

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/010/2019
(Present: A.S. Dasappan)
Dated: 29th March 2019

Appellant : Sri. Haridasan
Secretary, Jalanidhi,
Edachery, Grama Panchayath,
Sudhajala Vitharana Suchitwa Society,
Kacheri P.O., Kozhikode

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Nadapuram,
Kozhikode

ORDER

Background of the Case:

The appellant is a consumer with consumer number 1167310009185 under Electrical Section, Thunery having LT I tariff. He is aggrieved by the exorbitant electricity bill dated 10-08-2018 amounting to Rs. 30,425/- for the bimonthly consumption from 12-06-2018 to 10-08-2018. The appellant approached the CGRF with a complaint against the impugned bill. The CGRF, Kozhikode has dismissed the petition on finding that earth leakage due to the inferior quality of main switch might have been the reason for the high consumption during 08/2018. Aggrieved by the decision of CGRF, the appellant has submitted the Appeal petition before this Authority.

Arguments of the Appellant:

The appellant requests to waive the excess bill for energy charge issued for the Jalanidhi pump house situated in Pattiyeri Thazhe Vayal in Edachery Panchayat. The height of the pump house is 200 cms, length 182 cms and breadth 172 cms. Leakage of energy occurred due to the damages happened to the main switch, following the rain and lightning from last week of May 2018. The bill for Rs. 30,425/-received on 10-08-2018 is for the consumption of June

and July. As there was interruption of power supply and flood, the energy charge had to be reduced for the bill received in August 2018.

It is submitted that the energy said to be consumed in excess is not actually used for the working of the motor, but it was leakage. It is injustice to make remittance of the bill by a group of 28 consumers (most of them are BPL families). Touchings and overlaying to the lines were not cut and removed in that area.

The appellant produced the newspaper cuttings of 11th and 15th of June 2018. It is again requested to waive the exorbitant bill and reassess the regular bill based on the consumption of previous month.

Arguments of the respondent:

The appellant, Sri. Haridasan K, Secretary, Vayanashala Bhagam Sudhajala Vithrana Suchithwa Society, Kottermbram, Edachery had submitted a complaint before the CGRF, Kozhikode on a bill issued on 10/08/2018 to Con. No. 1167310009185 under Electrical Section Thuneri. The above consumer submitted before the CGRF that due to heavy downpour the entire area where the pump house with the above consumer number situated was inundated and consequently the main switch, meter board etc. were soaked in rain water. Further it had led to the leakage of electricity and consequently resulted to an electricity bill amounting to Rs. 30,425/-. The appellant had submitted for reduction in the above bill treating the cause of the above bill as natural calamity. The CGRF was pleased to dismiss the above petition with a direction to this respondent to allow the appellant to remit the bill in 18 monthly equal installments. The appellant has now added some more averments in the appeal petition than what were submitted before the CGRF in OP No 87/18-19. New allegations like non-clearance of tree touchings, uproot of a tree over the line etc have been incorporated in the appeal petition. The new averments of the appellant are totally false. The new averments other than what were stated in the original petition shall not generally be considered in the appeal petitions. It is requested not to consider the new allegations stated in the appeal petition.

The service connection bearing consumer No. 116731009185 under Electrical Section Thuneri is effected in the name of Secretary, Jalanidhi, Kotttembram to a pump house under LT IA tariff. The above said pump house is situated at Kotttembram Patterithazhe on a platform in a paddy field within the area of Edachery Grama Panchayath. In the said premises the energy meter, main switch, fuses etc. are kept 1.25 metres above the ground level. It is submitted that as soon as the complaint filed by Sri. Haridasan K , Secretary , Jalanidhi before the CGRF was received by the office concerned, the Sub Engineer, Electrical Section, Thuneri inspected the site. During the inspection it was found that the main switch was replaced with a new one and the faulty

main switch was placed down. The insulation on the rod in the main switch was in burnt condition. It is evident that due to the internal fault of the main switch, earth leakage had been occurred in the said premises. The reason for the above earth leakage was absolutely the fault of the main switch fixed by the consumer in his premises.

The staff of Electrical Section Thuneri had noticed the earth leakage issue in the above premises when they were trying to identify the cause of low voltage in that area. Then the staff of Kerala State Electricity Board had brought the issue to the attention of the consumer and electric supply to the premises had been disconnected. After replacing the defective main switch by the consumer supply to the premises has been restored.

The allegations of the appellant regarding non-clearance of tree touchings and tangency of coconut foliage, tree branches etc with the line are totally false. Defect of the main switch is the sole reason that led to the issue of earth leakage in the premises. The Consumer Grievance Redressal Forum has disposed the above petition by considering all the evidence submitted by the appellant as well as this respondent before the Forum. The cause of the bill mentioned in the petition is not due to any natural calamity but solely due to the fault of the main switch fixed by the consumer in his premises. The energy meter in the premises was in good condition. More over complaints regarding over voltage, damage of electrical installations or equipments, high electricity bill etc. had not been received from any of the consumer in this area.

Analysis and Findings: -

The hearing of the case was conducted on 14-03-2019 in my chamber at Edappally, Kochi. Sri K Haridasan, the appellant has appeared for the hearing and Sri. Biju P, Assistant Executive Engineer, Electrical Sub Division, Nadapuram, 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.

As per the appellant the bill is exorbitant and which is due to the natural calamity and flood occurred during the months from June to August 2018. A lot of trees were fallen and which led to interruption and over voltage. The service connection is effected in a pump house situated on a platform in a paddy field. According to the appellant due to the heavy downpour, the entire area where the pump house with the connection existed was inundated and consequently the main switch, meter board etc. were soaked in rain water. The appellant has contended that this was the cause for leakage and due to the heavy voltage the insulation on the rod in the main switch was burnt. It is

found that the defect in the DP S/W is true and the same was replaced with a new one. The appellant has produced some news paper cuttings substantiating the argument of flood in the area in the disputed bill period.

As per the respondent, the defect in the DP was informed to the appellant and restored the supply after replacing the DP. The respondent has prepared a site mahazar related to the defect in the DP. The respondent has stated that the reason for the earth leakage was absolutely the fault of the main switch fixed by the consumer in his premises.

On a verification of the consumption pattern of the appellant it can be seen that the previous consumption of the appellant has never exceeded 385 units during the period from 12-12-2016 to 11-04-2018. The possibility of high voltage due to the flood situation cannot be neglected. The CGRF has also stated in its order that "the earth leakage due to inferior quality of main switch might have been the reason for high consumption during 08/2018". The possibility of the natural calamity like the flood occurred has not been considered by the CGRF. Even without conducting any proper inspection or testing the meter in an accredited and approved laboratory, the respondent arrived at the conclusion that the abnormal level of consumption was due to earth leakage is without any documentary evidence. Hence the contention of the respondent that the excess consumption was due to the leakage of electricity through the defective apparatus of the appellant and the appellant is solely responsible for the same is arbitrary and cannot be justified.

On a perusal of the records, the reason for the leakage has not been established particularly by conducting a test as per the procedure laid down in the Regulations. The damage occurred to the electrical appliances of the consumer due to the reason beyond the appellant's control such as natural calamity; the consumer shall not be liable to pay charges to the licensee on account of such failures. The argument of the respondent that he inspected the premises and detected that the insulation on the rod in the main switch was burnt which caused excess consumption is merely on the basis of assumption and without any evidence. The site mahazar not revealed or established a clear reason for the excess consumption in the premises. The argument of the respondent that the excess consumption due to earth leakage rests with the appellant alone is in the absence of any documentary evidence and hence cannot be admitted.

Decision

Actually an excess consumption was recorded by the energy meter in the disputed period, but the reason could not be ascertained correctly by the respondent during his inspection in the premises or by testing the meter in an approved laboratory. But it is a fact that there was flood and breakdowns in the distribution system in that area. From the findings and conclusions arrived

at as detailed above, I decide to set aside the bill amounting to Rs. 30425/- issued to the appellant. The respondent is directed to revise the bill for the period from 12-06-2018 to 10-08-2018 by taking average consumption of three bimonthly spot bills after 21-09-2018. This shall be done at any rate within 30 days from the date of receipt of this order.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is found having merits and is allowed. The order of CGRF, Northern Region in Petition No. OP/87/2018-19/dated 12-12-2018 is set aside. No order on costs.

ELECTRICITY OMBUDSMAN

P/010/2019/_____ /Dated:_____

Delivered to:

1. Sri. Haridasan, Secretary, Jalanidhi, Edachery, Grama Panchayath, Sudhajala Vitharana Suchitwa Society, Kacheri P.O., Kozhikode
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Nadapuram, Kozhikode

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