

**THE STATE ELECTRICITY OMBUDSMAN**

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**Appeal Petition No. P/041/2023  
(Present A. Chandrakumaran Nair)  
Dated: October-20-2023**

Appellant : Smt. Ann Noronha,  
Ann's Speciality Dental Clinic,  
Door No. 47/973 A,  
Chittoor Road, Vaduthala P.O.,  
Kochi, (Dist.)-682023.

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
Kerala State Electricity Board Ltd.,  
Central, Ernakulam.

**ORDER**

**Background of the case**

The appellant is the consumer of the licensee under Vaduthala Electrical Section and connection is availed for a Dental Clinic in LT VIG tariff with connected load 5840 w. The meter reading is taken on bimonthly basis and bills were raised accordingly. The meter reading on 08/11/2022 was 3024. The reading of January 2023 was not taken due to door lock condition and then the reading on 3<sup>rd</sup> March 2023 was 9248. Then the consumption was 6224 units (9248-3024). The bill for Rs. 54034/- was raised to the appellant. Consumer raised compliant on the bill as her bimonthly bill was between Rs. 2500/- to Rs. 4000/-. The staff of the licensee checked the energy meter but no anomalies found. The meter is tested in NABL accredited meter testing lab and no defects noticed in the meter. The consumer has been asked to check the wiring as the chance may be due to earth leakage of power. The appellant checked the wiring and no abnormalities noticed. The appellant filed the petition to the CGRF and CGRF issued order dated 27/07/2023 stating that the consumer is liable to pay the bill. Aggrieved by the order of CGRF the appellant filed this appeal petition to this authority.

## **Arguments of the Appellant**

1. Ours is an LT VI G connection. On 07.03.2023, we have received our electricity bill for Rs.54,034/- as payable charge for the month of January and February. We also noticed that the consumption shown in the bill was 6224kWh. With reference to bill, we have submitted a letter to Assistant Executive Engineer stating that our electricity bill is not correct. Our average current bill was Rs.2500/- to Rs.4000/- and consumption was 290kWh to 506kWh.

Assistant Executive Engineer have directed his team to inspect our premises and replaced our meter with new one and tested the old meter at an NABL Accredited laboratory. They said that the meter is working correctly and error within the limit.

We approached CGRF and they heard both of us. Finally, CGRF also directed us to pay the bill.

2. The disputed bill is for Rs.54,034 /- Please note that in that bill, the bill for the month for January & February is Rs.28,357/- and Rs.25,676 is shown as Prv. Bill. There is no provision in the Electricity Act, Rule or Regulation to collect any adjustment bills. It is the sole responsibility and liability of the KSEBL as a distribution license to give detailed bill indicating reading, date, time period etc. to the consumer. Here KSEBL have already collected Rs.3109/- for the consumption 371 unit during the period November 2022 and December 2022 indicating that there was a door lock during that period.
3. Ours is a Dental Clinic with working time 9AM to 7PM on all working days without any break and staff is available throughout the working time and more than that there was no incident of door lock in the history of our Dental Clinic. Hence the statement as door lock is not acceptable. Even then we are surprised to know that KSEBL have claimed Rs.3109/- without meter reading.
4. Since the gap between two-meter readings are more than four months we cannot attribute the consumption for a period proportionately. Our meter is a digital meter and it is quite normal and natural for the digital meter to have dial jump due to surge current, surge voltage and lighting. This extra reading may have come to the display as dial jump. Which cannot be detected while testing of the meter.

### **5. Relief Sought**

1. The Hon'ble Ombudsman may direct KSEBL not to disconnect our supply.

2. Hon'ble Ombudsman may cancel the CGRF Order NO. CGRF-CR/OP No.14/2023-24/168 dated 27.07.2023

3. The Ombudsman may direct KSEBL to take the average of six months when the meter is correct and direct KSEBL to collect the payment accordingly.

## **Arguments of the Respondent**

1. The electric connection with consumer number 1155476025466 under Electrical Section, Vaduthala was given to Dr Ann Noronha, Door No.47/973-A, Ann's Dental Clinic, Near BP petrol pump, Vaduthala P.O, Kochi 682023 in LT 6G tariff with bimonthly reading with a connected load of 5840 W. The connection is provided through an ELCB.

The Energy Meter reading as on 07/03/2023 of the consumer was 9248. The consumer premises was in Door lock status in the previous bi-monthly reading date of month January 2023. So, a average bill for 106 units, demand Rs 2518/- was issued for the month January 2023, based on the average of previous six months consumption. The Energy Meter reading as on 08/11/2022 of the consumer was 3024. Hence Bill No: 5547230303901 dated 07/03/2023 for Rs 54034/- was issued to the consumer for 6224 units (i.e., consumption for the period from 08/11/2022 to 07/03/2023 (4 months). This bill amount is after deducting the door locked average bill amount paid in January 2023.

2. On receipt of the bill dated 07/03/2023 the consumer approached the section office for verification of the bill. Site verification is conducted by the section staff, checked energy meter and connections but no anomalies are noticed on the part of KSEBL. The consumer is requested to check consumer side wiring and connected equipments of her premises for any anomalies including shorting of electric wires or malfunctioning equipments.

The consumer approached Assistant Executive Engineer, Electrical Sub Division, Central with complaint regarding higher bill on 23.03.2023. As per direction from Assistant Executive Engineer, Electrical Sub Division, Central the Energy Meter was sent to TMR Angamaly for meter testing on 27.03.2023.

3. As per Energy Meter test report of NABL accredited meter testing Lab, TMR Angamaly no anomalies are observed in the Energy Meter as per relevant IS standards and the meter error is found to be within the specified error limits.

As per Energy meter data (Previous Billing Consumption) the unit consumption

From 01/11/2022 to 01/12/2022 is 54 units

From 1/12/2022 to 01/01/2023 is 1495 units

From 01/01/2023 to 01/02/2023 is 2057 units

From 01/02/2023 to 01/03/2023 is 2023 units

From the above data it can be inferred that the energy consumption has increased and continuing considerably from the month of December 2022.

In the meter data, Daily Energies Report is available from 27/12/2022. In the Daily Energies Report there is consumption of more than 50 units per day from 27/12/2022 till 13/03/2023. On 13/03/2023 consumer side anomaly rectification has happened and from that date the consumption has reduced to 1 to 2 units a day.

4. This considerable decrease in consumption from 13/03/2023 shows that the complainant consumer has rectified/removed the cause of high consumption of his premises from 13/03/2023. Whether the higher consumption correctly indicated in the Meter is due to actual use or due to any consumer side anomaly, including wiring shorting or malfunctioning equipment, the bill for the same has to be remitted by the consumer.

From the above it is very clear that the contention of the consumer that the increase in reading is due to some malfunction or error in the electrical distribution & metering system, dial jump is factually incorrect.

5. With reply to the complaint of the petitioner, I may present the following before the Hon'ble State Electricity Ombudsman

1. The reading history of consumer number 1155476025466 is given as under

Month	IR	FR	Consumption
7/2022	2708	2810	102
9/2022	2810	2915	105
11/2022	2915	3024	109
01/2023	Meter not Accessible (Door Lock)		Billed with 6 months Average (106 units)

03/2023	3024	9248	6224
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6. The disputed bill with bill No: 554723030390 dated 7.03.2023 for Rs 54034/- is issued in full compliance to regulation 124 of Kerala Electricity Supply Code 2014. As meter was not accessible for reading in the month of January 2023 as per regulation 124.1, provisional bill was issued based on average consumption of the previous three billing cycles i.e., for 106 units-bill amount Rs 2518/-. As per regulation 124.3 the provisional bill is adjusted on the basis of subsequent actual meter reading taken on 7/3/2023.
7. The energy meter of the consumer was not accessible for reading in the month of January 2023 and hence bill was generated as per regulation 124.1. It is true that previous incidents of door lock have not happened at this consumer premises. The consumer has a separate gated entrance for dental clinic from front and a separate entrance for meter reading through a small wicket gate on back side. Hence accessibility to dental clinic has no correlation with accessibility to energy meter. The door lock consumer data of Electrical Section Vaduthala is less than 20 out of 16800 consumers. This shows that door lock status is attributed only on very genuine cases of inaccessible meter at consumer premises. If the meter was accessible, definitely meter reading would have conducted.
8. The billing is done as per regulation of Kerala Electricity Supply Code 2014. The energy meter is tested at NABL lab accredited lab as per regulation 115.2 and 116.2. As per test result no anomalies are observed with the energy meter, the meter error is found to be within the specified error limit. Further as directed by CGRF the meter data is reanalyzed by the testing lab . The testing lab confirmed that no major abnormality is found in downloaded data of the meter. Further as directed by CGRF the meter downloaded data is analyzed by the manufacturer of the Energy meter M/s L& T to confirm the exact reason for excessive bill. As per report of meter manufacturer M/s L&T no major tamper events found in tamper data. And as per load survey data, a current of 12-13 A was observed in the B phase until 12.03.2023. From these inferences of the NABL lab accredited lab and Energy meter manufacturer it is very certain that there is no defect including dial jump has happened with the Energy meter. The billed consumption has definitely happened from consumer side.
9. So, it is humbly submitted that the bills demanded by KSEB is correct and the consumer is bound to remit the same. I request that the petition filed by the petitioner may be dismissed.

The statement of facts submitted above are true to the best of my knowledge and belief.

## **Counter arguments of the appellant**

1. Ours is an LT VI G connection. On 07.03.2023, we have received our electricity bill for Rs.54,034/- as payable charge for the month of January and February. We also noticed that the consumption shown in the bill was 6224kWh. With reference to bill, we have submitted a letter to Assistant Executive Engineer stating that our electricity bill is not correct. Our average current bill was Rs.2500/- to Rs.4000/- and consumption was 290kWh to 506kWh.

Assistant Executive Engineer have directed his team to inspect our premises and replaced our meter with new one and tested the old meter at an NABL Accredited laboratory. They said that the meter is working correctly and error within the limit.

2. In the Statement of Facts submitted by KSEBL, they said that our meter reading couldn't taken due to door lock. Ours is a Dental Clinic with working time 9AM to 7PM on all working days without any break and staff is available throughout the working time and more than that there was no incident of door lock in the history of our Dental Clinic. Hence the statement as door lock is not acceptable.

KSEBL also not admitting that the excess energy recorded in the meter is due to Dial Jump. KSEBL said that they have recorded the per day consumption, but we didn't receive the per day consumption statement.

3. We also like to point out the excess energy consumption is not due to our consumption or leakage after meter. Because leakage current was present in our premises there will be heat generation and burring of the cable.

Energy is the system unit of electrical, mechanical, and thermal energy. One joule is the derived S.I unit of the system. One joule of energy is the amount of work done when a force of one newton is acted through a distance or displacement of one meter. In electrical terms, one unit of electrical energy is equal to the work done when a current of one ampere is passed through a resistance of one ohm for one second.

4. As per theoretical calculation 1kWh can produce  $3.6 \times 10^7$  Jule. Also 4.18 Jule can heat 1 liter water to  $1^\circ\text{C}$ . So 1kWh can heat 1ltr water to  $8.6 \times 10^7$   $^\circ\text{C}$ . If 6224kWh have leaked through cables, then the total heat will be  $5352 \times 10^6$   $^\circ\text{C}$ . So, the cable and wiring may burnout. So, this type of heavy leakage is not admissible.

Hence, we request you to cancel this extra claim of KSEBL.

## **Analysis and findings**

The hearing of the appeal petition was conducted on 11/10/2023 at 11:30 am in the office of the State Electricity Ombudsman, DH Road & Foreshore Road Junction, near Gandhi Square, Ernakulam south. The hearing was attended by the appellant's nominee Sri. Benley Noronha and the respondent Sri. Bajumon P., AEE, Electrical Sub Division, Kerala State Electricity Board Ltd., Central, Ernakulam.

The appellant Smt. Ann Noronha is running a Dental clinic at Vaduthala under LT VI G tariff. The bimonthly reading was taken on November 2022 and the reading was 3024 and then the reading could not be taken on January 2023, as the access to the meter was not possible. The main reason of access restriction was due to the presence of a dog in the premises. But the meter reader have not approached the clinic staff to get an access to the meter board. The clinic was working all the working days from 9 am to 7 pm and this option was not opted by the meter reader. Then the bill for the bimonth was raised on the average of the six months reading and the amount was Rs. 2518/-.

The Section 110 of Electricity Supply Code 2014 specify about the reading of meters.

The Section 110(1) "The meter shall regularly be read once in every billing cycle and on special reading occasions".

110(2) "The consumer shall extent all facilities to read the meter, to the licensee or his employee or to the person duly authorised by the licensee for the purpose".

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".

111(1) "If the meter is rendered inaccessible on two consecutive meter reading dates of two billing cycles, a notice shall be issued to the consumer to keep the meter accessible for reading and to get the meter read by the licensee after payment of a penal charge as approved by the Commission, on a date which shall be at least seven days after the date of notice and at the time specified in the notice".

111(2) "If the meter is not made accessible even on the date specified in the notice, a disconnection notice shall be served on the consumer or affixed near the main entrance of the premises, if the consumer is not available".

The Section 110(2) makes very clear that consumer have to extend all facilities to read the meter. However, the door lock condition should not extent more than two billing cycles which is not happened here in this case. The meter reader should not exercise this Section for their own will and wish to take two billing cycles for door lock condition by not attending/ taking the reading. The Section 111(1) & (2) describes about the consequences of door lock condition more than two.

The next meter reading was taken on 07/03/2023 and the reading noted was 9248. Then the consumption for that two bimonths (08/11/2022 to 07/03/2023) was calculated as 6224 units (9248 – 3024) and the bill was prepared for Rs. 54034/- and send to the appellatant for making the payment. The appellatant's version is that their bill amount was not exceeded Rs. 4000/- and no other equipments/ gadgets added to the installation to record this much consumption. Based on the request of the consumer, the meter was tested at TMR Angamally, a NABL accredited laboratory. The results shows that there is no defect in the meter. The tamper report was obtained, and this also shows that are no anomaly in the result. The analysis of tamper data shows that a current of 12 to 13 A was recorded in the B- phase until 12/03/2023 was also very high. This leads to an inference that the power consumption recorded was very high due to the earth leakage between the meter board and the distribution board. If the earth fault occurred after the DB, the ELCB would have acted; Then the version of the appellatant is the dial jumping of the meter. This phenomenon normally happens in the mechanical meter, and this is an electronic meter. The meter tamper data also not shown any dial jump in the meter. The meter has recorded the actual energy consumption after the meter. As there is no scientific proof has been produced to prove the argument of dial jump, this reason has to be ruled out. Then the reason is narrowed down to the earth fault between the meter board distribution board.

The appellatant mention that the high reading have happened once again during the period after March 2023. The appellatant states that if the reading would have taken during January 2023, this leakage would have known to them early and would have rectified then and there and accordingly they would have saved from the high amount. As the meter again recorded high consumption, this argument doesn't have any sanctity.

The appellatant in her argument states that this could have produced much heat in the conductor/ wire and wire would have burn out. The test data states that the current flow is around 12 A TO 13 A. Further the calculation shown by the appellatant about the flow of the current through a resistor. Here the conductor is not a resistor and the current would have flown to the earth only. The conductor/ wire from meter to DB would take the current of 12 A to 13 A and this would have produced only very negligible heat. Then the justification showing the heat calculation is totally ruled out.

As the meter is recorded consumption and the meter is not faulty, the consumer is liable to make the payment as per the bill raised by the licensee as per the Section 45 (1) of the Electricity Act 2003.

45(1) “Subject to the provisions of this section, the prices to be charged by a distribution licensee for the supply of electricity, him in pursuance of Section 43 shall be in accordance with such tariffs fixed from time to time and conditions of his license.”

and Supply Code Section 31(1) “Subject to the provisions of this Code, the charges to be levied on the consumer by the distribution licensee for the supply of electricity in pursuance of the provisions of the Act, shall be in accordance with the tariff fixed by the Commission from time to time and the conditions of the licence”.

## **Decision**

verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken.

1. The appellant is liable to pay the charges as per the demand of licensee.
2. No order on cost.

## **ELECTRICITY OMBUDSMAN**

No. P/041/2023/ dated: 20/10/2023.

Delivered to:

1. Smt. Ann Noronha, Ann's Speciality Dental Clinic, Door No. 47/973 A, Chittoor Road, Vaduthala P.O., Kochi, (Dist.)-682023
2. The Assistant Executive Engineer, Electrical Sub Division, Kerala State Electricity Board Ltd., Central, Ernakulam (Dist.)

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, 220 kV Substation Compound, HMT Colony P.O., Kalamassery, Pin- 683503