

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/030/2019
(Present: A.S. Dasappan)
Dated: 18th June 2019

Appellant : Sri. Zabir Ehsan
Nagore Manzil,
Kozhikode

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

ORDER

Background of the case:

The appellant is the consumer having consumer, No. 1166371013310 registered in the name of Sri Saidalavi under Electrical Section- Pantheerankav. The registered connected load of the consumer is 3847 watts. He is aggrieved by the exorbitant electricity bill dated 26-04-2018 amounting to Rs. 5285/- for the bimonthly consumption for 729 units from 23-02-2018 to 25-04-2018 and another bill dated 26-06-2018 amounting to Rs. 1746/- for 376 units from 26-04-2018 to 24-05-2018. The supply was disconnected on 24-05-2018 and later the service connection dismantled on 17-12-2018. The appellant approached the CGRF with a complaint against the impugned bills. The CGRF, Kozhikode has dismissed the petition on finding that the appellant could not convince the Forum that such quantum of electricity is not utilized by him. Aggrieved by the decision of CGRF, the appellant has submitted the Appeal petition before this Authority.

Arguments of the appellant:

Appellant is a domestic consumer with cons. No: 1166371013310 at Kallikkunnu, Odumbra Road, Olavanna panchayath. Only two to three persons are living in his house and a nominal electricity charges being used comes below Rs 180/-only per two months for all the past 8 years and so on. But when the new meter has been changed an error in the bill comes exorbitantly from Rs 180/- to about Rs. 3,400/- Now after changing the meter by KSEB, the appellant checked thoroughly his

ELCBs and main switches and found defect less. The appellant reported these facts also. Thereafter also another bill of above Rs. 7,000/- is charged nevertheless there has been no one using the house that been kept locked from that period of time till now. Thus it is clear that meter shows high consumption even on non-usage of current without usage. This also has been intimated to the authorities for taking immediate action to remit a reduced bill.

Now the KSEB authorities has disconnected the connection and forcing to remit the whole bill without any reduction or justification, for which the consumer has overburdened to pay for what he not used, also when the house is kept locked with none living there.

The appellant requests to reduce the bill amount so the consumer can pay the correct amount and also requesting to reinstate the electricity connection at the earliest.

Arguments of the respondent:

Energy meter installed at the premises of the appellant was found faulty on 25.04.2017 and the same was replaced on 26.10.2017 with a new meter. After the meter was replaced and based on the meter reading taken on 26.12.2017, regular current bill was issued to the consumer for 188 units of energy recorded in the meter during this period (for two months). And the bill amount was Rupees 590/- the bill was paid by the consumer. Next bimonthly bill was issued on 23.02.2018 amounting to Rupees 606 against the energy consumption of 193 units, which was also paid by the consumer. Next bimonthly bill was issued on 26.04.2018 amounting to Rupees 5285 against an energy consumption of 729 units. But the consumer did not pay the bill amount even after 25 days of issuing the bill and due to non payment or regular cc bill, supply was disconnected on 24.05.2018. Next bi-monthly bill amounting to Rupees 1746 was issued on 26.06.2018 against a consumption of 372 units recorded from 26.04.2018 to 24.05.2018 (date of disconnection). Meter installed at the consumer premises is found in good working condition and no anomaly was noticed with the meter. In spite of repeated requests, the consumer neither cleared the amount due nor submitted any complaint regarding the bills served to him. During the period of disconnection, minimum bills were served amounting to Rupees 101/- each on 23.08.2018 and 26.10.2018.

Since the consumer did not clear the bill amount even after repeated requests and service connection was remained under disconnection for more that 180 days, the service connection was dismantled on 17.12.2018 as per the regulation 139(6) of Supply Code 2014 and in accordance with the section 171(2) of Electricity Act 2003.

After dismantling the service connection, the consumer approached Assistant Engineer, Electrical Section, Pantheerankav with a written complaint (dated 20.12.2018) claiming that bills issued to him is exorbitant and requested to reduce the bill amount. It is worthwhile to note that the consumer had never approached

KSEBL with any complaint with regards to bills issued before dismantling the service connection that is after 6 months of disconnecting the service connection.

Now the total current charge arrear the consumer is liable to pay is Rupees 7481 plus applicable surcharge till date.

As directed by the CGRF, the Meter was tested at meter testing laboratory of the licensee at TMR Division, Kannur and found that meter is working satisfactorily and errors are within the permissible limits. Considering the above facts and deliberations during the hearing, petition was dismissed by the CGRF as it was found without any merits.

Since the service connection has already been dismantled and the consumer is removed from the system, petitioner has to apply for a new service connection as per prevailing rules after clearing up to date arrear amount due to the Licensee.

Analysis and Findings: -

The hearing of the case was conducted on 30-05-2019 in my chamber at Edappally, Kochi. Sri K Zabir Ehsan, the appellant has appeared for the hearing and Sri. Sajeevan K, Assistant Executive Engineer, Electrical Sub Division, Mankavu, 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 first point to be decided is whether the Energy meter provided to the consumer was faulty during the period and whether the consumption of 729 units and 372 units recorded in it during that period is genuine or actually consumed by the consumer.

The appellant has paid regular electricity bills till 23-02-2018 and thereafter defaulted payment of bi-monthly bills for the consumer number 13310. On defaulting the bimonthly bill dated 26-04-2018, the connection was disconnected on 24-05-2018. Thereafter the respondent had issued a notice on 21-11-2018 and dismantled the connection on 17-12-2018. But the dismantling notice was not produced by the respondent for verification. The appellant was not served the dismantling notice in person or by Regd. Post. The respondent's version is that the notice pasted in the premises of the house but he admitted that this notice pasted without adhering procedural formalities. It is found that omission has occurred on the part of the Assistant Engineer (AE) in serving the dismantling notice.

Regulation 175 reads as follows:

175. Service of notice.- (1) Any order or notice issued on the consumer by the licensee, including the notice under Section 56 of the Act shall be deemed to be duly served if it is sent by registered post at the correct postal address of the addressee or delivered by hand, with signed acknowledgement to the person residing at the address notified to the licensee by the consumer:

Provided that in the case of an individual, service of notice to the spouse of the consumer or his authorised representative, and in the case of a firm, company or corporation, service of notice on the Managing Director, Director or Principal Officer or an authorised person of such an institution, shall be taken as sufficient service for the purpose of this Code.

(2) If a consumer refuses to receive or avoids receiving the notice, the service may be effected by any of the following methods which shall be deemed as sufficient for service of notice:-

(a) affixing the notice at a conspicuous place on the premises of the consumer in the presence of two witnesses and photographing the notice; or

(b) publication of the notice in daily newspaper commonly read in the concerned locality to be kept on record by the licensee.

(3) in addition to the methods described above, the licensee may resort to any of the following means also to serve the notice:-

(i) through special messenger and obtaining signed acknowledgement; or

(ii) by courier with proof of delivery; or

(iii) by fax; or

(iv) by e-mail:

Provided that in the case of notice sent by fax or e-mail, it shall be followed by a formal authenticated communication.

If the respondent took action to serve the dismantling notice on proper way and in time, this issue could have been avoided

Hence it is revealed that a proper service of the dismantling notice was not done as stipulated in Regulation 175 of the Kerala Electricity Supply Code, 2014.

As per the direction of the CGRF, it is noted that the disputed energy meter of the appellant was tested on 28-02-2019, at the testing laboratory and found that the meter is working properly and the errors are within limits and an earth tamper noted. But this meter testing was done after 70 days of the dismantling of the meter. Even though the disconnection was effected on 24-05-2018, in the test report the date of occurrence of tamper and date of recovery of tamper is seen as 11-04-2018 and 30-10-2018 respectively. Though the respondent was asked to furnish the clarification

on this, he has not furnished a reply on this point. Further the respondent has stated in his statement that the meter was faulty on 25-04-2017. But the consumption details furnished by the respondent shows that the meter was stopped recording from 2/2016 onwards as the IR and FR reading was 9616 till the replacement of the meter on 26-10-2017.

A verification of the energy consumption details of the consumer, furnished by the respondent shows that the bimonthly energy consumption after replacement of the faulty meter on 26-10-2017 never exceeds 193 units during the period from 26-10-2017 to 23-02-2018. The energy consumption for the bi-month from 23-02-2018 to 25-04-2018 has reached the abnormal level of 729 units and for the period from 25-04-2018 to 24-05-2018, it was 372 units. The consumption of only one bi-month, i.e. of 04/2018, has reached the disputed high energy use of 729 units. The appellant has argued high consumption recorded in the meter even on non-usage of electricity due to non occupation of the house during the disputed period. But KSEB should have prepared a mahazar on the Test undertaken by it at the time of dismantling the meter, in the consumer's or his representative's presence. The reason of the exorbitant bill could not be found out by the respondent, whether it is fault of respondent's side or the consumer's side.

In general, the reason for the abnormal hike in the consumption may be due to (i) actual energy used by the consumer (ii) leakage of electricity through the installation of the consumer or (iii) the installation of the licensee. In addition to the above, errors may occur in taking and entering the meter readings. Here the respondent has not taken any action to investigate the reason of the abnormal recording and assume that 729 units and 372 units were used by the appellant.

Abnormal consumption is from 23-02-2018 to 24-05-2018 i.e., the date on which the service disconnected. As per the test report, Earth Load Tamper occurred on 11-04-2018 and recovered on 30-10-2018 after five months from the date of disconnection. As such it is established that there is no possibility of the leakage of electricity in the premises of the appellant, since after disconnection the Earth Load tamper exists there.

The appellant's request is to exempt him from paying such a huge bill. The appellant has not given any complaint in the Section office about the huge bill before the dismantling or the appellant not deposits under protest, an amount equal to the sum claimed from him or equal to the electricity charges due from him for each month, calculated on the basis of the average charge for electricity paid by him during the preceding six months whichever is less, pending disposal of any dispute between him and the licensee.

The CGRF failed to appreciate the contention of the petitioner that the consumption of the petitioner never exceeds 193 units except 729 units for the months of 23-02-2018 to 25-04-2018 and 372 units from 25-04-2018 to 24-05-2018, notwithstanding the fact that the usage of energy is not changed during all these

periods. Hence accepting the argument of the appellant that the usage of energy has not changed and the exact reason for the exorbitant hike in consumption was not detected, it is decided to fix the average energy use or consumption of the consumer as units taking the average of previous 2 bi-months consumption.

Decision:

From the findings and conclusions arrived at as detailed above, I decide as follows.

The spot bills amounting to Rs. 5,285/- and Rs. 1,746/- issued to the appellant for the period from 23-02-2018 to 24-05-2018 is quashed. The respondent shall issue revised bills taking the average of previous 2 bi-months consumption of 188 units and 193 units, within a period of 15 days from the date of receipt of this order. The respondent shall reconnect service connection on remittance of the arrears by the appellant and after obtaining fresh application with required fees. The order of CGRF in OP No. 145/2018-19 dated 25-03-2019 is set aside.

The Appeal Petition filed by the appellant is allowed and stands disposed of as such. Having concluded and decided as above it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/030/2019/_____ /Dated:_____

Delivered to:

1. Sri. Zabir Ehsan, Nagore Manzil, Kozhikode
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Mankavu, 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