

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/093/2018
(Present: A.S. Dasappan)
Dated: 8th March 2019

Appellant : Smt. Rajila Ummar
U.R. Bhavan, Attinpuram,
Panavoor P.O., Thiruvananthapuram

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

ORDER

Background of the Case:

The appellant is a domestic consumer having consumer number 11335 under Electrical Section, Chullimanoor of Nedumangad Electrical Division. The appellant was served with a bill dated 08-08-2018 amounting to Rs. 4,412.00 for bi-monthly consumption of 636 units. The appellant's sanctioned connected load in the premises is 1380 watts. The appellant filed a complaint in the Section Office, but not redressing the complaint, the appellant approached the CGRF, Kottarakkara requesting to exempt the exorbitant amount charged. The CGRF has dismissed the Petition on finding that the bill issued by the respondent was in order and the petition was found as devoid of any merits, vide its order No. OP 115/2018 dated 04-12-2018. Aggrieved by the decision of CGRF, the appellant has submitted the Appeal petition before this Authority.

Arguments of the Appellant:

The appellant is a consumer with Consumer No. 11335 in Chullimanoor Section of Nedumangad, Electrical Sub Division. The meter and DP got damaged in the lightning occurred in the last raining season and thereby received an abnormal bill. The usual bills being received are for Rs. 302/-, Rs. 277/-, Rs. 390/- etc. As requested by the appellant the meter was replaced on 19-09-2018. The appellant received the abnormal bill for Rs. 4,412/- on 07-08-2018 and hence filed petition before the CGRF (No. 115/18). As the notice

for hearing was not received from CGRF in time, the appellant could not attend the hearing and explain the real facts. The appellant has remitted another abnormal bill for Rs. 2,398/- believing the KSEB's statement that further such billing will not be done in future.

The appellant requests to exempt from paying the abnormal bill for Rs. 4,412/-

Arguments of the Respondent:

Smt. Rajila Ummar, a consumer of Chullimanoor Electrical Section with Consumer No. 11335 made a complaint stating that the bill amount for 08/2018 was abnormal and the meter was faulty.

The said meter was tested on 14-08-2018 with a parallel meter and found that there was no defect in the meter. The fact was informed to the consumer also. But again the consumer was not willing to remit the amount and filed petition before the Consumer Grievance Redressal Forum, Kottarakkara. Later the energy meter (Unilec, Single Phase, 2 wire, 240V, 5-20 A, C11, 50 Hz, 6400 imp/kWh, Type UEM2B) was tested in the laboratory and received test report that the energy meter is good.

It is requested to uphold the order of CGRF, Kottarakkara that the consumer is liable to pay the bill.

Analysis and Findings: -

The Hearing of the Case was done on 26-02-2019 in the Court Hall of CGRF, Kottarakkara, Smt. Rajila Ummar represented the appellant's side and Sri Kuttappan Kani S, Assistant Executive Engineer, Electrical Sub Division, Nedumangad, represented for the respondent's side. On examining the Petition, the counter of the Respondent, perusing the documents attached and the arguments in the hearing and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

The first point to be decided is whether the Energy meter provided to the consumer was faulty during the period of two month i.e. from 12-06-2018 to 08-08-2018 and whether the consumption of 636 units recorded in it during that period is genuine or actually consumed by the consumer.

According to the respondent, the disputed energy meter of the appellant was tested, first at the consumer's premises itself, by installing a good energy meter in tandem with the existing meter; so that it can prove both meters carry the same electric current and will measure the same energy, consumed by the party. In this case, the meter was tested in TMR Division, Thirumala and the

respondent argued that upon testing the meter the errors is within the permissible limits.

The energy consumption for only one bi-month has reached the abnormal level of 636 units. The Installation of a Good meter (standard reference meter), in tandem to the existing (disputed) meter to verify the accuracy of the Meter is justifiable as per the rules. The test done on the consumer's premises and in his presence is more convincing than any documentary evidence and would help the appellant to clear his doubts on the existing meter. In this case, the respondent has not prepared a site mahazar while testing the meter in the premises and the appellant not witnessed any such site mahazar. The respondent has submitted a report dated 25-02-2019 stating that he had conducted a testing in the premises by using a parallel meter. The appellant challenged the veracity of the report and stated that no such testing was not done in the premises. According to the appellant, it is doubtful and it can not be correctly ascertained whether the tested meter relates to appellant's premises because a site mahazar was not prepared while taking the energy meter for testing. The appellant's argument that a new meter replaced in the premises on 19-09-2018 is not admitted by the respondent. But on verifying the reading details, the meter reads zero from 19-09-2018 and it reached 280 units on 08-02-2019. It means the old meter was not re-installed after testing in the TMR Division and the consumption after replacement of the meter for the period from 11-10-2018 to 10-12-2018 was 91 units and for the period from 10-12-2018 to 08-02-2019 it was 129 units and the consumption not exceeded 129 units after replacement of meter. The only argument raised by the appellant is that, there is no possibility for such a high consumption in a house having 1380 watts connected load and previous consumption never exceeds 331 units bimonthly. The appellant's contention is that the exorbitant consumption recorded may be due to lightening, but the respondent argued that it is due to earth leakage.

Considering the fact that the consumer is a domestic one, the possibility of such a high energy consumption of 636 units for a bi-month is remote. For all the other months, prior or previous to the disputed month, the maximum energy used was below 331 units per month. The respondent has also not verified the existing connected load details by preparing a site mahazar, on getting the complaint from the appellant.

Even though the respondent has established that the Meter is working in good condition, this Authority is of the view that, it is reasonable to assess the consumer at the maximum level he has consumed energy, since the date of taking the electric connection except the disputed months. Further the respondent has not strictly adhered to the general provisions relating to inspection specified in Regulation 173 of Kerala Electricity Supply Code, 2014.

Decision

In view of the above facts, it is decided to quash the energy bills for Rs. 4,412/- and Rs. 2,391/- issued to the appellant. However, the respondent is directed to revise the two bimonthly bills for the period from 12-06-2018 to 11-10-2018 based on average consumption of 309 units i.e., by taking average consumption of previous three bimonthly spot bills from 11-12-2017 to 12-06-2018. 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 adjusted against the revised bills. The order of CGRF in OP No.115/2018 dated 04-12-2018 is set aside.

Having concluded and decided as above, it is ordered accordingly. No order as to costs.

ELECTRICITY OMBUDSMAN

P/093/2018/_____ /Dated: _____

1. Smt. Rajila Ummar, U.R. Bhavan, Attinpuram, Panavoor P.O., Thiruvananthapuram
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Nedumangad, 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.