

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION NO. P/074/2018
(Present: A.S. Dasappan)
Dated: 8th November 2018

Appellant : Sri. Gangadharan C
Chettiyamkandi House,
Alayatt, Thillankeri P.O.,
Mattanur, Kannur

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Iritty,
Kannur

ORDER

Background of the case:

The appellant, Sri Gangadharan, is a domestic consumer with consumer No. 10105 under Electrical Section, Kakkayangad having connected load of 4250 Watts. The grievance of the appellant is that the respondent issued an exorbitant bill amounting to Rs. 23,119/- on 28-9-2017 for a bimonthly consumption of 2811 units. The appellant approached the respondent with a complaint against the impugned bill. But the respondent stated that they have checked the accuracy of the meter and no variations or discrepancies were noticed during the testing of the existing meter. Accordingly the respondent directed the appellant to remit the bill amount. Being aggrieved against the direction, the appellant filed a petition before the CGRF, Kozhikode with a request to grant 12 equal monthly installments and the Forum disposed of the petition vide order no. OP 120/2017-18 dated 16-01-2018 allowing the petition. The appellant had filed an appeal petition before this Authority with a request to waive the bill amount of Rs. 23,119/-. The request of the appellant before the CGRF was for granting installments in the bill amount, but before this Authority is to waive the bill stating other arguments, which were not considered by the CGRF. Hence the appellant was allowed to remit the previous bill amount for the month of 9/2017 for the time being and the appellant was directed to prefer a petition describing his grievances before CGRF by complying with the formalities for filing petition, if he desires so and the CGRF shall consider the same, vide order no. P/09/2018 dated 30-04-2018. On the basis of this order, the appellant submitted another petition

before the CGRF, which was dismissed in Petition OP No. 35/2018-19 dated 31-07-2018. Aggrieved by this order, the appellant filed appeal petition before this Authority with a request to waive the bill amount of Rs. 23,119/-.

Arguments of the appellant:

The normal electricity bills being received after getting electricity connection to the newly constructed residential building on March 2017 was below Rs. 450/. In the fourth bill the amount was for Rs. 23,119/- and afterwards below Rs. 450/- only. There is no financial ground to remit the bill amount for Rs. 23,119/- and requests to exempt the appellant from paying the amount.

While approaching the Section Office to explain the inability to remit such a huge amount, the section officials threatened to initiate Revenue Recovery action and an application was got it prepared and signed by the appellant by misleading him.

The building was electrified with non-standard wiring material is a fact and electrician has inspected the wiring when faults occurred.

The CGRF took decision of granting installments on the strength of the signed paper obtained by the section officials while approaching them seeking exemption from the payment of the bill.

Arguments of the respondent:

The service connection of consumer number 1167876010105 was effected on 03.03.2017 in LT IA tariff with a connected load of 4250W for domestic purpose.

The following is the billing history of the appellant.

Bill Date	FR	Units consumed	Bill amount	Remarks
29-04-17	1	1	8	DOC 03.03.17
04-05-17	117	116	324	
04-07-17	Door Lock	Av.62	194	During power failure, in PDA (Personal Digital Assistant) the hand held spot biller, provision for power failure is not available. Hence Door Lock. Other available options are Faulty, Damaged, in addition to working status.

28-09-17	2928	2811	23118	
03-11-17	3075	147	448	
04-01-18	3211	136	413	
03-03-18	3344	133	403	

Sri. Gangadharan has reported to the Kakkayangad office about the excess billing during 09/2017 billing cycle. As per his request a parallel meter was installed on 22.09.17 for verifying the accuracy of the meter and the same was verified by taking a reading on 27.9.2017.

The following is the details of the parallel meter.

Consumer No.1167876010105	Requested for parallel meter: 18.09.17	Date of placing; 22.09.17	Taken back on: 27.09.17
Sl. No. of the meter:71275077	Sl. Of Check meter:719898888		
Old Meter	New Meter		
IR:2974	IR:26		
FR:2984	FR:37		
Consumption:10	Consumption:11		

Meter was purchased by the consumer himself. In his request on 28.09.2017, the consumer has mentioned about the shock felt to his children while touching the bathroom wall. Based on the complaint Sub Engineer inspected the premises and during the inspection it was revealed that isolating rod of DP main switch was in burnt condition and earthing occurred along this path. Functioning of the meter was found normal and only abnormality seen was in the DP main switch and the defect on the same was rectified by the consumer on a later date. As the fault was within consumer's premises, he is bound to pay the amount due to him. Hence a bill for Rs. 23,119/- was served vide bill no 6787170910232 dated 28.09.2017 to the consumer. Before and after 09/2017, he has no complaint over the accuracy of the meter purchased by him.

Based on the appeal received from the consumer, six installments in bimonthly billing cycle were sanctioned by the Executive Engineer. Electrical Division, Iritty even though the appellant has requested for 12 installments.

Aggrieved on this, the appellant has approached the CGRF and again requested for 12 installments. And in his complaint he had mentioned about the shock felt to his children. He has approached CGRF on his own, without the compulsion from KSEBL. The CGRF granted 12 installments on the bill as

per his request. In the order the Forum had clearly mentioned that the reason for high consumption was leakage of electricity in the premises, which was detected, convinced and rectified by the appellant. After that the appellant approached Ombudsman with a different argument that there was error in the reading and excess bill was due to the fault from the part of KSEBL staff. His appeal was not considered by the Ombudsman and the appellant was directed to prefer a fresh petition describing his grievances before CGRF by complying with the formalities for filing the petition in the order number P/009/2018/0175 dated 30.4.2018 of Electricity Ombudsman.

Again appellant approached CGRF with the argument that excess bill was due to lapse from the part of KSEBL staff. In their order dated 31.7.2018, Consumer Grievance Redressal Forum observed the following after hearing appellant and respondent.

1. The isolating rod of the main switch is seen burned and a site mahazar was prepared by the respondent on 22.09.2017 which was witnessed by the family members of the appellant. The electrician who rectified the defects of the main switch was also present there.
2. The shock experienced to his family members established the leakage of electricity in the premises.
3. The consumption after the rectification of the defects is seen normal. Also the Forum opined that the abnormal consumption in the premises was due to defect in the main switch, which caused leakage of electricity. The main switch is a part of the appellant's installation; hence the appellant is liable to remit the amount.

Analysis and Findings: -

The hearing of the case was conducted on 12-10-2018 in my chamber at Edappally, Kochi. The appellant Sri. Gangadharan appeared for the hearing and Sri. Biju M.T., Assistant Executive Engineer, Electrical Sub Division, Iritti, Kannur, 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 service connection under LT I tariff was provided to the appellant on 03-03-2017 having a connected load of 4250 watts. In the spot bill dated 28-09-2017, there was an abnormal consumption for 2811 units against the previous consumption for 116 units for the period from 29-04-2017 to 04-05-2017. On 04-07-2017, the appellant was billed for average 62 units stating the

reason as door locked. The respondent has stated that, during power failure, in PDA, provision for power failure is not available and it is the reason to make entry as door locked. The next reading was done on 28-09-2017 and the units consumed was 2811 units for the period from 04-05-2017 to 28-09-2017. The consumption of the appellant for the reading dates on 03-11-2017, 04-01-2018, 3-03-2018, 4-5-18,4-7-18,4-9-18 and 3-11-18 were 147 units 136 units, 133 units, 147 units,120units, 136 units, and 115 units respectively. There were some defects in the main switch and got it replaced by the appellant with the help of the electrician.

Regarding the issue it is noted that the consumption recorded in the disputed energy meter of the appellant was tested, at the appellant's premises with the help of Check meter in tandem with the existing meter; so that both meters carry the same electric current and will measure the same energy consumed. The test so conducted at site shows that the two meters are recording exactly the same quantum of energy consumption. This fact shows that the meter is working in good condition at the time of this testing. Hence the meter is not replaced.

On a verification of the energy consumption of the appellant, shows that the energy consumption pattern was consistent, at least from 11/2017 onwards. On going through the consumption pattern it can be seen that the bimonthly consumption has not crossed above 150 units. It is revealed that the appellant has not used the energy of 2928 units for two bi-months. If a prudent interference from the side of respondent is taken to read the meter of the appellant on time, the issue could have been resolved to some extent. But this was not seen done. Even a reasonable explanation was not given to the appellant to satisfy his queries. If that would have been given, an unnecessary litigation could have been avoided.

It is observed that the respondent could not take the meter reading on 04-07-2017, the normal date of meter reading, due to the power failure. Also, meter reading was not taken in the next bimonth i.e. on 04-09-2017. Instead the reading was taken on 28-09-2017 and issued the bill dividing the recorded consumption from 4-5-2017 to 28-9-2017 (more than two spot bill periods) into two spot bills.

The bill has to be raised on prorata basis, if it exceeds 60 days of energy consumption, as the billing tariff rate increases at the upper slabs of the units of consumption, as described above. So naturally a bill has to be limited for 60 days period and if it exceeds it has to be reworked as for the next bimonthly consumption. Reading was seen again taken on 3-11-2017 (consumption for 35 days) and issued spot bill for 147 units. In effect meter readings were not taken in between 4-5-2017 and 28-9-2017.

As per Regulation 110 (7) of Supply Code, 2014, it shall be the duty of the employee of the licensee or the person duly authorized by the licensee for reading the meter, to check the condition of light emitting devices (LED) on electronic meters.

110 (8) In case the LED indicator for earth leakage provided in the electronic meters is found to be "ON" he shall inform the consumer that there is leakage in the premises and advise the consumer to get the wiring checked and leakage removed.

110 (9) The employee of the licensee or the person duly authorized by the licensee for reading the meter shall also inform the concerned officials of the licensee about the leakage.

If the meter reader was aware of the above said Regulations and informed the appellant about the leakage, if any, in the premises, the appellant can get the wiring checked and rectified the same in time. But this opportunity was denied to the appellant due to the failure of the meter reader to take the reading on time.

The respondent has not conducted any detailed checking in the appellant's premises to find out whether there is an earth leakage. Instead, the respondent installed a check meter to find out the accuracy of the existing meter. In case there is any anomaly in the existing meter it could have been easily detected after verifying the downloaded data through a meter reading instrument (MRI) within the stipulated time. This procedure was not seen followed in this case and hence the respondent failed to establish their claim. In few cases it is reported that there are instances of jumping of digits/display error in electronic meters and this jumping/display error cannot be detected in earth leakage testing or calibrating the meter at a later stage since it does not affect the functioning of the meter. Likelihood jumping of digits/display error cannot be rejected at the face value. In this background there is no justification for issuing such a huge bill to the appellant.

In the bill history furnished by the respondent, the energy meter reading on 28-9-2017 is "2928", but in the site mahazar dated 22-9-2017 the reading is "2974" which shows that the site mahazar and the meter reading details furnished by the respondent are not reliable.

Decision

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

The bill for Rs. 23,119/- is quashed. The respondent is directed to revise the bill for the period from 4-5-2017 to 28-9-2017 by taking the average of the consumption of three billing cycles after 3-11-2017 after deducting the bills already paid during the disputed period. The order of CGRF, Kozhikode vide order no. P/35/2018-19 dated 31-07-2018 is set aside. Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is found having merits and is allowed. No order on costs.

ELECTRICITY OMBUDSMAN

P/074/2018/_____ /Dated:_____

Delivered to:

1. Sri. Gangadharan C, Chettiyamkandi House, Alayatt, Thillankeri P.O., Mattanur, Kannur
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Iritty, Kannur

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