

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

---

APPEAL PETITION No. P/035/2018  
(Present: A.S. Dasappan)  
Dated: 04<sup>th</sup> September 2018

Appellant : Sri. Mohanakumar T.N.  
Saphalyam, Thattarambalam,  
Mavelikkara, Alappuzha

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd., Mavelikkara,  
Alappuzha

### **ORDER**

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

The appellant is a domestic consumer having a three phase connection with connected load of 6960 Watts, vide Consumer No. 3864 under Electrical Section, Thattarambalam. While being so, he received an abnormal bill for Rs. 36760/- in 12/2017. He approached the Section Office with a complaint that he used to consume less and hence the disputed bill for Rs. 36,760/- was not in tune with his consumption. Based on the complaint the meter was sent to the meter testing laboratory and the appellant has been directed to remit the bill amount as it was proved that the meter was working in good condition and the errors are within limit. Being aggrieved by this, the consumer lodged a complaint before the CGRF, Ernakulam which was dismissed vide Order OP No. 107/2017-18 dated 14-05-2018. Aggrieved by this order, the consumer has filed the Appeal Petition before this Authority.

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

The appellant is a domestic consumer with consumer No. 3864 of Electrical Section, Thattarambalam in Electrical Circle, Haripad. The appellant received an electricity bill for Rs. 1355 of 12/2017 and received another bill for Rs. 36,760/-. Complaints were given in Electrical Section and later Circle office and filed petition before the CGRF, Ernakulam. But the CGRF in its order has

not considered the relevant regulation of Electricity Act and Supply Code, 2014. The observation of the CGRF that the respondent is not responsible for the energy loss is not correct. The order says the reason for the excess reading is the earth leakage.

The appellant's previous bimonthly consumption is only 275 units.

08/15	274 units
10/15	273 units
12/15	267 units
02/16	289 units

In the bill for the period from 10-02-2017 to 12-12-2017, the bimonthly consumption is computed as 956 units. The appellant paid the bills from 10-02-2017 to 12-12-2017, (the premises was under Door lock) as per the previous average consumption. In the above bill it is clearly mentioned that the premises was under 'Door Lock' from 10-02-2017. The provisions for the billing in 'Door Lock' period was explained in Supply Code, 2014 Regulation 110 (11) and (12) Regulations 111 (1).

Here the earth leakage is the reason for the 'earth load'. As per Regulation 110 (7), (8) the licensee has to intimate consumers the fact of leakage noting the 'earth leakage indication' in the energy meter and to advise investigation in the wiring. As such the present situation arises due to the lapse of the licensee and not of the appellant. A similar bill dated 22-07-2017 issued to another consumer with consumer No. 15711 has been cancelled in the Section Office itself.

The appellant requests to cancel the bill and issue a revised bill based on the previous consumption and keep in abeyance the actions of disconnection by the licensee up to the finalization of this appeal petition.

**Arguments of the respondent:**

The case refers to consumer number 1155237003864 of Electrical Section Thattarambalam registered in the name of Mohanakumar T.N. The appellant is a consumer having 3 phase connection with 6960 watts connected load.

On 13.12.2017 the contract meter reader of that office visited the premises as a part of bi-monthly meter reading and an abnormal consumption observed by him from the previous reading. The meter reader issued a previous monthly average bill for 296 units and reported this matter to the Section office.

Accordingly the Sub Engineer visited the premises on 15.12.2017 and the reading was confirmed by him. On inspecting the premises, he found that one of the limbs of their main switch fuse unit was in burnt condition (photo attached). Due to this fact an earth leakage occurred at their premises and the consumption of energy recorded in the meter.

Due to the abnormal reading recorded and confirmed by Sub Engineer the Assistant Engineer visited the site on 21.12.2017 and a detailed site mahazar was prepared and an invoice according to actual consumption prepared and served to the appellant. The revised bill of Rs. 36,760/- served to the appellant and informed him that the previous average consumption bill was cancelled.

Then the appellant filed a complaint on 26.12.2017 and he stated that the abnormal consumption occurred due to meter fault. The working condition of the meter cannot be analyzed from the office and informed the appellant to remit the amount for meter testing on 03.01.2018. After remitting the amount the meter was taken out from the premises on 10.1.2018 after replacing as per existing rules with another meter and handed over to TMR Pallom on 11.01.2018 for testing.

Test results from TMR Pallom received on 16.01.2018 stated that the meter was working in good condition. The reading pattern for the appellant is stated below.

Month	Meter Reading	Status	Units billed	Adjustment in consumption	Remarks
Dec-14	1877				
Feb-15	D/L		274		
Apr-15	D/L		274		
Jun-15	D/L		274		
Aug-15	D/L		274		
Oct-15	3246	1369 units for 5 billing cycle	273	$(274 \times 4) + 273 = 1369$	D/L period adjusted
Dec-15	3513	Actual consumption	267		
Feb-16	3802	Actual	289		
Apr-16	D/L		297		
Jun-16	D/L		297		
Aug-16	D/L		297		
Oct-16	D/L		297		
Dec-16	5286	1484 units for 5 billing cycle	296	$(297 \times 4) + 296 = 1484$	D/L period adjusted

Feb-17	D/L		956		
Apr-17	D/L		956		
Jun-17	D/L		956		
Aug-17	D/L		956		
Oct-17	D/L		956		
Dec-17	11023	5737 units for 6 billing cycle	957	(956x5)+957 = 5737	D/L period adjusted

From 02/17 onwards appellant paid for average consumption of 296 units but when the actual consumption of 5737 units occurred during the period from 02/17 to 12/17 and split it into 6 billing cycles of 956 for 5 billing cycle and 957 units for one billing cycle. The calculations made accordingly after deducting the remitted amount and the final bill comes for Rs. 36,760/-

This proves that the meter installed at the appellant's premises was good and the actual consumption was recorded on the meter.

The energy consumption occurred due to the fault and unsafe operation at the appellant's premises and the appellant is liable to pay the energy used by him due to their own fault.

#### **Analysis and Findings: -**

The hearing of the case was conducted on 24-07-2018 in the Court Hall of CGRF, Kottarakkara. Sri T.N. Mohanakumar represented for the appellant and Sri. Sunil Kumar S., Assistant Engineer-in-Charge, Electrical Sub Division, Mavelikkara, has appeared for the respondent's side. On examining the petition, the counter statement of the respondent, the documents attached and the arguments made during the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions thereof.

The appellant's contention is that he has not consumed the electricity of 5737 units calculated by the respondent for the six billing cycles. The respondent has admitted that the reading in the premises were not taken during the period from 02/2017 to 10/2017 i.e. for 5 billing cycles, citing the reason as 'door locked' condition. It is confirmed that the energy meter is installed outside the building, but the gate was in locked stage as the appellant and wife are employees. There is no defect in the meter. As per the respondent, the excess consumption occurred due to the defect of the main switch. The meter reader took the reading on 13-12-2017, Sub Engineer inspected the premises on 15-12-2017 and the Assistant Engineer inspected on 21-12-2017. The defect of the main switch was not brought to the notice of the appellant on 15-12-2017.

The allegation is that earth leakage occurred in the consumer's main switch during the door lock period and hence needs reassessment as per subsequent reading taken on 13-12-2017. Accordingly the consumer was issued a short assessment bill for Rs.36760/-. The Respondent also states that the consumer premises was in locked up condition from 02/2017 onwards and hence was not able to take the meter readings regularly.

The Regulation 111 of Electricity Supply Code, 2014, deals with the meter reading in the locked up premises. It reads as;

“111. Consequence of making the meter inaccessible for reading.

(1) If the meter is rendered inaccessible on two consecutive meter reading dates of two billing cycles, a notice shall be issued to the consumer to keep the meter accessible for reading and to get the meter read by the licensee after payment of a penal charge as approved by the Commission, on a date which shall be at least seven days after the date of notice and at the time specified in the notice.

(2) If meter is not made accessible even on the date specified in the notice, a disconnection notice shall be served on the consumer or affixed near the main entrance of the premises, if the consumer is not available.

(3) If the consumer fails to comply with the notice, the supply shall be disconnected and reconnection of supply shall be effected only after the reading is taken and all the dues are realised.

(4) The provisions of the above sub regulations shall not apply in the case of a domestic consumer who has given advance intimation to the licensee of the inaccessibility of his meter for reading due to the consumer being out of station and has also deposited an amount in accordance with regulation 129 of the Code.

(5) When a domestic consumer, who has paid entire dues up to date, gives prior information in writing to the licensee about inaccessibility of the meter due to continued absence from residence, the licensee shall not send any notice or provisional bill to the consumer if the consumer pays the fixed charge or minimum charge for such period in advance.

(6) Whenever the meter is made accessible by the consumer for taking the meter reading, the entire consumption shall be taken as if the consumption was for the period excluding the intimated period of inaccessibility.”

The non-compliance of the above provisions by the respondent has created a situation of uncertainty in deciding the actual date of leakage as alleged by the respondent and the previous readings correctly.

It seems the Board has not taken proper action in time or was negligent in its duties. The Board has failed in detecting the meter leakage in a reasonable time and reassessing the consumer, after a period of one year is not fair. The Respondent did not take any action, as contemplated under Reg. 111 of Electricity Supply Code, 2014, in such a situation of Door Locked condition in a consumer premise.

At the same time this Authority has found serious lapses on the part of the appellant also. It is known in the hearing that the appellant is an officer of KSEBL deals with provisions of Electricity Act 2003 and Kerala State Electricity Supply Code 2014. As such a situation, taking only six bimonthly meter readings from 12/2014 to 12/2017 against the actual of 19 bimonthly readings could have been avoided. As per regulation 110(2) *“the consumer shall extend all facilities to read the meter, to the licensee or his employee or to the person duly authorized by the licensee for the purpose.”* Also non taking of timely meter reading is against the regulation 110(12) of the Supply Code 2014 which reads as *“ Such provisional billing shall not continue for more than two billing cycles at a stretch, and the licensee shall not generate more than two provisional bills for a consumer during one financial year.”* The consumption up to the reading for 12/2016 was normal and the abnormal consumption noticed in the next reading taken in 12/2017 i.e., one year from the last reading. That is the defect in the main switch which led to the energy loss started in between 12/2016 and 12/2017. If meter reading was taken regularly the energy loss to the present extent could have been avoided. As per regulation 120 of Supply Code 2014, *“Responsibility of the consumer to report the defect of the meter (1) if the consumer notices any defect in the meter installed in his premises, he shall immediately report the matter to the nearest office of the licensee.”* It is clearly stated in the site mahazar that one of the limbs of the main switch fuse unit was in burnt condition and due to this an earth leakage occurred which resulted the consumption of energy recorded in the meter.

Since the excess consumption recorded by the meter is found due to the earth leakage at the side of the appellant that is proved conclusively, the licensee is eligible for realizing the energy charges towards the consumption recorded in the meter. Also it is seen that the respondent has taken steps, to check the working of the disputed energy meter, on getting the complaint, which established the perfect functioning of the meter.

**Decision**

In view of the factual position I don't find any reason to interfere with the findings and decision taken by the CGRF, Ernakulam in this case and hence the order of CGRF is upheld. The appeal is found devoid of any merits and hence dismissed. Having concluded and decided as above, it is ordered accordingly. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/035/2018/\_\_\_\_\_/Dated:\_\_\_\_\_

Delivered to:

1. Sri Mohanakumar T.N., Saphalyam, Thattarambalam, Mavelikkara, Alappuzha
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Mavelikkara, 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.