

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/050/2019
(Present: A.S. Dasappan)
Dated: 29th August 2019

Appellant : Smt. Viji Jiji
Puthanpurackal House,
Kattappana South P.O.,
Idukki

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Kattappana,
Idukki

ORDER

Background of the case:

The appellant in this appeal petition is a three phase industrial consumer (LT IV A Tariff) of the Kerala State Electricity Board Ltd bearing Consumer No. 35787 under Electrical Section, Kattappana. The connected load of the appellant is 74361 watts and contract demand 83kVA being billed under ToD tariff. The appellant is paying the current charges regularly without any dues or delay. But the respondent as per the invoice dated 14-01-2019 directed the appellant to remit an amount of Rs. 1,59,900/- being the short assessment based on the findings that the meter was faulty for the period from 04/2018 to 12/2018. An objection against the demand was filed before the Assistant Engineer on 17-11-2017. The appellant approached the Hon'ble High Court of Kerala by filing WP (C) 2092/2019 and the Court as per judgment dated 24-01-2019 directed the appellant to approach the CGRF. Against the short assessment bill, the appellant had approached the CGRF (CR) Ernakulam by filing a petition No. 109/2018-19 and the Forum in its order dated 18/5/19 decided that the short assessment bill issued is genuine and legally sustainable. Aggrieved against this, the appellant has submitted this appeal petition before this Authority.

Arguments of the appellant:

The appellant is a woman entrepreneur manufacturing 'Briquette' in the shed allotted to her in the Mini Industrial Estate, Kattappana. On 28.12.2018, the Sub Engineer, Electrical Section, Kattappana accompanied by the APTS inspected the premises and a mahazar was drawn. The reading at the time of inspection was 2135 units and the meter is found to be efficient and working normally. The connected load is found to be within permissible limit. No irregularity was detected. However it is presumed that the consumer was given the average charges suspecting the meter is faulty. The meter reader used to issue the bills and they were regularly remitted. The consumer was not responsible for the average billing done by the meter reader, without taking the actual reading. On the basis of the mahazar, a consolidated bill for Rs. 1,59,900/- has been issued. The said bill and the mahazar are contrary to law, facts and circumstances. There is no irregularity attributed against the consumer. No amount is payable. Moreover the consumer is directed to remit the amount before 25.01.2019.

The consumer therefore approached the Hon'ble High Court of Kerala, by filing W.P. C. No. 2092/2019, and by judgment dated 24.02.2019, the Hon'ble Court granted one month's time to approach the Forum and was pleased to direct the KSEB not to take coercive steps against the consumer. However, the CGRF dismissed the complaint.

Arguments of the respondent:

The appellant was given short assessment bill amounting Rs.1,59,900/- (the short assessment of energy charges for the period from 4/18 to 12/18) on 04/01/2019.

The bills were issued for the undercharged period under Regulation 134 of Supply Code, 2014. The short assessment bills were issued as per site mahazar of Anti Power Theft Squad, Vazhathope. No abnormalities were detected during the inspection in the premises of the appellant, except the meter which was declared suspected faulty was found working. An inadvertent error occurred while taking meter reading had been detected by the Board officials concerned. The short assessment bills were issued by taking reading from 13/04/2018 (declared suspected faulty) to 28/12/2018 (reading at the time of APTS inspection). The meter reading register in which it can be clearly viewed the error occurred. As the consumption showed zero units for April 2018, the new meter reader, by mistake declared the meter as suspected faulty, without taking into account the fact that in the months of 4/17, 6/17, 11/17 the meter recorded zero consumption. Thus bills for the months from 04/18 were issued with status as suspected faulty with an average of 1340 units. The meter and the CTs were tested at TMR Pallom and certified that the meter and the CT's are working properly thereby clarifying the observations of the APTS. Thus the undercharged bills from 4/18 to 12/18 were revised and a short assessment bill for Rs 1.59,900/-

were issued as per Reg 134 of the Supply Code, 2014. The CGRF upheld the bill by observing the genuineness of the bill.

The Board has issued aforesaid short assessment bill by virtue of Reg.(134) of the Kerala Electricity Supply Code 2014. The said provision amply empowers the licensee to recover the amounts undercharged from the consumer by issuing a bill, if it establishes either by review or otherwise so. The bill issued in this case is only in terms of actual energy consumption and for rectifying an error from the part of the respondents. From the above it is crystal clear that the appellant has approached this Authority with a mala fide intention in order to defeat the interests of law.

Analysis and Findings: -

The hearing of the case was conducted on 11-07-2019 in the chamber of Electricity Ombudsman at Edappally, Kochi. Sri Biju Varghese has represented for the appellant and Sri. Tony M. Keeranchira, Assistant Executive Engineer, Electrical Sub Division, Kattappana, 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 contention of the appellant is that no inspection in the premises or any testing of the meter was done during the disputed period. The appellant was given average charges suspecting the meter faulty during the period from 04/2018 to 12/2018 and the appellant is not responsible for the average billing done by the meter reader without taking the actual reading.

On going through the records it can be seen that the respondent has issued monthly bills for the consumption from 26-03-2018 to 06-02-2019 based on average consumption and the appellant remitted the same without any fail. It is the responsibility of the respondent that he had to test the meter when the meter reader detected the meter suspected faulty and confirmed the faultiness if any.

In this case, the respondent suspected the meter as faulty and issued average bills without conducting an inspection or testing of the alleged faulty meter in an accredited lab. The respondent suspected that the meter is faulty from the month of 04/2018 onwards. The APTS team inspected the premises on 28-12-2018, prepared a mahazar and not detected any abnormality in the functioning of the meter. It is here relevant to note that the testing of the meter was done in the TMR Division, Pallom on 26-02-2019 and the status of the meter was recorded as the errors were found within the permissible limit.

There is no material to show that the respondent has conducted any detailed checking of the appellant's meter during the disputed period from

04/2018 to 12/2018. The appellant's energy meter is a ToD meter. The respondent has stated that as the consumption showed zero units for April 2018, by mistake declared the meter as suspected faulty, without taking into account the fact that in the months of 4/17, 6/17, 11/17 the meter recorded zero consumption. But the respondent has not taken any interest to conduct an inspection in the premises since 04/2018 and issued average bills up to 12/2018. This is highly irregular and against the rules.

As per the mahazar, the reading shown on the energy meter as on 28-12-2018 was 2135 units. The CGRF observed that " the energy meter reading on 26-03-2018 was 852 (kWh-normal 616, kWh –peak 69 and kWh – off peak 167. The consumption during the period from 26-03-2018 to 28-12-2018 is found to be $2135-852=1283$ units which is multiplied with multiplication factor of 30 i.e. $1283 \times 30 = 38490$ units. This much unit of energy had been consumed for the 9 months from 04/2018 to 12/2018. Hence average monthly energy consumption from 04/18 to 12/18 was $38490/9 = 4276$ instead of previous average of 1340 units".

The consumption details of the appellant from 26-03-2018 to 06-02-2019 as per the reading register are furnished below.

Normal

Date	IR		Date	FR	Recorded Units
26-03-2018	616		13-04-2018	616	0
13-04-2018	616		02-05-2018	855	239
02-05-2018	855		21-06-2018	855	0
21-06-2018	855		02-07-2018	930	75
02-07-2018	930		13-08-2018	1034	104
13-08-2018	1034		11-09-2018	1034	0
11-09-2018	1034		06-10-2018	1371	337
06-10-2018	1371		01-11-2018	1542	171
01-11-2018	1542		13-12-2018	1692	150
13-12-2018	1692		15-01-2018	1742	50
15-01-2019	1692		06-02-2019	1871	129
					1255

Actual Consumption = recorded units x 30

Off Peak

Date	IR		Date	FR	Recorded Units
26-03-2018	167		13-04-2018	167	0
13-04-2018	167		02-05-2018	167	0
02-05-2018	167		21-06-2018	167	0
21-06-2018	167		02-07-2018	183	16
02-07-2018	183		13-08-2018	183	0
13-08-2018	183		11-09-2018	183	0

11-09-2018	183		06-10-2018	194	11
06-10-2018	194		01-11-2018	196	2
01-11-2018	196		13-12-2018	197	1
13-12-2018	197		15-01-2018	198	1
15-01-2019	198		06-02-2019	198	0
					31

Actual Consumption = recorded units x 30

Peak

Date	IR		Date	FR	Recorded Units
26-03-2018	69		13-04-2018	69	0
13-04-2018	69		02-05-2018	88	19
02-05-2018	88		21-06-2018	88	0
21-06-2018	88		02-07-2018	103	15
02-07-2018	103		13-08-2018	148	45
13-08-2018	148		11-09-2018	148	0
11-09-2018	148		06-10-2018	184	36
06-10-2018	184		01-11-2018	194	10
01-11-2018	194		13-12-2018	206	12
13-12-2018	206		15-01-2018	215	9
15-01-2019	215		06-02-2019	238	23
					169

Actual Consumption = recorded units x 30

From the above records, it is clear that the energy meter was in good working condition and the meter reader had taken meter reading but issued average bills not in accordance with the meter reading for a period of eleven months. This is the main cause for the issuance short assessment bill which led this unnecessary litigation. Though the metering and billing are under ToD system, the short assessment bill issued is not seen accordingly. As such the revised bill is to be issued under ToD billing. The appellant is bound to pay the electricity charges for his actual consumption. Hence it is proper that the respondent has to revise the short assessment bill for 11 months according to the actual consumption.

Decision

From the conclusions arrived at as detailed above, I decide to quash the short assessment bill amounting to Rs.1,59,900/-issued to the appellant. The respondent is directed to revise the bill by taking the actual consumption for the bill period from 26/03/18 to 06/02/2019 and to issue the revised bill under ToD billing to the appellant within fifteen days. The appellant is allowed 11 instalments without interest, to remit the revised short assessment bill, if he desires so.

Having concluded and decided as above it is ordered accordingly. The appeal petition filed by the appellant stands disposed of as such. The order of CGRF, Ernakulam in OP No.109/2018-19 dated 18-05-2019 is set aside. No order on costs.

ELECTRICITY OMBUDSMAN

P/050/2019/_____ /Dated:_____

Delivered to:

1. Smt. Viji Jiji, Puthanpurackal House, Kattappana South P.O., Idukki
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Kattappana, Idukki

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 Substation Compound, KSE Board Limited, HMT Colony P.O., Kalamassery, PIN: 683 503.