

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/061/2019
(Present: A.S. Dasappan)
Dated: 9thOctober 2019

Appellant : Smt. Lissy Chakko
Meledath House, Trikkur P.O.,
Thrissur

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Mannuthy,
Thrissur

ORDER

Background of the case:

The appellant is an industrial consumer having consumer number 15479 under Electrical Section Nadathara in Thrissur District. The appellant's connected load in the premises is 22490 watts and contract demand is 26000 kVA. The complaint of the appellant pertains against the bill issued based on the meter reading taken in the month of 10/2018. The meter status of the appellant for the months of 07/2018, 08/2018 and 09/2018 were shown as 'door locked' and the respondent had issued average monthly bills during this period. Only after taking meter reading in 10/2018, it was noticed that huge energy consumption recorded in the meter due to earth leakage, but the respondent had billed based on the consumption by revising previous three bills from 07/2018 to 09/2018. The appellant's request is for exemption from payment of average monthly energy charges and consumption due to earth leakage during the flood period in 2018. The CGRF, Ernakulam has disposed the petition No. 122/2018-19 filed by the appellant with the following orders. "(1) The bill shall be revised based on the average monthly consumption of 244 units. Petitioner is liable to pay the fixed charges."

Still aggrieved by the order dated 28-06-2019 of the CGRF, the Appellant has filed the Appeal Petition before this Authority.

Arguments of the appellant:

The appellant is a consumer of KSEB Section, Nadathara with Consumer No. 15479. The appellant approached Executive Engineer, Thrissur with a request to exempt remittance of "Demand Amount" in the 2018 flood period and to compensate the loss due to the leakage of electricity. The Executive Engineer disallowed the request and hence the appellant filed petition before Consumer Grievance Redressal Forum. The CGRF has also rejected the requests. The appellant's premises, where wire cut bricks are manufacturing, is not having any compound wall or gate and hindrances to take the meter reading. As such the premises "Door Lock" entry is not correct. The meter reader came to the premises and issued "Door Lock" bill, the reason for which the meter reader explained was the meter reading could not be taken as supply was not there in the premises. During the flood period supply was restored in the "Peedikaparambu" area within one week by erecting 28 numbers of posts. Afterwards the posts and lines were re-effected in the paddy field. While reinstating the electric posts which collapsed in the flood, the Assistant Engineer erected one number 11 kV post in her property without consent. The appellant requested the Assistant Engineer many times to shift the above post but no action was taken. The post was only shifted on 10-10-2018 after giving notice.

The request of the appellant is to exempt her from remitting the average bill and demand amount during the interruption in the flood period.

Arguments of the respondent:

Service Connection mentioned in the referred complaint coming under Electrical Section Nadathara with Consumer No. 15479 registered in the name of the petitioner and used for Industrial Purpose.

The complaint is against bill issued based on the meter reading in their premises taken by Sub Engineer in the month of 10/2018. The meter status of the industrial consumer No. 1156778015479 owned by Smt. Lissy Chacko, Meledath House, Mulayam under this section for the months of 07/2018, 08/2018 and 09/2018 were as door locked. And this office served monthly bills with average consumption during this period. On 10/2018, the reading has been taken by the Sub Engineer and total consumption for the period from 07/2018 to 10/2018 were billed in four equal bills by revising previous three bills from 07/2018 to 09/2018. Final reading taken on 06/2018 is 523.55 and the FR received on 10/2018 is 617.93. Total consumption for the period from 07/2018 to 10/2018 were 1888 units. Revision

of bills from 07/2018 to 10/2018 as follows calculated as per order No.CGRF-CR/OP No. 122/2018-19/137 dated 18/6/2019.

Month	Total Consumption / Month	Average consumption previously billed	Balance to be paid	Total bill amount
01-07-18	472	244	228	1376
01-08-18	472	244	228	1376
01-09-18	472	244	228	1376
01-10-18	472	472	0	6144
Total	1888	1204	684	10272

The consumer in her complaint against billing, admitted that there was leakage of energy occurred by burning the wiring after cut out fuse, and it was happened inside the premises of the consumer. The consumer is liable to pay the bill including leakage in her premises. The consumer also mentioned in her complaint that to avoid average bill and demand amount during the time of supply interrupted period.

During the floods, the existing post fell down and with the flow of water the post moved to this property. To reinstate the supply the post was replaced in the location where it was got. On receiving the complaint from the consumer, the matter was looked into and the post position was relocated by contractor without cost from consumer or KSEBL. There is no grudge on part of Assistant Engineer or staff towards the consumer in this regard.

They had not made any payment against this bill under protest in the case of any dispute as stipulated in the Act/regulation. But they approached the CGRF, Ernakulam vide complaint No. CC122 of 2018.

The CGRF disposed of the above complaint vide order No.CGRF-CR/OP No.122/2018-19/137 dated 18.6.19. In this order it is specifically mentioned that "The bill shall be revised based on the average monthly consumption of 244 units. Petitioner is liable to pay the fixed charges and No cost ordered".

As per the order of CGRF the bill was revised and Rs. 4,651/ (Rupees four thousand Six hundred and Fifty-one only) (which was remitted earlier by the consumer) is accounted as advance by the consumer.

Analysis and findings:

The hearing of the case was conducted on 19-09-2019, in the office of the State Electricity Ombudsman, Edappally, Kochi 24 and Sri Chacko, the appellant and Smt. Rajani A, Assistant Executive Engineer, Electrical Sub Division, Mannuthy were present and they have represented the sides of the Appellant and Respondent respectively. On examining the Petition, the statement of facts filed by the respondent, considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision.

The respondent had not taken monthly reading of the meter in the premises of the appellant during the months from 06/2018 to 09/2018 due to the reason stated as 'door lock' and issued monthly bills with average consumption during this period. On 11-10-2018, the respondent had taken reading and the total consumption for the period from 01-06-2018 to 11-10-2018 was 1888units and revised bills were issued for the above periods based on the actual consumption.

The appellant has stated that the meter reader came to the premises and issued "Door Lock" bill, the reason for which the meter reader explained was the meter reading could not be taken as supply was not there in the premises. According to the appellant, there is no fencing, wall or gate for her firm and as such no 'door lock' as stated by the respondent. Further the appellant contented that there was energy leakage due to burning of wire before the cutout fuse during the flood period. It is stated that 27 numbers of electric posts were collapsed in the flood and there was no electricity in the premises during the period from 15-08-2018 to 10-10-2018 and hence the appellant requests to exempt him from the average billing and exemption from payment of consumption recorded due to earth leakage during the flood period.

The CGRF has observed that "in this case average of 244 units was already charged from the petitioner. The leakage occurred in the premises may be due to the flood which is natural calamity. Minimum monthly charges towards fixed charges shall be paid by the consumer. But the excess consumption due to earth leakage shall be exempted from payment. Hence the bill shall be revised with average consumption".

It is a fact that the Nadathara Section is a flood affected area in the year 2018 and the appellant had not taken readings during the months from 06/2018 to 09/2018. The respondent has not objected the version of the appellant that no electricity in the premises for the period from 15-08-2018 to 10-10-2018 and earth leakage in the premises. However, the respondent had not inspected the premises and not prepared a site mahazar after verifying the reason for excess consumption and the nature and cause of earth leakage, on getting complaints from the consumer. The KSEBL considering the severity of damages caused, areas of Electrical Sections identified as flood affected during the calamity has been exempted from generation of bills for the next billing cycle, as per Board Order No. 1756/2018 dated 01-09-2018. As per this Board Order, the following reliefs were granted to consumers.

1. Resolved to exempt the areas of Electrical Sections Identified as flood affected during the calamity from generation of bills for the next billing cycle.
2. Further resolved to extend the due date and disconnection date of bills already issued and generated for monthly/bimonthly consumers in flood affected areas up to 31.01.2019 in deserving cases.
3. Further resolved to waive Reconnection Fee (RF) and surcharge for deserving consumers in flood affected areas wherever necessary.
4. Further resolved to authorize Assistant Engineer of flood affected Electrical Sections to give suitable instalment for remittance of bills for LT consumers of flood affected areas in deserving cases.
5. Further resolved to authorize Special Officer Revenue to give suitable instalment for remittance of bills for HT/EHT consumers of flood affected areas in deserving cases.

The meter reading was not taken from 01-06-2018 to 11-10-2018. During the period leakage of electricity might have been occurred either in the installation of the licensee or the appellant and as such it is not proper to issue bills taking monthly average as 472 kWh.

Decision

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

1. The respondent shall issue revised bills for consumption months of 06/2018 and 07/2018 in ToD billing taking the average of consumption recorded for the previous three months of 03/2018, 04/2018 and 05/2018.
2. The appellant is also exempted from average billing for 08/2018 and 09/2018 due to the flood occurred in 2018. The respondent shall be given bills for only monthly minimum charges for the months of 08/2018 and 09/2018.

Having concluded and decided as above, it is ordered accordingly, and the Appeal Petition filed by the appellant, stands disposed of to the extent ordered. The order of CGRF, Central Region, Ernakulam in 122/2018-19 dated 18-06-2019 is set aside. No order on costs.

ELECTRICITY OMBUDSMAN

P/061/2019/_____ /Dated:_____

Delivered to:

1. Smt. Lissy Chakko, Meledath House, Trikkur P.O., Thrissur
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Mannuthy, Thrissur

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.