading of the test meter is 377 and the consumption is 86 units similarly the final reading of the premises meter is 5442 and the consumption shows 86 units. The output of the test meter and premises meter is shown as same that is 86 units for the particular periods from 27/6/2017 to 24/7/2017. In these circumstances, the respondent concluded that the energy meter installed in the appellant premises is good and working. Therefore the respondent dismisses the allegation of the appellant against the energy meter installed in the appellant premises. It is true that the appellant remitted the bill on 22/7/2017.

On the basis of the orders issued by CGRF, the respondent issued revised bill to the appellant on 13/4/2018 based on the downloaded data from the meter. The appellant has credit balance of Rs. 771/- as on 27/6/2017 and the same is adjusted in the regular bill 6/2018.

The respondent behaved as per the rules and regulations. In generally the door locked consumers are regularly billed average consumption of the previous six month and the readings obtained when the doors open are equally divided by the number of door lock. Then the balance whether excess/or refund adjusted in the subsequent bills. It is submitted that in the present case the appellant proves that the he had consumed less than the average billed consumption during the door locked period and hence a credit balance of Rs. 771/- .

The respondent has not committed any mistakes willfully to the appellant and the alleged errors occurred due to the implementation of the general rules prescribed in regulation 124 of the Kerala Electricity Supply Code 2014 the same is reproduced as "124(l). If the licensee is not able to access the meter for reading ,a provisional bill may be issued on the basis of the average consumption of the previous three billing cycles".

The respondent submits that the appellant is not deserved the cost of litigation for the reason stated above.

Analysis and Findings:

The Hearing of the case was conducted on 10-07-2018 in the office of the State Electricity Ombudsman, Edappally, Kochi. Sri John Abraham and Amal Rajagopal, Advocates represented the appellant and argued the case on the lines stated above. Smt. Jessy Varkey, Assistant Executive Engineer, Electrical Sub

Division, Vypin and Sri. Arun Raj, Assistant Engineer, Electrical Section, Njarakkal represented for 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 point to be decided is as to whether the consumption of 2067 units recorded during the period from 25-02-2017 to 27-06-2017 is genuine or actually consumed by the appellant. The consumption pattern of the appellant from 08/2010 to 08/2018 is as follows:

Bill month	Consumption
10/2015	448
12/2015	435
02/2016	339
04/2016	418
06/2016	314
08/2016	318
10/2016	332
12/2016	338
02/2017	327
04/2017	DL
06/2017	2067
08/2017	257
10/2017	359
12/2017	330
02/2018	342
04/2018	456
06/2018	390

On a verification of the consumption pattern of the appellant it can be seen that the bimonthly consumption has never exceeded 456 units except the disputed period. Hence it can be ascertained that the excess consumption recorded may be either due to earth leakage or any malfunctioning of the meter. The connected load of the appellant is 1810 Watts.

It is pertinent to note that the respondent has never conducted any testing of the energy meter or the installations to find out the reason for the excess consumption. While taking the reading, if the meter reader had taken any effort to check functioning of the meter, he could have easily found out the leakage if any in the premises.

The damage occurred to the electrical appliances of the consumer due to the reason beyond his control such as natural calamity; the consumer shall not be liable to pay charges to the licensee on account of such failures. The respondent could not find any reason of abnormal usage of electricity in the disputed period.

The licensee has to adhere the provisions under Regulations 110 (11), (12) & (13), 111 and 124 of the Electricity Supply Code, 2014 in the case of billings when meter not accessible.

In this case the appellant has questioned the genuineness of the reading taken on 27-06-2017. The consumption for the period from 25-02-2017 to 27-06-2017 was 2067 units as the difference between the initial readings 3269 units on 25-02-17 and 5336 units on 27-06-2017. But as per the down loaded data, the consumption details of the appellant are as follows:

01/03/2017 to 01/04/2017 =281 units
01/04/2017 to 01/05/2017 =317 units
01/05/2017 to 01/06/2017 =265 units
01/06/2017 to 01/07/2017 =150 units

Hence the total consumption comes only 1013 units. There may be some differences in the calculation because the billing period is from 25-02-2017 to 27-06-2017. When the consumer is all alone complaining about excess billing, the respondent must be reasonable in clearing the doubts of the consumer. It is noted that the disputed energy meter of the appellant was tested at site by installing a good energy meter in tandem with the existing meter, so that both meters carry the same electric current and so will measure the same energy consumed by the consumer. The two meters showed exactly the same energy consumption and the consumer has not disputed the 'test' done by the KSEB. This fact shows that the meter is working in good condition.

However when the test is undertaken by the respondent on the consumer's meter, it is the best practice to prepare a site mahazar, in the presence of the appellant or his representative, recording the facts of check meter installed, the details of both meters with their seals, recording their initial reading etc on the first day and got it witnessed and then leave both meters in service for one week time, for joint working. Similarly, after informing the consumer, a final recording of meter readings in his presence, would have cleared the doubts and the said mahazar so prepared will surely be a valid document before any Legal Forum. It is fair and proper to test the accuracy of the meter by installing a check meter in tandem with the existing meter and to prepare a site mahazar as indicated above.

As per the findings of the CGRF, the meter downloaded data as on 1/2/2017 shows the cumulative reading as 4102.13, but the meter reader wrongly taken the reading on 25/2/2017 as 3269 instead of 4269 units. It is found that in the billing history, the meter reading on 25-02-2017 is 3269 units whereas in the downloaded data the reading on 01-02-2017 is 4102 units and on 01-03-2017 it is 4340 units. The meter reading on 27-06-2017 used for billing is 5336 units and as per downloaded data the meter reading is 5353 units on 01-07-2017. Total days between the billing period from 25-02-2017 to 27-06-2017 is same as the duration from the down loaded data period from 01-03-2017 to 01-07-2017 i.e. 122 days. Average monthly consumption as per downloaded data is 253.25 units (1013 units from 01-03-2017 to 01-07-2017). The respondent has produced the downloaded

data and other documents as directed by this Authority. But their opinion for the difference in the reading done by the meter reader and the downloaded data is not furnished.

Without complying with the statutory formalities referred above and due to the suspicious nature of meter reading taken, the issuance of arrear bill in this case is not sustainable before law and liable to be quashed.

Decision

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

From the conclusions arrived at as detailed above, I am fully convinced that the request of the appellant is reasonable and hence admitted. I decide that the bill amounting to Rs. 15099/- issued for 2067 units to the appellant is set aside. The respondent is directed to reassess the consumption for the period from 25-02-2017 to 27-06-2017 as 1013 units based on the average consumption of 253.25 units monthly and to revise the bill by taking action to refund the excess amount collected for 1054 units accordingly. The respondent shall issue the revised bill to the consumer within fifteen days time on receipt of this order and adjust the excess amount in the future bills of the appellant. Having concluded and decided as above it is ordered accordingly. The Appeal Petition filed by the Consumer is allowed as ordered and stands disposed of as such. No order on costs.

ELECTRICITY OMBUDSMAN

P/033/2018/_____ /Dated:_____

Delivered to:

1. Sri. Ramaswamy, H. No. XI/290, Perumpilly, Njarakkal P.O., Ernakulam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Vypin, Ernakulam

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.