

THE STATE ELECTRICITY OMBUDSMAN

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Appeal Petition No. P/017/2025 (Present A. Chandrakumaran Nair) Dated: 06-05-2025

Appellant : Sri.Iqbal.M
Director,
Malabar Realtors Pvt.Ltd.,
Malabar Gate, RammohanRd,
Puthiyara, Kozhikode (DT) - 673004

Respondent : 1. The Special Officer (Revenue)
KSE Board Ltd.,
Vydyuthibhavanam,
Pattom, Thiruvananthapuram.

2. The Deputy Chief Engineer
Electrical Circle, KSE Board Ltd.,
Kozhikode, Kozhikode (DT)

ORDER

Background of the case

The appellant Shri. Iqbal. M is the Director of M/s. Malabar Realtors Pvt.Ltd. and this firm is an HT consumer (LCN : 12/3875) of Licensee KSEBL under their Electrical Section, Central. The agreement authority is the Dy. Chief Engineer, Kozhikode and billing is done by SOR, KSEBL. The tariff applicable to this connection is HT IV B commercial with contract demand 200 KVA. This connection was effected on 12/08/2002. The energy meter (ToD meter) was defective during 08/2022 and the consumer informed the Licensee. The meter was tested and declared faulty by letter dated 19/09/2022. The consumer has been asked to replace the meter and CT/PT unit. The appellant has purchased the meter and accessories and tested the same at the TMR lab Kannur. The

testing was completed on 31/10/2022 and meter was handed over to the Section. The clearance of HT panel with the wall was not sufficient and hence the shifting of panel was necessitated. On completing the shifting the meter has been installed and commissioned only on 22/10/2022. The replacement of meter was delayed beyond two months and hence the Licensee had applied meter fault penalty for Rs. 6,49,840/-. The consumer requested for the waiver of the penalty as he had procured the meter & accessories well within the time. The claim of the consumer has not been agreed by the Licensee and then he filed the petition to CGRF. CGRF issued order dated 24/01/2025. This petition is filed as an appeal to the CGRF order.

Arguments of the Appellant

The Complainant is the Director of Malabar Realtors Pvt. Ltd. (LCN: 12/3875), a company operating in the hotel industry. The Complainant has an HT 4 (B) connection from the Kerala State Electricity Board, with consumer number LCN: 12/3875, Central Section, Kozhikode. On 04-08-2022, the Complainant noticed that the ToD meter was not working. The Complainant subsequently sent an email to the KSEB Central Section, requesting an inspection and necessary action. On 16-09-2022, the HT Meter Testing Field Unit in Kozhikode inspected premises of the Complainant. Thereafter the Complainant received a notice from the Deputy Chief Engineer, Electrical Circle, Kozhikode, dated 19-09-2022, instructing us to procure a new ToD meter, CT, and PT, and to have them calibrated at the TMR lab in Kannur for replacement at the earliest. The notice stated that the ToD meter display was faulty and the meter itself was declared defective. The said notice referred to the Inspection Report of the HT Meter Testing Field Unit and the Report of the A E, ES, Central Kozhikode. It was intimated to the Complainant on 19-09-2022.

On receipt of the said notice the Complainant tried to procure ToD meter, CT, and Then ToD meter, CT, and PT were not available in the market. The complainant tried to get those equipment's from various markets and ultimately obtained from other sources. The new ToD meter, CT, and PT were procured and the testing Fee was remitted on 20-10-2022 vide receipt no. 1051. The new TOD meter, CT, and PT were produced before the A E, E S, Central Kozhikode, who prepared the Annexure-II Performa on 25-10-2022 for sending the Metering equipment to TMR for testing. Thus the Complainant purchased and supplied the ToD meter, CT, and PT to the Licensee by remitting the testing Fee on 20-10-2022, within two months, that is the time period stipulated by the Clause 4(d) in the General Condition for HT & EHT tariff of Part B HT and EHT tariff of tariff order dated 25-06-2022.

The new ToD meter, CT, and PT were taken to the TMR lab in Kannur for calibration on 26-10-2022. The CT, and PT were tested and calibrated and given to the complainant on 26-10-2022 itself. The A E, ES, Central Kozhikode prepared the Annexure-II Performa on 27-10- 2022 for sending the ToD Meter to TMR for testing. The TMR lab tested and calibrated ToD meter on 31-10-2022, and the equipment was handed over to the complainant on 07-11-2022. The Deputy Chief Engineer, Electrical Circle, Kozhikode addressed to the Special Officer Revenue by letter dated 07-11-2023 which states as follows. "On 08-11-2022, the Assistant Engineer, Electrical Section Central submitted test reports and TMR was intimated from this office for replacement of metering equipment on 09-11-2022". The complainant then requested the Assistant Engineer, Electrical Circle, Kozhikode on 08-11-2022, to inspect the re-commissioning work of the calibrated CT, PT, and ToD. The TMR lab officials arranged for the re-commissioning work of the calibrated CT, PT, and ToD on 06-12-2022, at 10:00 am. The officials, including the Assistant Engineer of the Licensee, visited the premises on that date.

During the inspection, on 06-12-2022 the Assistant Engineer observed that the distance between the HT Panel and the wall was inadequate for necessary replacement and wiring work. He instructed the complainant to relocate the panel board to facilitate this work. The panel board had been in place for twenty-four years, during which time numerous officials had inspected it and conducted maintenance without previously identifying any issues or requesting its relocation. Prior to this instruction no official had found any defect with the Panel Board or demanded the Complainant to shift the Panel Board. The re-commissioning work could not be completed on that day only due to this reason. The work of shifting of HT Panel Board was carried out and was completed on 11-12-2022. The completion of the panel shifting was promptly communicated to the Licensee. Subsequently, the officials from KSEB inspected the premises and verified the functioning of the ToD meter, CT, and PT fittings on 22-12-2022. The operation of the ToD meter, CT, and PT was found to be satisfactory, and the Licensee issued an inspection report dated 22-12-2022.

There was no undue delay, willful negligence, or laches on the part of the complainant regarding the purchase and supply of the ToD meter, CT, and PT. 17. Subsequently, the complainant received the bill for November 2022 dated 05-12-2022. The total bill amounted to Rs. 12,15,214 which was significantly higher than the usual monthly bill of approximately Rs. 4,50,000 and exceeded payable capacity of the complainant. Therefore, the complainant issued a letter on 07-12-2022, to the Deputy Chief Engineer, Vaidyuthi Bhavan, Kozhikode, requesting a waiver of the penalty amount of Rs. 6,49,840, as there was no undue delay, willful negligence, or laches on their part in purchasing and supplying the ToD meter, CT, and PT. A reply was received

from the Special Officer (Revenue) dated 06-07-2024. In the said letter it was stated that "if any existing consumer, having elected to purchase and supply the meter for replacement of the defective meter in the premises, fails to do so within two months, such consumer will be charged 50% extra over the prevailing rates applicable to him for both demand and energy from the date of expiry of the two months fixed for purchase and supply of meter, till the date on which meter is purchased and supply by the consumer to the licensee. As the consumer failed to replace the meter within the stipulated period, 50% of extra over the prevailing rates are applicable. The meter in the premises of the consumer became faulty on 16.09.2022 and the same was replaced only on 22.12.2022, ie after a period of about 3 months. Hence the request of the consumer for waiving off meter faulty penalty cannot be considered and liable to pay the amount of Rs 6,49,840/-".

The letter dated 07-11-2023 issued by the Deputy Chief Engineer, Electrical Circle, Kozhikode addressed to the Special Officer Revenue which states that "On 08-11-2022, the Assistant Engineer, Electrical Section Central submitted test reports and TMR was intimated from this office for replacement of metering equipment on 09-11-2022". The Clause 4(d) in the General Condition for HT & EHT tariff of Part B HT and EHT tariff of tariff order dated 25-06-2022 valid for the period 26-06-2022 to 31-03-2023 was produced by the complainant.

The Complainant filed the complaint before the CGRF, Northern Region, Kozhikode with the following prayers:

1. To declare that the notice issued by the Special Officer (Revenue) dated 06-07- 2024 is factually or legally not true or correct.
2. To declare that there was no undue delay, willful negligence, or laches on the part of the complainant in carrying out the replacement of the ToD meter, CT, and PT.
3. To declare that the Bill for November 2022 demanding the amount Rs. 12,15,240 which includes the "Penalty for Meter Fault" amount Rs. 6,49,840 is neither maintainable nor legal.
4. Further to declare that the bills subsequently issued, which demands the "Penalty for Meter Fault" are neither maintainable nor legal.
5. To declare that the "Penalty for Meter Fault" imposed on the Complainant and the Bill issued by the licensee incorporating the "Penalty for Meter Fault" and the interest thereon are null and void. It is further prayed that the bills subsequently issued, which demands the "Penalty for Meter Fault" also may be declared null and void.

Arguments of the Respondent

M/s. Malabar Realtors Pvt. Ltd (LCN: 12/3875) is a live HT consumer under Electrical Section Central Kozhikode and the agreement authority is Electrical Circle Kozhikode. The billing is done under HT IV (B) Commercial Tariff with a Contract Demand of 200kVA. The date of connection of the consumer is on 12/08/2002. The energy meter of the consumer got defective in the month of August 2022 and the same was informed to the Assistant Engineer, Electrical Section Central by the consumer. Then an inspection was carried out by TMR wing Kozhikode on 16.09.2022 at the premises and declared that the TOD meter was faulty and intimation letter was issued to consumer on 19.09.2022 by the 2nd respondent, the Deputy Chief Engineer, Electrical Circle Kozhikode. Since the faulty meter was not replaced by the petitioner consumer even after the stipulated period of time limit within 60 days, the meter fault penalty of Rs. 6,49,840/- as per Part B Clause 4 (d) contained in the Tariff Order by Kerala State Electricity Regulatory Commission dated 25.06.2022, was imposed in the invoice dated 05.12.2022.

The energy meter of the consumer got defective in the month of August 2022 and the same was informed to the Assistant Engineer, Electrical Section Central by the consumer through e-mail dated 04.08.2022. Then as per getting up on information from AE, Electrical Section Central regarding the display of meter in faulty status, an inspection was carried out at the premises by the HT Meter Testing Field Unit, Kozhikode on 16.09.2022.

As per the report dated 16.09.2022 of the HT Meter Testing Field Unit Kozhikode, the 2nd respondent intimated the petitioner consumer with a copy to the 1st Respondent that the HT metering equipment of the petitioner was inspected on 16.09.2022 and found that the LCD display parameters were found corrupted and hence the meter is declared as faulty. The HT Meter Testing Field Unit Kozhikode had requested the 2nd respondent to give direction to the consumer to replace the existing faulty TOD meter with a new 3 phase 4 wire DLMS compatible TOD meter of accuracy class 0.2s and existing CT Unit (CT ratio 15/5A) with a new CT Unit of accuracy class 0.2s and existing PT Unit with a new PT Unit of accuracy class 0.2/25VA and get it calibrated from the TMR lab Kannur for replacement at the earliest. It was also directed that the average consumption may be considered for billing till the fault is rectified. As per the intimation letter send to the consumer by the second respondent with a copy to the 1st respondent, Special Officer (Revenue) it was intimated that if the faulty meter/metering equipment's were not replaced within the stipulated period, penal charges for non-replacement of the faulty meter for the said two months and one month thereafter will be imposed without further intimation. As per the report of the second respondent, Deputy Chief Engineer, Electrical Circle, Kozhikode the consumer purchased a new meter and that was calibrated by TMR lab at Kannur on

26.10.2022 and the work of CT/PT/TOD meter replacement was arranged only on 06.12.2022. However, the faulty meter was not replaced by the consumer even after the stipulated period of time limit within 60 days. Hence the meter fault penalty of Rs. 6,49,840/- (Rupees Six Lakhs Forty Nine Thousand Eight Hundred and Forty Only) as per Part B Clause 4 (d) contained in the Tariff Order by Kerala State Electricity Regulatory Commission dated 25.06.2022 was imposed in the invoice dated 05.12.2022. The consumer was being billed on the basis of the average consumption from 01.08.2022 and billed upto 22.12.2022. An amount of Rs.6,49,840/- as meter faulty penalty has been included in the demand for November 2022 in the invoice dated 05.12.2022.

Upon receiving direction to replace meter from the agreement authority, HTMT Unit was ready to proceed with the meter replacement. Due to technical challenges encountered by the HTMT Unit while declaring the meter faulty, they had instructed the complainant to resolve the space issue before proceeding with the replacement. Upon receiving instructions from the HTMT Unit to arrange the premises, the Assistant Engineer promptly directed the complainant to shift the HT panel. Initially, the complainant was reluctant to follow the Assistant Engineer's instructions. During the visit to take the HT meter reading of another consumer at the same premises on 1/11/22 and 1/12/2022, the Assistant Engineer Electrical Section, Central has reminded the Electrical Engineer of M/s Malabar Realtors. The Assistant Engineer Electrical Section, Central had also informed over phone to the Director of M/s Malabar Realtors Sri. Iqbal regarding the space issue raised by HTMT unit. On 1/12/2022 the Assistant Engineer observed that the complainant had not made any plans to shift the panel. Consequently, a site visit was arranged by the HTMT Unit on 6/12/2022, where this issue was documented in writing, which the complainant acknowledged and accepted. Date of connection of the consumer is on 12/08/2002 ie 22 years back from now and therefore the claim of 24 years is an exaggeration. For the past 22 years, the consumer has been receiving electricity from KSEBL. Following the provision of the HT service connection, the licensee's standard procedure has been to take monthly readings, which are readily available on the front of the HT panel. Other activities, such as seal-breaking and inspections within the HT panel, are typically conducted only in the event of a breakdown, As such, the licensee is not concerned with space constraints while the system is operating normally. Consequently, the petitioner's argument that the licensee failed to provide prior notice of these matters is without merit. Furthermore, the licensee operates strictly in accordance with approvals from the Electrical Inspectorate.

The complainant has accepted the fact that the panel shifting was necessary for the execution of the said work, hence panel shifting work done by them.

otherwise they would have moved against the licensee at that time itself. After the execution of HT panel shifting work by the petitioner, the faulty meter replacement work was done by HTMT team on 22/12/2022 and inspection report was issued to them. The entire delay in the execution of this work is attributable to the petitioner. The complainant failed to raise any complaint with the licensee during the period when the meter remained faulty. Had a complaint been lodged at that time, alleging that the licensee was deliberately delaying the work, such an allegation could have been considered against the licensee. However, this is not the case here. After the completion of the work, the complainant is raising unfounded objections and baseless arguments against the licensee. The petitioner is making such comments solely with the intent of avoiding payment of the penal bill. This assertion is false and, therefore, not acceptable. It is very clear from the tariff order dated 25/06/2022 of Kerala State Electricity Regulatory Commission that it is the duty of the consumer to rectify the defective meter in his premises within two months time and it is stated as follows;

"General Conditions for HT and EHT tariff Clause 4(d). If any existing consumer, having elected to purchase and supply the meter for replacement of the defective meter in his premises, fails to do so within two months, such consumer will be charged 50% extra over the prevailing rates applicable to him for both demand and energy, for the said two months and one month thereafter."

The bill for the month of 11/2022 was issued by the Special Officer (Revenue) based on the average consumption. The imposition of meter faulty penalty is as per condition 4(d) of the General Conditions for HT and EHT Tariff of the Tariff Order dated 25 June 2022. Since the petitioner failed to replace the meter within the stipulated period, the penalization happened. Hence the request for waiving of meter faulty penalty by the petitioner consumer cannot be considered based on the prevailing rules of KSEBL. Here the petitioner was aware that the meter became faulty on 16.09.2022 and the same was intimated to the consumer on 19.09.2022. But the meter was not replaced on expiry of 2 months from the date of intimation, thus an amount of Rs.6,49,840/- was imposed as meter faulty penalty along with the bill for the month November 2022. For calculating the meter faulty penalty, 50% of the average of the current charges of the months 09/2022, 10/2022 and 11/2022 was taken. The payments made thereafter in the months were accounted as per the appropriation mentioned in Regulation 133 of the Kerala Electricity Supply Code, 2014. As per Regulation 133 of the Kerala Electricity Supply Code, 2014 all payments made by the consumer shall be adjusted in the following order of priority:-,

- i) interest on electricity duty arrears
- ii) electricity duty arrears

- iii) interest on electricity charge arrears
- iv) electricity charge arrears
- v) dues of current month.

Then the petitioner consumer had requested the first respondent to exempt them from the meter faulty penalty. But due to the reasons for the delay in replacement of the meter was from the consumer side, the first respondent intimated the petitioner by letter dated 06.07.2024 (Exhibit R4) that his request for waiving off meter faulty penalty can not be considered.

KSEBL is a Public Sector Undertaking and it functions as per rules and regulations as established by the statutes. Considering the fact that the contentions of the petitioner are challenging the Regulations of Kerala Electricity Supply Code - 2014 and the conditions of the prevailing Tariff Order, the petition OP No. 64/2024-25 filed by Sri. Iqbal.M, Director, M/s. Malabar Realtors Pvt. Ltd (LCN: 12/3875) may be dismissed with cost and KSEBL may be allowed to take action against the petitioner in pursuant to regulation 136(4) of the Kerala Electricity Supply Code, 2014. Based on the foregoing facts and circumstances, it is respectfully requested that this Hon'ble Ombudsman be pleased to dispose of the case in the interest of justice and direct the Consumer to settle and pay the outstanding bills issued.

The Petitioner consumer prayed before the Hon'ble Consumer Grievance Redressal Forum, Kozhikode to declare that the "Penalty for Meter Faulty" imposed on the Petitioner consumer and the bill issued by the licensee incorporating the "Penalty for Meter Fault" and the interest there on is null and void. The Petitioner consumer also prayed for the bills subsequently issued, which demands the "Penalty for Meter Fault" may be declared null and void". The Observations of the Hon'ble Consumer Grievance Forum regarding the grievance of the petitioner consumer were as follows:

1. The Petitioner has purchased and supplied the ToD Meter and CT-PT units and remitted the requisite testing fee on 27-10-2022 within two months from the date of intimation from the licensee in 19-09-2022.
2. The tested ToD meter was received by the Petitioner on 07-11-2022.
3. The MT field unit conducted routine inspection under Electrical Section Central on 10-11-2012.
4. From the E-mail dated 16-12-2022 of Assistant Engineer, MT unit 2, Kozhikode to AE/ES/Central it is evident that the Petitioner was not ready for ToD Meter and CT-PTs installation.

Section 109(5) of the Kerala Electricity Supply Code, 2014 states that, "the consumer shall provide suitable and adequate space for installation of the meter in such a manner that it is always accessible to the licensee or his representative." It is evident from shifting of the panel by the Petitioner that

there were issues regarding access and working with the panel. The Petitioner failed to produce the Energization Approval issued by the Elec Inspectorate, and also the details of HT consultant and the Forum is rightly found the energization of ToD meter was delayed only due to this hurdle.

Having considered the contention raised by the petitioner consumer and KSEBL and on going through the exhibits produced before the Forum, the Hon'ble CGRF Kozhikode rightly found that the Petitioner consumer has failed to shift the panel as per Regulation 109(2) & (5) of the Kerala Electricity Supply Code, 2014 and the delay to install the tested meter is to be attributed on the Petitioner consumer. As per the above decision, the Forum disposed the complaint. The first respondent does not comment on the petitioner consumer's baseless arguments regarding the decision of the Hon'ble CGRF, Kozhikode in OP No.64/2024-25. KSEBL is a Public Sector Undertaking and it functions as per rules and regulations as established by the statutes. Considering the fact that the contentions of the petitioner are challenging the Regulations of Kerala Electricity Supply Code - 2014 and the conditions of the prevailing Tariff Order, the petition Representation No. P 017/2025 filed by Sri. Iqbal.M, Director, M/s. Malabar Realtors Pvt. Ltd (LCN: 12/3875) may be dismissed with cost and KSEBL may be allowed to take action against the petitioner in pursuant to regulation 136(4) of the Kerala Electricity Supply Code, 2014.

Counter Arguments Filed by the Appellant

The contentions that the Appellant did not replace the faulty meter/metering equipment within the stipulated period, that the work of CT/PT/TOD replacement was arranged only on 06-12-2022, that the consumer was billed on the basis of average consumption and the Appellant shall pay an amount of Rs. 6,49,840/-, that the imposition of meter faulty penalty was as per Condition 4(d) of the of the General Conditions for HT and EHT Tariff of the Tariff order dated 25 June 2022, that the delay in replacement of the meter was from the consumer side, that Appellant's request for waving of meter faulty penalty cannot be considered, that from the email dated 16-12-2022 of AE, MT unit 2, Kozhikode to AE/ ES/ Central it is evident that the appellant was not ready for Meter installation, that it was evident from shifting of the panel by the Appellant that there were issues regarding access and working with the panel, that the petitioner had failed to produce the Energization Approval issued by the Electrical Inspectorate, that the Appellant consumer has failed to shift the panel as per Regulations of the Kerala Electricity Supply Code, 2014 and the delay to install the tested meter is to be attributed only on the Appellant consumer, are false and incorrect and hence denied by this Appellant.

The Order dated 09-01-2025 of the CGRF, Northern Region, Kozhikode in OP no. 64/2024-25 is neither maintainable nor sustainable. On 16-09-2022, the

HT Meter Testing Field Unit in Kozhikode inspected premises of the Complainant. Thereafter the Deputy Chief Engineer, Electrical Circle, Kozhikode, issued Exbt P2 notice dated 19-09-2022, instructing the Appellant to procure new ToD meter, CT, and PT, and to have them calibrated at the TMR lab in Kannur for replacement at the earliest. The Appellant procured new ToD meter, CT, and PT and the testing Fee was remitted on 20-10-2022 vide receipt no. 1051 and produced before the A E, E S, Central Kozhikode, who prepared the Exhibit P3 Annexure-II Performa on 25-10-2022.

Thus the Appellant purchased and supplied the ToD meter, CT, and PT to the Licensee by remitting the testing Fee on 20-10-2022, within two months. The new CT, and PT were calibrated at TMR lab in Kannur on 26-10- 2022 as per Exhibit P 5 Test Report. The TMR lab tested and calibrated ToD meter on 31-10-2022 as per Exhibit P 7. The calibrated meters were taken from the TMR lab on 07-11-2022, as seen in Exhibit P8 and the readiness of the Appellant to replacement work was intimated to the AE on the same day. As per Exhibit P14 letter dated 07-11-2023 the Deputy Chief Engineer, Electrical Circle, Kozhikode addressed the Special Officer Revenue that on 08-11-2022, the AE/ES Central submitted test reports and TMR was intimated for replacement of metering equipment on 09-11-2022.

The Appellant requested the AE/ES on 08-11-2022, within the stipulated time period, to inspect the re-commissioning work. The TMR lab officials arranged for the re-commissioning work of the calibrated Meters only on 06-12-2022, ie after two months, as seen by the Exhibit P9 Report of AE. This shows that the delay was clearly on the part of the Licensee. Only on 06-12-2022 the AE instructed the Appellant to relocate the panel board to facilitate the work. The panel board had been in place for twenty-four years, during which time numerous officials had inspected it without identifying any issues or instructing its relocation. The officials of Licensee inspected premises on 16-09-2022 and found the Meters faulty, but no issue was raised about the panel or shifting of panel. Prior to this instruction no official had found any defect with the Panel Board or demanded the Appellant to shift the Panel Board. The re-commissioning work could not be completed on that day only due to the demand to shift the Panel. Though the shifting of Panel Board was carried out on 11-12-2022 and it was promptly communicated to the Licensee, they inspected the premises only on 22-12- 2022 as evident by Exhibit P10 inspection report. There was no delay, willful negligence, or laches on the part of the Appellant regarding the purchase and supply of the ToD meter, CT, and PT.

Hence it is prayed that the Appeal may be allowed by passing order

1. To declare that the Exhibit P13 notice issued by the Special Officer (Revenue) dated 06-7-2024 is incorrect.
2. To declare that the Exhibit P11 Bill for November 2022 demanding the

amount Rs. 12,15,240 which includes the "Penalty for Meter Fault" amount Rs. 6,49,840 is neither maintainable nor legal.

Analysis and findings

The hearing of this appeal petition was conducted on 29/04/2025 at 03:00 p.m. in the CGRF Court Hall, Vidyuthibhavanam, Kozhikode. The hearing was attended by the appellant Sri. Iqbal.M, Adv. A.B Rajeev, and the respondent, the Deputy Chief Engineer, Electrical Circle, Kozhikode and the SOR is represented by Sri. Anand.T.M, Assistant Executive Engineer, Electrical Sub Division, Nadakkavu, Kozhikode (Dist.)

M/s. Malabar Realtors is an HT consumer of the Licensee under the Electrical Section Central Kozhikode. The power connection LCN.12/3875 was availed for the operation of a Hotel named 'Malabar Gate' situated at Ram Mohan Rd, Puthiyara, Kozhikkode. The appellant Shri. Iqbal is the Director of M/s. Malabar Realtors. The billing is done under HT IV B commercial tariff and a CT operated ToD meter was installed for measuring the energy consumption. The meter was not functioning and this was noticed by the consumer and intimated the same to the Electrical Section on 04/08/2022. The meter testing was done only on 16/09/2022 and Licensee declared the ToD meter faulty on 19/09/2022. The Licensee has intimated the consumer to replace the meter within 30 days vide letter dated 19/09/2022. The appellant had procured the meter and tested at the TMR division of KSEBL. The CT & PT were tested on 26/10/2022 and the HT ToD meter was tested on 31/10/2022. The meters and CT/PT units were handed over to the Section on 08/11/2022. The Licensee had inspected the premises to in connection with the installation of CT, PT and meter only on 06/12/2022.

The Kerala Electricity Supply Code 2014 regulation 120 states about the responsibility of Consumer to report the defect of the meter.

120. *Responsibility of the consumer to report the defect of the meter.*—

(1) If the consumer notices any defect in the meter installed in his premises, he shall immediately report the matter to the nearest office of the licensee.

(2) If during periodic or other inspection by the licensee, any meter is found to be not recording, or if a consumer makes a complaint in this regard, the licensee shall follow the procedure detailed in regulations 116 and 117 of the Code.

Here the consumer had complied this regulation and intimated the Licensee in time. The regulation 116 describes about the Replacement of defective meter.

116. Replacement of defective meters.-

(1) The licensee shall periodically inspect and check the meter and associated apparatus.

(2) If the meter is found defective, the licensee may test it at site, if feasible, and if not feasible, the meter shall be replaced with a correct meter and the defective meter shall be got tested in an accredited laboratory or in an approved laboratory.

(3) The consumer shall provide the licensee necessary assistance for conducting the inspection and the test.

(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 Annexure - 15 to the Code, along with the requisite testing fee.

(5) On receipt of such request, the licensee shall inspect and check the correctness of the meter within five working days of receiving the complaint.

(6) If the meter is found defective, the licensee and the consumer shall follow the procedure as detailed in regulation 115 above.

Here in this case, though the Licensee has tested the meter only after the lapse of 1.5 months. Then the Licensee had asked the consumer to procure the meter and connected accessories within 30 days on 19/09/2022 which was complied by the consumer. The meter and accessories were tested on 31/10/2022, but the officials of the Licensee had inspected the site on 06/12/2022 and directed the consumer to shift the HT panel to have sufficient clearance from the wall. This panel was erected 20 years back, the defective meter was situated in this panel. Then the officials never informed the consumer about the insufficiency of clearance at any time. The shifting of the panel was completed on 11/12/2022. The consumer had informed that this intimation to AE was given over phone. Then again inspection was done on 20/12/2022 and the meter had been commissioned on 22/12/2022. If the Licensee would have inspected immediately on receipt of the tested meter, the appellant would have shifted the panel well within the time & the meter would have been installed on or before 19/11/2022.

The tariff order Part B, Section 4 (d) states about the penalty in delay of meter replacement by the consumer.

Section 4 (d) - *If any existing consumer, having elected to purchase and supply the meter for replacement of the defective meter in his premises, fails to do so within two months, such consumer will be charged 50 % extra over the prevailing rates applicable to him for both demand and energy, for the said two months and one month thereafter.*

Here the meter was declared faulty on 19/09/2022 and hence the period available for the replacement of meter was up to 19/11/2022. It is very pertinent to note that the consumer had purchased the meter and tested well in time. The installation of meter by the Licensee had delayed very much. The inspection to check readiness of installation was done only after one month after testing the meter. Then they have raised a new point to delay the meter installation which is the clearance of panel from the wall. Why this point was raised along with the meter replacement which was installed 20 years back. The Licensee has not raised the shifting of panel at any time before 06/12/2022. This has no justification. Here it is observed that the consumer has complied by the direction in the regulations, but the Licensee has totally violated the regulation. The consumer has supplied the meters time. The delay in installation was totally attributable to the Licensee. As such the meter penalty applied on this appellant is not sustainable.

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 demand of meter faulty raised by the Licensee is quashed herewith.
2. The consumer is not liable to pay this penalty.
3. No other costs sanctioned.

ELECTRICITY OMBUDSMAN

No. P/017/2025/ dated: 06/05/2025.

Delivered to:

1. Sri. Iqbal. M, Director, Malabar Realtors Pvt. Ltd., Malabar Gate, Rammohan Road, Puthiyara, Kozhikode (Dist.)
2. The Special Officer (Revenue), KSE Board Ltd., Vidyuthibhavanam, Pattom, Thiruvananthapuram
3. The Deputy Chief Engineer, Electrical Circle, KSE Board Ltd., Kozhikode, Kozhikode (Dist.)

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vidyuthi bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vidyuthi Bhavanam KSE Board, Gandhi Rd, Kozhikode - 673032

