

THE STATE ELECTRICITY OMBUDSMAN
Charangattu Bhavan, Building No.38/2829,
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/002/2021
(Present: A.S. Dasappan)
Dated: 28th June 2021

Appellant : Sri. Sainulabdeen,
Farook Manzil,
Kuthiramukku, Thattarakonam. P.O.,
Kollam Dist. 691005

Respondent : Asst. Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Perinad, Kollam Dist.

ORDER

Background of the case:

The appellant is a domestic consumer of Electrical Section, Kilikolloor with Consumer number 15859 having a connected load of 2735 watts. The meter reading in 4/2020 was not taken by the respondent due to the restrictions imposed in the 'Lockdown period' and hence, issued the bimonthly bill on 24-04-2020 taking the average of the previous consumption. The meter reading in 06/2020 was taken and adjusted the payment made by the appellant in 04/2020 and issued bill for the balance consumption. As per appellant, the said two bills are exorbitant and suspected the meter was defective. The appellant filed a petition before CGRF, Southern Region, Kottarakkara vide OP No.70/2020 and the Forum in its order dated 29-12-2020 dismissed the petition. Aggrieved by the decision of the Forum, the appellant filed appeal petition before this Authority on 21-01-2021.

Arguments of the appellant:

The appellant registered a complaint in Electrical Section, Kilikolloor on 08-07-2020 requesting to change the meter and reduce the electricity bill. The

appellant suspects that the high consumption and thereby the excess bill is due to the faultiness of the meter. The respondent did not take any action to redress the grievance of the appellant and hence, filed petition before CGRF, Southern Region.

Arguments of the respondent:

The electronics meter installed in the premises of the appellant was declared as faulty on 27-10-2018 and replaced with a new meter on 18/01/2019 as per regulation 116 of Kerala Electricity Supply Code 2014. The details of consumption are as follows: -

SL No.	Bill date	FR	Unit consumed	Remarks
1	18/01/2019	0		Meter change
2	25/02/2019	156	156+119	First Rgccc after MC
3	27/04/2019	426	270	
4	25/06/2019	699	273	
5	28/08/2019	1013	314	
6	24/10/2019	1491	478	
7	26/12/2019	2000	509	
8	25/02/2020	2569	569	
9	24/04/2020	Not taken	618	} 1236
10	22/06/2020	3805	618	
11	23/08/2020	4377	572	

The gradual and persistent increase in the consumption of electricity by the appellant has been showing from the month of August, 2019. Bimonthly consumption reached above 500 units in the month of December and February and the appellant paid for the same without any dispute. The peculiar pandemic locked down the entire household and respondent provided healthy and uninterrupted electrical supply simultaneously. This caused for an increased consumption of electricity all around 25 to 50 %.

As reported by the appellant on 08/07/2020, a check meter was provided in the premises in parallel with the premises meter on 10/07/2020 and retained for 5 days. Both meter showed the same consumption. Due to emergent circumstances of COVID-19, the respondent could not take the meter reading in 04/2020 and hence issued a bill taking the average of the previous consumption as per the provisions contained in Kerala Electricity Supply Code 2014. In 06/2020, the respondent issued the bill after taking meter reading.

The revised additional bill for the month of April 2020 and regular bill for June 2020 are the main grievances of the appellant. The hike in the electricity bill during March to June is definitely due to increased consumption during the 'lockdown' period. The electricity consumption usually increases from February 2020 to May 2020, but since this time there was a 'lockdown', the power consumption has increased drastically as all the family members were in the house. As respondent was unable to take the readings due to the 'lockdown', consumers have got a consolidated bill for four months resulting in huge amounts. There has been no change in tariff structure or electricity rates but increase in the number of units consumed and it led to higher tariff level provided in the tariff order by the Regulatory Commission. Nonetheless fact being so the Board granted set of subsidy packages to domestic consumers on electricity bill, allowed instalment facilities and stayed away from disconnection to mitigate the burden upon the consumers due to increase in the consumption during the 'lockdown' period. This appellant is a beneficiary of the 'COVID-19 Govt. subsidy' package and availed subsidy of Rs. 858/- on electricity Bill dated 23/08/2020.

As ordered by the CGRF, Kottarakkara, respondent issued a notice showing the arrears of electricity charges on 20/01/2021 for Rs20,203/-. The request of the respondent is to dismiss the appellant petition.

Analysis and findings:

An online hearing was conducted at 11-30 AM on 25-02-2021 in the appeal petition with prior intimation to both the appellant and the respondent. Sri. S. Sidhik for the appellant and Sri. C.T. Raju, Assistant Executive Engineer, Electrical Subdivision, Perinad from the respondent's side attended the hearing.

On examining the petition, the counterstatement 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 decision thereof.

The appellant is a domestic consumer under bimonthly reading and billing system. On 18-01-2019 the meter was replaced with another one and the regular bimonthly reading and billing started from 25-02-2019 based on the consumption recorded in the new meter. The appellant was given regular bimonthly bills up to 25-02-2020 and no dispute from the side of the appellant. The regular bimonthly reading for 04/2020 could not be taken by the respondent due to the restrictions imposed in the 'Lockdown' period. As such a bill arrived at taking the average of the previous consumption was given to the appellant on 24-04-2020. The actual reading was taken in the next bi-month 22-06-2020 and found total consumption for two bi-months from 25-02-2020 to 22-06-2020 as 1236 units, bimonthly consumption as 618 units. The appellant filed a complaint before the Licensee on 08-07-2020 requesting to reduce the bill and change the meter. The respondent installed a calibrated meter in parallel with the premises meter and retained for 5 days. The consumption recorded for 5 days in both the meters are same, 48 units. There was no defect detected by the respondent. But the test result of the meter is not acceptable to the appellant and filed petition before CGRF.

In the hearing, the respondent revealed that the premises is a two storey building and two families including the family of the appellant are residing in the ground floor and first floor of the building. There is no separate electric connection to the first floor. The appellant also admitted the above fact. On verifying the consumption in the premises, the bimonthly consumption for 11 bi-months starts from 25/02/2019 is 270 units, 273 units, 314 units, 478 units, 509 units, 569 units, 1236 units (2 bi-months), 572 units, 560 units and 580 units. The consumption recorded in the check meter shows 48 units for 5 days i.e. can be arrived at a bimonthly consumption @576 units. Here, there is no finding either from respondent or from appellant to suspect any leakage of electricity.

Regarding reading of meter, Regulation 110 of Kerala Electricity Supply Code 2014 says,

- 110(11) In case, for any reason, the meter is not read during a billing cycle, the licensee shall prepare a provisional bill based on the average consumption of previous three billing cycles when readings were taken.
- 110(12) Such provisional billing shall not continue for more than two billing cycles at a stretch, and the licensee shall not generate more than two provisional bills for a consumer during one financial year.
- 110(13) The amount paid as per the provisional bill shall be adjusted against the bill raised on the basis of actual meter reading during subsequent billing cycles.

In the subject case, the respondent could not take meter reading for one bi-month due to 'Lockdown' and further acted in accordance with the Regulations above.

Regulation 116 of Kerala Electricity Supply Code 2014 says,

- 116 (4) "A consumer may request the licensee to inspect and test the meter installed in his premises if he doubts its accuracy, by applying to the Licensee in the format given in Annex. 15 to the Code, along with the requisite testing fee".
- 116 (5) "On receipt of such request, the licensee shall inspect and check the correctness of the meter within 5 working days of receiving the complaint".
- 116 (6) "If the meter is found defective, the Licensee and the consumer follow the procedure as detailed in Regulation 115 of Kerala Electricity Supply Code 2014".

Here the premises meter was tested with a check meter in the premises itself and found not defective, but the appellant is not willing to accept the test results. The only requirement of the appellant is to reduce the bill amount and suspected the reason for high consumption is the defectiveness of the meter.

The appellant can further apply for testing the meter as explained in Regulation 116 of Kerala Electricity Supply Code 2014,

The relevant regulations are: -

115. Procedure for testing of meter: -

- (1) The meter shall normally be tested in the laboratory of the licensee, approved by the Commission.
- (2) In case the licensee does not have a testing facility approved by the Commission, or if so desired by the consumer, the meter shall be tested at any other laboratory accredited by the National Accreditation Board for Testing and Calibration Laboratories (NABL).
- (4) In the case of testing on the request of the consumer, he shall have to pay the testing fee as per the Schedule of Miscellaneous Charges given in schedule 1 of the Code:

Provided that if the meter is found to be recording incorrectly or defective or damaged due to technical reasons such as voltage fluctuation or transients, attributable to the licensee, the testing fee shall be refunded to the consumer by the licensee by adjustment in the subsequent bill.

- (5) Before testing a meter of the consumer, the licensee shall give an advance notice of three days, intimating the date, time and place of testing so that the consumer or his authorised representative can, at his option, be present at the testing.
- (6) The testing shall be done within a maximum period of thirty days from the receipt of the application.
- (7) The consumer or his authorised representative and the representative of the licensee present during testing shall affix their signature on the test report issued by the authorised officer of the laboratory as a token of having witnessed the testing:

Provided that the licensee and the consumer shall be eligible to get a copy of the test report which shall be despatched to them within two working days of the date of testing, if not delivered in person at the time of affixing their signature.

- (9) In case the meter is found to be faulty, revision of bill on the basis of the test report shall be done for a maximum period of six months or from the date of last testing, whichever is shorter and the excess or deficit charges on account of such revision shall be adjusted in the two subsequent bills.

The testing of premises meter with the check meter reveals that the two meters are recoding exactly the same quantum of energy consumption, which shows that the appellant's meter is working in good condition. But a site mahazar had to be prepared by the respondent while installing the check meter.

Decision: -

From the analysis done and the conclusion arrived at, which are detailed above, I take the following decision: -

The testing of energy meter in the premises itself with a calibrated test meter by the respondent is not accepted by the appellant and hence, the appellant can approach the respondent for the testing of the meter is a NABL accredited laboratory after remitting required testing fee within 15 days from the date of this order. The respondent shall select the laboratory for the testing with the concurrence of the appellant and testing shall be done within 30 days from the date of application for testing. If the meter is found good in the testing, the appellant shall remit the disputed bill amount within the revised due date fixed by the respondent. If the meter is found defective, the disputed bills shall be withdrawn by the respondent and issue a revised bill taking the bimonthly average of the consumption in the undisputed period from 28-08-2019 to 25-02-2020 for 478 units 509 units and 569 units.

Having concluded and decided as above, it is ordered accordingly. The appeal petition filed by the appellant is allowed to this extent and stands disposed of as such. The order of CGRF, Southern Region, in OP No: 70/2020 dated 29-12-2020 is set aside. No order on costs.

ELECTRICITY OMBUDSMAN

P/002/2021/ _____ dated _____.

Delivered to:

1. Sri. Sainulabdeen, Farook Manzil, Kuthiramukku, Thattarakonam. P.O., Kollam Dist. 691005
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Perinad, Kollam Dist.

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.