

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/007/2020
(Present: A.S. Dasappan)
Dated: 25th May 2020

Appellant : Smt. Aswathy T.K.
Nandanam, Bypass Road,
Moonnam, Adoor,
Pathanamthitta

Respondent : The Assistant Executive Engineer
Electrical Sub Division, KSEBL,
Adoor,
Pathanamthitta

ORDER

Background of the Case:

The appellant is a domestic consumer having consumer number 33500 under Electrical Section, Adoor. The connection was effected on 13-06-2018 under LT VIF tariff for the purpose of construction of a residential building. Consequent on completion of construction the tariff of the respective service connection was changed to LT I(a) w.e.f. 16-08-2019. The appellant was served with a bill dated 20-11-2019 amounting to Rs. 13,619/- for the bimonthly consumption of 1531 units. The appellant approached the CGRF, Kottarakkara requesting to cancel the bill. The CGRF has dismissed the Petition on finding that the bill issued by the respondent was in order and the petition was found as devoid of any merits, vide its order No. OP 122/2019 dated 13-01-2020. Aggrieved by the decision of CGRF, the appellant has submitted the Appeal petition before this Authority on 28-01-2020.

Arguments of the appellant:

The appellant is a consumer of KSEB Adoor with consumer No. 1146098033500. The Electricity bill received for the bill dated 20/11/2019 was for Rs. 13,619/-. Immediately appellant placed a complaint before the Electrical Section Adoor. An employee of KSEB visited the house and informed that the main switch is burnt due to lightning and the electricity is earthed continuously through the main switch which is the reason for the high reading. He directed to replace the main switch. Immediately, on the same day appellant replaced the main switch. It is a fact that there was some lightening during that month. The connection was taken one year back for construction purpose and the tariff was changed to LT 1A with effect from 16/8/2019. So far, the bill was less than Rs. 300/- per month including construction period. The total reading for the entire period till this bill is only 253 units. The first bill for residential purpose was

issued on 20/9/2019 for the period of usage from 16/8/2019 to 20/9/2019 for an amount of Rs.239/- with less than 15 units consumed for 35 days. The bill dated 20/11/2019 is the second bi-monthly bill.

Though the appellant had made a written complaint to the Electrical Section, Adoor they have not given any convincing reply, but orally turned down the request and directed the appellant to pay the bill in full. .

Even though the appellant has not actually used any extra units during this period the appellant has been denied justice and hence approached the Consumer Grievance Redressal Forum, KSEB, Southern Region, Kottarakkara. The CGRF also denied justice.

On receipt of the bill only as a consumer, the appellant could find the high usage and KSEB while inspecting has stated that the connecting rod of the main switch erected was burnt due to lightening and the huge consumption was recorded due to earth leakage.

From the above it is clear that the excess reading was not due to actual usage, but only due to mechanical defect (if at all happened during lightening.)

The KSEB and CGRF denied justice to the appellant on the ground that there was defect in the installation of the petitioner's premises. It is not true; as the house is a newly constructed one and all the installations are of brand new and good quality. The installation was duly checked by KSEB before permitting the conversion of connection to residential purpose. The main switch was purchased on 10/8/2019 (MILLION mate) i.e. just 10 days before conversion of the connection from construction purpose to residential purpose. So, the possibility of damage in the normal condition does not arise. If any damage is happened in the main switch, it is due to natural calamity only which was not noticed by the consumer till receipt of the bill. Appellant has also provided required protection equipment to detect any leakage of electricity (DLCB) in the premises. In this case the increase is not attributable to actual use or due to the negligence on the part of the customer.

The appellant has been issued with a high electricity bill for non-usage of the electricity but for some mechanical defects which is not due to any omission on her part.

Arguments of the respondent:

The service connection bearing Consumer No: 1146098033500 (single phase), belongs to the appellant, was effected from Electrical Section, Adoor, on 13-06-2018 under LT VIF tariff for the purpose of construction of a residential building. Consequent on completion of construction, based on request from the consumer, the tariff of the respective service connection was changed to LT I(a) w.e.f. 16-08-2019. The bimonthly regular invoice for the billing cycle ended on 20-11-2019, against actual recorded consumption of 1531 units, was for Rs. 13,619/- (Thirteen Thousand Six Hundred and Nineteen Only).

Pursuantly the appellant had preferred a complaint with the Assistant Engineer, Electrical Section, Adoor, and on the basis of the same, a personnel

from the Section Office inspected the site. Wherein the connecting rod of Main Switch erected in the said premises found in burnt and damaged condition. Therefore, it was evidenced that the excessive consumption at the premises was because of earth leakage. The consumer was informed of the matter. The inspection revealed that the Energy Meter installed at the premises of the Consumer/Appellant is in good condition and the actual consumption recorded therein is correct. The Meter reading proved that the excessive consumption recorded at the premises was due to the leakage of energy in the premises.

As per the Regulation 2 (64) of the Supply Code 2014, 'Point of Supply' - means the point at the incoming terminal of the cut-out installed by the Consumer in case of low tension consumer' and the Regulation 2(25) defines the "Consumer installation" or 'installation of consumer' as any composite portable or stationary electrical unit including electric wire, fittings, motors and apparatus erected and wired by or on behalf of the consumer at the premises of the Consumer starting from the point of supply'. While so, evidently when leakage of energy was happened from the Consumer installation or installation of Consumer, he/she is solely liable to pay for the actual recorded consumption in the Energy Meter.

At no point this appellant was having any dispute regarding accuracy of the Energy Meter at the premises, requiring this licensee to invoke any procedure for testing of the energy meter. The energy meter at the premises proved to be healthy and working in good condition. Hence there is no reason for the appellant to evade from the payment of energy charges against the actual consumption recorded in the energy meter at the premises.

The Consumer Grievance Redressal Forum (South), Kottarakkara held that the high reading in the energy meter was due to the defects in the installation of the Petitioner's premises.

Having inferred that the leakage of energy was from the installation of the Consumer, the Forum ordered that the bill issued on 20-11 -2019 for an amount of Rs: 13619/- (Rupees Thirteen Thousand Six Hundred and Nineteen Only) is legal.

Analysis and Findings:

The hearing of the case was conducted on 13-03-2020 in the CGRF Court Hall, Kottarakkara and Sri Rajan G. Pillai, represented the appellant's side and Sri Shaji R, Assistant Executive Engineer, Electrical Sub Division, Adoor represented the respondent's side. On examining the petition, the counter statement of the respondent, perusing the documents attached and the arguments in the hearing and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

The point to be decided in this case is as to whether the energy meter provided to the appellant was faulty or not during the period and if so the consumption of 1531 units is actually consumed by the appellant?

The perusal of records reveals that the respondent had conducted an inspection in the appellant's premises and detected that the connecting rod of main switch erected in the premises in burnt and damaged condition, but failed to conduct a detailed verification to ascertain the reason for the abnormal consumption. Though the appellant filed a complaint against the abnormal consumption, the respondent directed the appellant to remit the amount otherwise the service will be disconnected.

On a verification of the consumption pattern, the disputed bill is a second bill issued to the appellant after availing connection under domestic tariff with effect from 16-08-2019. The first bill was issued on 20/9/2019 for the period of usage from 16/8/2019 to 20/9/2019 for an amount of Rs. 239/- and the consumption was 15 units. Hence it can be assumed that excess consumption recorded may be either due to earth leakage or any malfunctioning of the meter. In few cases there are instances of jumping of digits in the electronic meters and this jumping cannot be detected in earth leakage testing / calibrating the meter at a later stage, since it does not affect the functioning of the meter. Likelihood of jumping of digits cannot be rejected at the face value.

Here in this case, the appellant's contention is that excess consumption may be due to lightning occurred. Further, the appellant installed ELCB (Earth Leakage Circuit Breaker) in her premises. Against this, there is no material to show that the respondent had conducted any detailed checking of the installations in the appellant's premises to identify which are the defective installations. As regards the leakage as stated earlier there is no clarity in the matter as to whether the leakage is occurred in the appellant's premises or due to jumping of digits. Since the appellant's equipments fitted in the premises are new one, the argument of lightening put forward by the appellant for the damage cannot be overlooked. In this background, the issuance of the excess bill on the appellant is merely on the assumption that the leakage was happened due to the substandard installation of the appellant. A site mahazar is not seen prepared by the respondent.

As per Regulation 110 (7) of Supply Code, 2014, it shall be the duty of the employee of the licensee or the person duly authorized by the licensee for reading the meter, to check the condition of light emitting devices (LED) on electronic meters.

110 (8) In case the LED indicator for earth leakage provided in the electronic meters is found to be 'ON' he shall inform the consumer that there is leakage in the premises and advise the consumer to get the wiring checked and leakage removed.

110 (9) The employee of the licensee or the person duly authorized by the licensee for reading the meter shall also inform the concerned officials of the licensee about the leakage.

It is the duty of the respondent to inspect and check the meter and installations periodically and to ensure the correctness of the meter as per Clause 18(2) of Central Electricity Authority Regulations (Installation & Operation of Meters). Anyway the matter was informed to the respondent by the employee and inspection was made. Further, the reason for leakage has not

been established particularly by conducting a test as per the procedures laid down in the Regulations. The argument of the respondent that the excess consumption was due to earth leakage occurred in the premises is merely on the basis of assumption and without any documentary evidence. In this background, the demand issued to the appellant without conclusively proving the real cause for exorbitant reading in the meter and even without complying with the statutory formalities is not sustainable before law and liable to be quashed.

Decision

From the findings and conclusions arrived at as detailed above, I decide to set aside the electricity bill amounting to Rs. 13619/- issued to the appellant. The respondent is directed to revise the bill for the consumption period from 20-09-2019 to 20-11-2019 by taking the average of three bi-month's consumption in the meter after the defect of the main switch is rectified.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is found having some merits and is allowed. The order of CGRF, Kottarakkara in Petition No. OP122/2019 dated 13-01-2020 is set aside. No order on costs.

ELECTRICITY OMBUDSMAN

P/007/2020/_____ /Dated:_____

Delivered to:

1. Smt. Aswathy T.K., Nandanam, Bypass Road, Moonnalam, Adoor, Pathanamthitta
2. The Assistant Executive Engineer, Electrical Sub Division, KSEBL, Adoor, Pathanamthitta

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Kottarakkara - 691 506.