

THE STATE ELECTRICITY OMBUDSMAN

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**Appeal Petition No. P/064/2023
(Present A. Chandrakumaran Nair)
Dated: March-04-2024**

Appellant : M/s Global Education Trust
(Global Public School), Thiruvaniyoor P.O.,
Chottanikkara, Ernakulam (Dist.)- 682308..

Respondent : The Deputy Chief Engineer,
KSE Board Ltd., Electrical Circle,
Ernakulam, Ernakulam (Dist.).

The Special Officer Revenue,
KSE Board Ltd., Vidyuthi Bhavanam,
Pattom, Thiruvananthapuram.

ORDER

Background of the case

The appellant Sri. Jayakumar K is the Asst. General Manager of Global Education Trust which owns a school named Global Public School. This trust is a high Tension Consumer of the licensee (KSEBL) under the Electrical Section, Mulanthuruthy. This connection was availed on 14/07/2010 under HT II B General Tarif, and the connected load is 178.02 kw with contract demnd of 100kVA. The CT unit of the meter became faulty during 11/2017 and faulty meter was replaced with a new meter on 12/01/2018. The multiplication factor of the new CT meter is 2 against that of 1 of the old CT meter. This mistake was noticed during the time of installation of solar meter and accordingly short assessment bill for the period from 01/2018 to 01/2021 was prepared with the correct multiplication factor 2 for Rs. 22,30,444/-. The consumer initially made the part payment and then the balance payment was also made on 30/02/2023. The appellant has requested the licensee to limit the short assessment for a period of two tears and also to sanction 12 monthly instalments to remit without interest and surcharge. No positive response for their request and then the appellant approached CGRF and CGRF issued order dated

11/09/2023 stating that the petitioner is liable to pay the short assessment bill. Aggrieved by the decision of CGRF, the appellant approached the authority by filing the appeal petition.

Arguments of the Appellant

Appellant is a charitable trust running an educational institution in the name and style as Global Public School and is represented by its Assistant General Manager Mr.Jayakumar.K. by virtue of authorization granted by the meeting of the board of directors of the trust. Appellant is a HT Consumer under the Mulanthuruthy Section of the Ernakulam Circle having Connection No. LCN: 8/5425 and consumer code 135510004594 with the contract demand of 100 Kva and connected load of 178.02 KW. During his periodical visit to school in Dec'20, the AEE, Ele, Circle EKM reported difference in MF ratio calculations in our billing for the period 1/2018 to 1/2021 and thereafter on 31/3/2021 appellant received Notice from SOR, KSEB, Tvm bearing No. SOR/HTB.8/5425/2020-21 dt. 20/03/2021 demanding arrear payment of 22.30 lakhs being short assessment for the period 01/2018 to 01/2021 on the ground that the instead of multiplication factor 2 consumer was wrongly billed with multiplication factor 1 with effect from 12/01/2018 and it was further demanded to remit the short assessed amount on or before 04/04/2021.

Appellant submitted a representation on 25/03/2021 requesting for limiting the period of short assessment to 24 (Twenty Four) months and also seeking to grant installment facility. Though a reply was sent in response to the representation submitted by the appellant, it was stated that the request for limiting the short assessment cannot be accepted as per KSEB supply code Regulation 134 (I), and the entire amount has to be paid. Though further communications were addressed to the Special Officer (Revenue) seeking waiver of 13 months excess demand, same was not allowed and installment facility with applicable interest was allowed as per the communication dt. 11/03/2022. In April 2022 appellants have deposited an amount of 10 Lakhs requesting time line for payment of remaining amount and requesting details of belated payments charged on invoices. After repeated follow-ups appellant received a notice dt. 09/06/2022 showing the computation interest on the belated payment and as the same was incomprehensible, appellant sought for personal hearing.

On 14/07/2022 a personal hearing was afforded to the appellant at Thiruvananthapuram, officers concerned were not able to give the calculation details of payment demanded and assured to send a detailed statement before 31/07/2022. At last on appellants send a letter dt. 17/10/2022 requesting for providing clarifications sought and a final statement of outstanding to make the full payment without interest and belated charges. Against the same, KSEB vide letter dt 10/11/2022

demanded total dues of 16,54,410/- including belated payments and interest charges @ 18% without allowing any waiver requested by appellant. Though request was made to provide instalment facility for the demanded amount without further interest, vide letter dt. 18/01/2023 allowing the installment facility with increased amount of Rs.18.70 lakhs on account of additional interest charges. Since the waiver of additional interest was also not considered appellant remitted 16.54 lakhs on 03/02/2023 requesting to consider the same towards the full and final settlement statement of outstanding dues. Since the KSEB has charged an amount of 82,679/- in the bill for the month of March 2023 with a threat to disconnection in case of non- payment, appellant paid the same in full through Bank on 05/04/2023.

As the appellant has deposited the demanded amount without prejudice to their right, on account of wrong application of multiplication factor, which is an anomaly attributable to the licensee as is contemplated under Section 152 of the Kerala Electricity Supply Code, 2014, appellant has submitted a complaint before the Consumer Grievances Redressal Forum (Central Region), Ernakulam, which was considered as CGRF- CR/OP No.25/2023-24, seeking waiver of 13 months charges beyond the limitation period and limiting the period of demand to 24 months and also waiver of interest on account of deposit of the amount in lump sum in two installments. The learned Forum, based on the objections submitted by the KSEB and on an erroneous appreciation of the facts of the case and the law involved in the case came to a conclusion that the limitation period start running from the date of identification of mistake ie.28/01/2021 and as the short assessment bill was issued on 03/03/2021, the same is within the limitation period. Thus discarding the objection raised by the appellant as to restrict the limitation to 24 months, vide order dt. 11/09/2023 in CGRF-CR/OP No.25/2023-24, the CGRF has held that appellant is liable to pay the entire amount demanded as per the short assessment bill. Aggrieved by the order the order of the Consumer Grievance Redressal Forum (Central Region) in CGRF-CR/OP No.25/2023-24 dt. 11/09/2023, appellant prefers the present representation on the following grounds.

The learned CGRF has miserably failed to appreciate the facts and law involved in the case in an objective manner. The Redressal mechanism was established by the Kerala State Electricity Regulatory Commission aiming at enhancing the level of services recognizing the rights of the consumers and to safeguard the same. While considering the grievance of the appellant, the learned forum has failed to take note of the fact that under Section 152 of the Kerala Electricity Supply Code, the short assessment bill necessitated on detection of wrong application of multiplication factor, is an anomaly attributable to the licensee. Proviso 3 to Sub section (3) of Section 152 clearly mandates that realisation of electricity charges short collected shall be limited for a maximum period of twenty four months, even if the period during which such anomaly persisted is found to be more than twenty four

months. Though the appellant has categorically raised objection that the limitation period of 24 months for any demand of short assessment due to the anomaly of the licensee, the learned forum was carried away by the objection raised by the KSEB as regards the right to recover the arrears and limitation as is contemplated under Section 136 of the Kerala Electricity Supply Code. On a bare perusal of the short assessment demand notice dt. 20/03/2021 it can be seen that taking two years backwards from the date of the demand, appellant is entitled to get waiver of Rs. 8,41,379/- as against the total demand of Rs. 22,30,444/-. It is an undisputed fact that applying the applicable rate and multiplication factor, the bill is being raised by the KSEB and any anomaly on account of erroneous application of multiplication factor is solely attributable to the KSEB as the licensee under the Code.

The aforesaid mistake committed by the KSEB is clearly admitted by it in the notice dt. 27/04/2021 and at any stretch of imagination appellant be over burdened with the liability of payment of short assessment bill above the period mandated under Proviso 3 to Sub section (3) of Section 152 Kerala Electricity Supply Code. The learned CGRF though rightly came to the conclusion that there was indeed an error on the part of the officials of the KSEB as licensee incorrectly applying the multiplication factor, has committed a gross error in dismissing the complaint filed by the appellant on the ground that the short assessment bill raised by the KSEB is valid. Though the learned CGRF has referred to the right of the KSEB under section 152 of the Kerala Electricity Supply Code to realise short collected electricity charges on account of the anomalies attributable to the licensee, it has conveniently avoided the mandate of Proviso 3 to Sub section (3) of Section 152 of the Kerala Electricity Supply Code. It is only on account of the inordinate delay on the part of the KSEB in addressing the grievance raised by the appellant and the incorrect short assessment demand notice has resulted in unfair burden of heavy interest on the appellant.

By holding that the incorrect short assessment demand notice as valid and finding that the appellant is liable to pay the same, the learned CGRF by was taking a stand saving the delinquent officers and that has resulted in heavy loss to the appellant. The finding of the learned CGRF that the short assessment bill was issued on 03/03/2021 with a 30 day payment window and since the appellant did not raise any objections within this period, the bill was considered unopposed is against the facts and legally unsustainable. Excluding the 13 months' amount of Rs. 8,41,379/- as against the total demand of Rs. 22,30,444/-, appellant was only liable to pay only 13,89,065/- and having deposited 10 Lakh under protest within time the interest charged on account of delay in payment is legally unsustainable. At any rate appellant is entitled for waiver of electricity charges for the period beyond 24 months and is entitled to refund of the same with the interest illegally collected as whole inconsistencies was the result of illegal short assessment demand notice issued against the law. Entire acts of the

respondents and the learned CGRF is against law and resulted in denying the lawful rights under law and denying natural justice, which requires the interference of the Hon'ble Electricity Ombudsman established under law.

For the reasons aforesaid and the arguments to be advanced at the time of hearing it is prayed that the Hon'ble Ombudsman may pleased to grant the following; I. call for the records from Consumer Grievance Redressal Forum (Central Region) in CGRF-CR/OP No.25/2023-24 dt. 11/09/2023 and set aside the same being unfair, arbitrary and against law and thereby set aside the short assessment demand notice issued by the respondent No.2 bearing No. SOR/HTB.8/5425/2020-21 dt. 20/03/2021 demanding arrear payment of ₹ 22.30 lakhs. ii. Issue an order directing the respondents to recalculate the short assessment bill in compliance with the mandate of Proviso 3 to Sub Section (3) of Section 152 of the Kerala Electricity Supply Code. iii. Pass an order directing the respondents to forthwith refund the excess amount collected for the 13 months' amounting to *8,41,379/- with interest at the rate of 18% from the date of first payment and also to refund/repay the entire interest collected on account of the erroneous short assessment demand notice. iv. Award cost and compensatory costs to the appellant for the illegalities committed and the illegal extraction of money and for the inconveniences caused.

Arguments of the Deputy Chief Engineer

All the averments and allegations in the complaint which are not specifically admitted hereunder are denied. The demand raised against the consumer is valid in all aspects. The demand raised is pertaining to the actual energy charges liable to be paid against the actual consumption of the consumer in the premises that escaped assessment due to wrong multiplication factor which amounts to Rs. 22,30,444/- for a period from 12-2018 to 1/2021. The demand notice is accompanied by the calculation details of the assessment by which the undercharged amount has been arrived. The HT consumer No. LCN 8/5425 is a connection registered in the name of Global Education Trust (Global Public School). The electric connection in the said premises was effected under HT II B general tariff for which agreement was executed on 14-07-10. Sanctioned load of the consumer is 178.02 KW with a contract demand of 100KVA, under electrical section Mulanthuruthy.

An inspection was conducted in the premises of Global Public School bearing consumer number LCN 8/5425 on 28-1-2021 by a team comprising of Executive Engineer, Electrical Division, Trippunithura, Assistant Executive Engineer, TMR Division, Angamali, Assistant Engineer, Electrical Section, Chottanikkara etc. On inspection CT ratio detected as 10/5. Hence the Multiplication Factor for billing should be 2. Based on this inspection, Executive Engineer, TMR Division, Angamaly submitted a letter with inspection report to the 2nd opposite party.

As per the test report dated 23-12-2017 of TMR Division, Angamaly, the CT ratio was shown as 10/5 which implies that the multiplication factor in billing must be 2. As per the report submitted by the Executive Engineer, Electrical Division, Trippunithura to the 2nd opposite party, it was reported that the existing meter and CT's were recommissioned on 12-1-2018 and also reported that from 12-1-2018 onwards the multiplication factor was recorded as one in 'energise' software which facilitate the monthly billing by Special Officer (Revenue) instead of 2. The 2nd opposite party reported this discrepancy on 30-1-2021 to the 1st opposite party who is the billing authority.

Special Officer (Revenue) issued short assessment bill under Regulation 134 (1) of Electricity Supply Code 2014 for Rs. 22,30,444/- for a period from 12-2018 to 1/2021. Regulation 134 (1) of Electricity Supply Code 2014 states that *"If the licensee establishes either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill "*. As the consumer was not being billed for his actual consumption due to this wrong Multiplication factor, the consumer was given a short assessment bill for the under charged portion of the consumption amounting to Rs. 2230444/-. It is respectfully submitted that the licensee is entitled to recover the undercharged amounts for the entire period during which such anomaly persisted. The act and law do not permit the consumer to make an unlawful gain without paying for the energy consumed. The consumer is liable to pay the respective charges applicable under the tariff against the energy that is consumed. Section 45 of the Electricity Act deals with the power of the licensee to recover charges for the energy supplied.

The licensee has conducted the inspection in tune with regulation 18(2) of the Central Electricity Authority (installation and operation of meters) regulations 2006 within the period of 5 years. The licensee is therefore entitled to short collect the amount that has escaped assessment as the inspection has been conducted within the statutory frame. The licensee is bound to abide by the statutes and is bound to recover the unbilled portion of the consumption and the same amounts to public money. The petitioner is capable of paying the amounts demanded and is having sufficient means to satisfy the same. Considering the above facts, I may request this Hon'ble forum to accept the contentions raised through this statement of facts and dismiss the above complaint with cost to th respondents and declare that the short assessment bill issued is in order and to direct the consumer to pay the short assessment amount with interest.

Arguments of the Special Officer (Revenue)

The CT unit of M/s. Global Education Trust become faulty during 11/2017. Hence, after effecting unmetered supply from 20.11.2017 to 12.01.2018, the

faulty meter was replaced with a new meter on 12.01.2018. The multiplication factor of the old meter was 1 (one) whereas it was 2 (two) for the new meter. However, bills were mistakenly issued with old MF, i.e., one (1) till 01/2021. The anomaly was noticed during the time of installation of solar meter and as intimated by the Executive Engineer, TMR, a short assessment bill for the period 01/2018 to 01/2021 with corrected multiplication factor 2 amounting to Rs.22,30,444/- was issued to the consumer, in consonance with Regulation 134(1) of Kerala Electricity Supply Code 2014. Later, the consumer after making part payment, remitted the balance amount Rs.16,54,410/- on 03.02.2023 in lump.

The short assessment bill for the period from 01/2018 to 01/2021 was issued on 03.03.2021 under Regulation 134(1) of Kerala Electricity Supply Code 2014. The demand was raised for 37 months. As a distribution licensee, KSEBL has every right to claim such '**escape assessment**' as per Regulation 134(1) Kerala Electricity Supply Code 2014. The legal right of the distribution licensee has categorically emphasized by the Hon'ble Supreme Court of India in its judgement in Civil Appeal No.7235 of 2009.

Case: M/s. Prem Cottex V. Uttar Haryans Bijli Nigam Ltd. & others.

Regulation 134(1) reads under charged bills - 1, If the licensee establishes either by review or otherwise that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill and in such cases at least, thirty days shall be given to the consumer for making payment of the bill.

The Hon'ble Kerala Electricity Regulatory Commission in a similar case (M/s. Bennet Coleman and Co. Ltd.) wrong application of tariff for a period of 66 months, KSEERC order dated 15.11.2021 in RP No.3/2021 has ordered to pay the amount as per demand for the entire period with applicable interest. The petitioner's argument regarding the waiver of interest, is illogical, factually and legally unsustainable since the Demand Notice dated 03.03.2021 provided to the petitioner is very much clear about period of revision of bills, bill details of both pre-revised and revised bills. Interest has been charged from 04.04.2021 to 03.02.2023, i.e., from the due date to the collection date. The period, the short assessment bill is not barred by '**Limitation Act, 1963**'. Section 17(1)(c) of Limitation Act 1963 "says that in the case of a suit for relief on the ground of mistake, the period of limitation does not begin to run until the plaintiff had discovered the mistake or could with reasonable diligence have discovered it.

In the subject issue, the period of limitation would commence from 03.03.2021, i.e., date on which the bill is issued. From the above, it is vivid that the demand raised by the KSEBL is in order. It may please be noted the decision of the order No.CGRF-CR/OP No.25/ 2023-24/232 dated 11.09.2023 of the Consumer Grievance Redressal Forum, Central Region. The petitioner is liable to pay this short assessment bill.

In this circumstance, considering the contentions of the petitioner challenging regulation of Kerala Electricity Supply Code 2014 and the Electricity Act 2003, the Reference P/064/2023/01373 dated 22.12.2023 petition filed by M/s. Global Education Trust (LCN 8/5425) cannot be challenged before the Hon'ble Forum (The State Electricity Ombudsman) and hence it may be dismissed with cost.

Counter Arguments of the Appellant

We have made all our contentions very clear in our appeal filed with your good self. Ongoing through the statement of facts filed by The Special Officer (Revenue) it is noticed that the concerns raised by us on period of limitation, excess interest charges and denial of interest free installment facility etc, seen not addressed anywhere. Also, The Special Officer has not referred to the provisions of Kerala Electricity Supply Code 152 (3) under which we are eligible for the exemptions.

We shall further explain the matter during the personal hearing and request you to set aside the statement of facts filed by The Special Officer (Revenue) till the completion of the hearing and final order in the matter.

Analysis and findings

The hearing of the appeal petition was conducted on 23/02/2024 at 11:30 am in the office of the State Electricity Ombudsman, DH Road & Foreshore Road Junction, near Gandhi Square, Ernakulam south. The appellant Sri. Jayakumar K., Sri. J. Gopakumar Council for appellant and the respondents Sri. Vijaya Kumar, Special Officer Revenue and Sri. Asokan S., Senior Superintendent, O/o of Special officer Revenue, Sri Tito V. William, The Nodal officer, Riyas C.A., AEE Electrical Sub Division, Chottanikkara were attended the hearing.

The appellant is an HT consumer & power supply availed for an educational institution. The appellant had never made any default in remitting the current charges while energizing the solar plant installed by the appellant on 28/01/2021, the officials of the licensee noticed that the CT ratio of the meter was 10/5 and the multiplication factor should be 2. The appellant was billed wrongly, considering the MF as 1 instead of 2. This wrong billing was happened for a period of 37 months from 01/2018 to 01/2021. The licensee has issued short assessment bill to be appellant for Rs. 22, 30,444/-

The respondents version is that the short assessment bill has been prepared and issued as per section 134 (1) of the Kerala Electricity Supply Code 2014. The Section 134(1) states as

134(1) *“If the licensee establishes either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill”.*

Then the appellants argument is that there is separate section available in the supply code 2014, regarding the course of action in case of billing on incorrect multiplication factor which is Section 152.

152(1) *“Anomalies attributable to the licensee which are detected on inspection at the premises of the consumer, such as wrong application of multiplication factor incorrect application of tariff by the licensee even while there is no change in the purpose of use of electricity by the consumer and inaccuracies in metering shall not attract provisions of Section 126 of the Act or of Section 135 of the Act.”*

152(2) *“In such cases the amount of electricity charges short collected by the licensee, if any, shall only be realised from the consumer under normal tariff applicable to the period during which such anomalies persisted.”*

152(3) *“The amount of electricity charges short collected for the entire period during which such anomalies persisted, maybe realised by the licensee without any interest:*

Provided that, if the period of such short collection due to the anomalies is not known or cannot be reliably assessed, the period of assessment of such short collection of electricity charges shall be limited to twelve months:

Provided further that while assessing the period of such short collection the factors as specified in sub regulation (8) of regulation 155 shall be considered:

Provided also that realisation of electricity charges short collected shall be limited for a maximum period of 24 months, even if the period during which such anomaly persisted is found to be more than 24 months.”

152(4) *“The consumer may be given instalment facility by the licensee for a maximum period of twelve months for the remittance of such amount of short collection with interest at the bank rate as on the date of remittance of the amount of installment”.*

When the short assessment bill is raised as per 134(1), there in another clause 136 which describes about the recovery of arrears and its limitations.

136(1) *“The licensee shall be entitled to recover arrears of charges or any other amount due from the consumer along with interest at the rates applicable for belated payments from the date on which such payments became due”.*

136(2) *“The licensee may prefer a claim for such arrears by issuance of a demand notice and the consumer shall remit the arrear amount within the due*

date indicated in the demand notice”.

136(3) *“No such sum due from any customer, on account of default in payment shall be recoverable after a period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable arrear of charges for electricity supplied”.*

136(4) *“If the consumer fails to remit the amount of arrears with interest on or before the due date indicated in the bill or in the demand notice, the licensee may disconnect the supply of electricity after giving notice and initiate proceedings for the recovery of the arrears in accordance with the relevant legal provisions”.*

Here in the Section 136 (3), the default payment shall not be recovered after a period of two years from the date when such sum became first due. Hon'ble Supreme Court also defined the term first due in the Case no. 7235 of 2009 between M/s Prem Cottex versus Uttar Haryana Bijili Vitran Nigam Ltd. And others. This states as

Para 11 *“In Rahamathullah Khan (supra), three issues arose for the consideration of this court. They were (i) what is the meaning to be ascribed to the term first due in section 56(2) of the Act; (ii) in the case of a wrong billing tariff having been applied on account of a mistake, when would the amount become first due; and (iii) whether recourse to disconnection may be taken by the licensee after the lapse of two years in the case of the mistake.”*

Para 12 *“On the first two issues, this court held that though the liability to pay arises on the consumption of electricity, the obligation to pay would arise only when the bill is raised by the licensee and that, therefore, electricity charges would become “first due” only after the bill is issued, even though the liability would have arisen on consumption. On the third issue, this court held in Rahamathullah Khan (Supra), that the period of limitation of two years would commence from the date on which the electricity charges became first due under section 52(2) does not preclude the licensee from raising an additional or supplementary demand after the expiry of the period of limitation in the case of a mistake or bonafides error. To come to such a conclusion, this court also referred to section 17(1)(c) of the Limitation Act, 1963 and the decision of this court in Mahabir Kishore & Ors. Vs State of Madhya Pradesh 2.”*

Para 13 *“Despite holding that electricity charges would become first due only after the bill is issued to the consumer (para 6.9 of the SCC Report) and despite holding that Section 56(2) does not preclude the licensee from raising an additional or supplementary demand after the expiry of the period of limitation prescribed therein in the case of a mistake or bonafide error (Para 9.1 of the SCC Report), this Court came to the conclusion that what is barred under Section 56(2) is only the disconnection of supply of electricity. In other words, it was held by this Court in the penultimate paragraph that the*

licensee may take recourse to any remedy available in law for the recovery of the additional demand, but is barred from taking recourse to disconnection of supply under Section 56(2).”

Para 14 *“But a careful reading of Section 56(2) would show that the bar contained therein is not merely with respect to disconnection of supply but also with respect to recovery. If Sub-section (2) of Section 56 is dissected into two parts it will read as follows:-*

- i. No sum due from any consumer under this Section shall be recoverable after the period of two years from the date when such sum became first due; and*
- ii.*
- iii. the licensee shall not cut off the supply of electricity”.*

This order is very clearly mentioned that the limitation period of two years begins only from the date of detecting the mistake.

The section 152(3), Para 4 states that the realisation of electricity charges short collected shall be limited for a maximum period of 24 months even if the period during which such anomaly persisted is found to be more than 24 months. Here, the question arises, which will be applied in the case in hand, whether section 152(3) of supply code 2014 or the Hon’ble supreme Court order. The article 141 of the constitution of India, the judgement of the Apex Court is the law of the land which states as “law declared by supreme court to be binding on all courts. The law declared by the Supreme Court shall be binding on all courts within the territory of India.” Further the case of M/s Prem Cottex Vs Uttar Haryana Bijili Vitran Nigam Ltd., and others also regarding the wrong billing with the incorrect multiplication factor which means the case is same as that our case in hand. Then the order of Hon’ble Supreme Court is superciding the regulation of the state which is the electricity supply code 2014.

It is very pertinent to note that there is major lapses happened from the officials of the licensee.

1. While installing testing and commissioning of meter at the premises of the consumer a data sheet with full details of meter and other accessories are to be prepared and get if signed by the consumer and copy is to be handed over to the consumer also. It is not clear whether this has been done, the consumer was not aware. The data from this data sheet is to be entered into the billing software. In the hearing it is mentioned, the data have been forwarded to SOR and the SOR only entering the data in the billing software. The licensee has to enquire and find out who is responsible for this lapse and action is to be taken accordingly.

2. As per the Section 113 of the Supply Code 2014, the meter would have tested once in 1 year. If it would have been complied with the under charging would have been limited to only one month. The revenue loss

(interest) is only because of this lapse, the licensee has to fix the responsibility to the concerned officer.

3. The KSEB circular states that if there is variation in the consumption and thus the billing more than 20%, the detailed inspection have be done to analyse the reason. The entry of data and the preparation of bills are due by SOR, the question arises is why this circular is not complied with. If it would have been followed, the revenue loss would have detected very early and it could have been rectified. This also to be enquired by the licensee and action is to be initiated.

Decision

On 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 short assessment bill raised by the licensee.
2. The licensee has to enquire and find out the officials responsible for the lapse and take appropriate action to stop such mistakes as mentioned above.
3. No order for any other cost.

ELECTRICITY OMBUDSMAN

No. P/064/2023/_____ dated: 04/03/2024.

Delivered to:

1. M/s Global Education Trust (Global Public School), Thiruvaniyoor P.O., Chottanikkara, Ernakulam (Dist.)- 682308.
2. The Deputy Chief Engineer, KSE Board Ltd., Electrical Circle, Ernakulam, Ernakulam (Dist.).
3. The Special Officer Revenue, KSE Board Ltd., Vidyuthi Bhavanam, Pattom, Thiruvananthapuram.

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