

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/055/2019  
(Present: A.S. Dasappan)  
Dated: 26<sup>th</sup> September 2019

Appellant : The Manager  
Malabar Christian College (MCC),  
Christian College P.O.,  
Kozhikode

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

### **ORDER**

#### **Background of the case:**

The three phase electric connection having consumer number 1180 under Electrical Section, Nadakkave has been registered in the name of the Principal, Malabar Christian College, Kozhikode under LT VI A tariff. The registered connected load is 89920 Watts. The section squad had conducted an inspection on 07.02.2019 in the premises of the appellant. In the inspection it was realised that B phase of the secondary circuit wire of current transformer in the metering system was in the disconnected condition. As such a short assessment bill for the period from 03/2018 to 02/2019 amounting to Rs.1,37,741/- has been issued as per section 152 of Kerala Electricity Supply Code 2014. The consumer filed objection before the Assessing officer, the Asst. Engineer, against the said assessment. Being not satisfied with the decision of the Assistant Engineer, the consumer approached the CGRF, Northern Region, Kozhikode, with Petition No. 176/2018-19 and the Forum disposed of the holding that the short assessment for a period of 12 months is found to be conducive in the present context and directed the respondent to allow up to 12 instalments. Aggrieved by the decision, the appellant has submitted the Appeal petition before this Forum.

**Arguments of the appellant:**

The appellant refer the demand notice issued by the KSEB Electrical Section, Nadakkave to remit an excess amount of Rs.137741/- for the reason that in the B phase of the secondary circuit the wire of the current transformer is disconnected. This institution does not play a role in disconnection or any malpractices. The appellant have already replaced tubelights and bulbs to LED even in laboratories and all out efforts are made to reduce the power consumption. Majority of the computers also have been replaced by LED Monitors. A sub engineer is visiting the premises monthly to take meter reading and as a technically competent man he may have reported 12 months before itself so that the appellant could have initiated steps to get it rectified. The said amount is fixed by the KSEB Ltd for the prior 12 months. The Sub Engineer [meter reader] who is competent to take meter reading and make visits to the premises monthly has not seen such a mistake even one month back, which indicates that the error was occurred after the last month's meter reading. Moreover the criterion of taking 12 months period is also not explained by the KSEB Ltd. In order to find out such mistakes and rectify it timely the KSEB Ltd. is authorising Sub Engineers to take meter reading of consumers having above 10 kW load.

Fixing of 12 months period is totally an injustice as the premises is accessed by the KSEB Ltd staff monthly for taking meter reading and the reading is taken by a competent engineer who has adequate technical qualification. Hence considering the facts stated above, the appellant requests to quash the period taken by the KSEB Ltd. against an educational institution which gave predominance for upgrading the society.

**Arguments of the respondent:**

A short assessment bill for the period from 03/2018 to 02/2019 amounting to Rs.1,37,741/- has been issued as per section 152 of Kerala Electricity Supply Code 2014. It was also informed that the said amount can be paid in 12 monthly instalments if they desired to do so. The bill is genuine based on recorded consumption. The meter and CT are in different sealed compartments, so it is not required to open the CT chamber for taking monthly readings.

The correctness of the assessment is clearly evident from the recorded consumption pattern of the above consumer for the last 17 months, which is listed below.

<u>Month</u>	<u>Consumption (kwh)</u>
June 2019	6720
May 2019	4580

April 2019	6860	meter changed on 16-04-2019
March 2019	2608	
February 2019	3725	
January 2019	3705	
December 2018	3757	
November 2018	3758	
October 2018	3660	
September 2018	3195	
August 2018	2115	
July 2018	4650	
June 2018	3480	
May 2018	1965	
April 2018	2655	
March 2018	3990	
February 2018	2820	

The fault in the metering system was rectified in the month of April 2019 and there is an evident upward rise in the recorded consumption. This data also reveals that the meter becomes faulty long back, however KSEB had made the assessment only for 12 months as per Supply Code.

In the light of the above, the respondent requests to consider the above facts and may be pleased to reject the Appeal petition filed by the petitioner.

**Analysis and Findings: -**

The hearing of the case was conducted on 22-08-2019, in my chamber at Edappally. Sri. Joseph S Daniel, Manager, MCC represented the appellant's side and Sri. E. Manoj, Assistant Executive Engineer, Electrical Sub Division, Nadakkave, Kozhikode, represented the respondent's side. On perusing the Appeal Petition, the counter of the Respondent, the documents submitted, arguments during the hearing and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions there of.

The Section squad of Nadakkave Section has inspected the consumer's premises on 07-02-2019 and found that B phase of the secondary circuit wire of current transformer in the metering system was in the disconnected condition. The connected load of the appellant in the premises is 89920 watts. A site mahazar was prepared but meter data was not downloaded. The appellant was issued a short assessment bill for one year to recover the energy escaped from billing due to CT's fault in one phase. The CGRF has observed that the short assessment bill issued by the respondent is genuine and sustainable and hence the consumer is liable to pay the amount.

The appellant's contention is that he may not be burdened for the negligent act of the respondent who failed to perform its duty in ensuring that the meter was in proper working condition. Further it is submitted that the respondent has no case that the appellant manipulated the meter in any manner. The appellant has contended that if there was failure of the voltage connection as assumed by the licensee, it could be easily found out by the Sub Engineer who had taken the monthly readings regularly. Since it was not reported by the Sub Engineer during the meter reading, the period of failure cannot be established. Further the appellant contended that no scientific analysis was done by the respondents to find out the period for which the current in B phase was missing.

Refuting the above contentions, the respondent has averred that the defect of phase failure was detected by the meter reader while taking the monthly reading of the meter on 01-09-2018. The respondent relied upon the previous consumption pattern for establishing the period of phase failure. According to him, the dip in consumption for more than one year is the result of the CT failure in the meter. It is submitted by the respondent that the meter installed in the premise is not reported as defective or damaged.

Normally, the respondent is bound to rectify the defect of the metering system, if it is found defective/faulty, after informing the consumer. The consumer was assessed for Rs. 1,37,741/- for non-recording of energy due to defects of the B phase CT for one year (from 3/2018 to 02/2019), by taking the lost energy as 1/3<sup>rd</sup> of the actual energy. There was also three phase load connected. On perusing the mahazar, this Authority feels that the contention regarding the CT current missing in one phase of the energy meter noticed during inspection was correct, since the mahazar was duly witnessed and the appellant has not disputed the mahazar. Thus it is convinced that the energy recorded in the meter during the disputed period was not correct.

The issue arising for consideration in this appeal is whether the period assessed and the quantum of energy loss computed are in order and the appellant is liable for the payment of short assessment for Rs. 1,37,741/- as per Regulation 152 of Supply Code, 2014, as claimed by the respondent.

Here in this case, the respondent declared that the CT current in B phase of the meter is detected as missing by the meter reader while taking the monthly reading of the meter and on the basis of the inspection conducted in the premises on 07-02-2019. No data was downloaded during the inspection but a site mahazar prepared. It is also found that the consumption of the appellant before and after the disputed period and during the disputed period is not in a consisting pattern. The appellant's firm is a college and the consumption depends on working days.

The site mahazar prepared on 07-02-2019 justifies missing of current in one phase of the appellant's metering equipment in the appellant's premises. In view of the above facts it is clear that the energy meter installed in the appellant's premises was only recording in two phases during the disputed period.

Further this Authority is of the opinion that if the respondent had to inspect the metering system soon after the recorded consumption decreases considerably during the disputed period, it can be easily detected the fault in the meter and to avoid the loss if any occurred to the licensee. It is the responsibility of the respondent that meters installed in the circuit shall be tested if consumption pattern changes drastically from the similar months or season of previous years or if there is consumers complaint pertaining to a meter.

The respondent has issued the short assessment bill for a period of one year by taking 50% of the recorded consumption for compensating 1/3<sup>rd</sup> of the actual consumption following the inspection conducted on 07-02-2019 and detecting of non-recording of energy in one phase.

The meter is not a whole current meter but a CT operated meter, where external CT is connected with metering unit using lead wires and phase voltage from all three phases are tapped from the source of supply and then connected with the same metering unit. Thereby wiring is also there for this metering system. This coordinates for computing energy is lead to the processing unit of the meter unit from different components of the meter then various electrical quantities are processed then recorded cumulative or otherwise and displayed in the display unit. Any defect in any part or component of meter is defect in meter. The fact of the matter is the metering system was defective since current in one phase was missing in the meter. Under the regulation 113, sub clause (7) of Supply Code 2014 requires the licensee to test the CT, PT and the wiring connections, where ever applicable while testing the meter.

The respondent has not produced any test report in connection with the testing of disputed meter at the laboratories accredited by the NABL. Hence revision of the bill on the basis of the test report is not possible in this case. Here in this case, the respondent confirmed the non recording of one phase on the basis of the inspection conducted in the premises and issued the short assessment bill for one year based on the dip in consumption during the disputed period. There is three phase load in the premises. The respondent has argued that the short assessment bill raised is only for the electricity consumed by the appellant and it is the responsibility of the consumer to pay electricity charges for the energy he has used and the same is issued without any interest.

There is no variation of connected load. The respondent did not raise any allegation against the appellant pertains to the defect of the metering system. It is observed from the site mahazar that maximum load is connected to the 'B' phase of the circuit, but energy consumption in that phase was not recorded in the meter. The fault in the metering system was rectified in the month of April 2019 and after rectification, the average consumption for three months is 6187 units. But the average consumption in the faulty period of one year is only 3313 units. This clearly proves that the actual consumption was not recorded in the meter during the faulty period.

### **Decision**

For the reasons detailed above, the appeal petition No. P/055/2019, filed by the appellant stands dismissed as it is found having no merits. The order dated 28-05-2019 in OP No. 176/2018-19 of CGRF, Kozhikode is upheld. No surcharge shall be collected from the appellant. Having concluded and decided as above, it is ordered accordingly. No order on costs.

### **ELECTRICITY OMBUDSMAN**

P/055/2019/ \_\_\_\_\_ /Dated: \_\_\_\_\_

Delivered to:

1. The Manager, Malabar Christian College (MCC), Christian College P.O., Kozhikode
2. Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Nadakkave, 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