

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION NO.P/073/2014

(Present: Sri. V.V. Sathyarajan)

Dated: 15th May 2015

Appellant : Sri.K.Chithrangathan,
Proprietor,
M/S. Shibili's Ice & Cold Storage,
Pallikandy Beach,
Puthiyangadi P.O.,
Kozhikode

Respondent : The Assistant Executive Engineer
Electrical Sub Division
KSE Board Ltd.,
West Hill,
Kozhikode

ORDER**Background of the case**

The appellant is running an Ice Plant bearing consumer No. 1590 under Electrical Section, West Hill. According to him, he replaced the Current Transformers of his meter with new ones, when he was informed by the APTS that the previous CTs had been lacking in capacity. Subsequently the respondents issued a short assessment bill amounting to Rs. 1,34,653/-. The CTs were first installed when the capacity of the plant was 46 kW. The same was continued to be used even after the capacity of the Ice Plant was increased from 46 kW to 82 kW. According to the appellant, no official of KSEB who conducted periodical inspection ever recorded any infirmity on the functioning of the CTs. The CTs were said to have been installed at the expense of the appellant. The appellant approached the CGRF seeking to withdraw the short assessment bill. The Forum found that the contention of the appellant was genuine and justifiable. Setting aside the short assessment bill amounting to Rs. 1,34,653/- the Forum, in its order, directed the respondents to issue fresh bill after finding the actual period of fault of the CT with the split up details. But the respondent issued revised bill for an amount of Rs. 1,79,050/- even without considering the order issued by the Forum. Challenging the above bill for an amount higher than the original bill amount, this appeal petition was filed.

Appellant's arguments

Though the Forum issued its order on 26-09-2014, the appellant could get a copy of the same only on 24-11-2014. Meanwhile, the respondents issued a fresh bill amounting to Rs. 1,79,050/-. The original bill amount challenged by the appellant was only for Rs. 1,34,653/- . The appellant has sought for the cancellation of the new bill.

Respondent's arguments

The appellant's Ice Plant is having an LT three phase connection with a contract demand of 90 kVA. While taking monthly reading, the Sub Engineer, Electrical Section, West Hill noticed that Y phase current is zero on 04-07-2014. Subsequently a site inspection was conducted at the premises and a site mahazar was prepared. The recorded data was downloaded through the optical port of the energy meter. On examination it was found that there was reduction of maximum demand from 16-03-2014 onwards and that only 2/3rd of actual energy was recorded in the energy meter due to damage of one of the three 100/5 Current Transformers. The appellant had been undercharged from 04/2014 and hence the short assessment bill had been issued. It was directed by the CGRF to issue fresh bill after finding the actual period of fault of the CT with split up details. Based on the said order the present bill with detailed split up was issued.

Analysis and findings

Hearing of the case was conducted on 07-04-2015 in my chamber at Edappally, Kochi. Sri K Chithrangathan, the appellant himself appeared for hearing. Sri P.T. Joseph, Assistant Executive Engineer, Electrical Sub Division, West Hill represented the respondents. Hearing the arguments of the parties, perusing the appeal petition, statement of facts and other records of the case and considering all the facts and circumstances the case, this Authority comes to the following conclusions.

The appellant already contended before the CGRF that there was no evidence regarding the date of fault of the CT. Since the respondent failed to substantiate their arguments, the Forum held the contention of the appellant was genuine and justifiable. Hence the Forum accepted the contentions of the appellant herein. In this connection, the relevant portion of the order of the CGRF is extracted below:

During hearing the petitioner contended that there was no evidence regarding the date of fault of the CT. Since it is a seasonable business there will be a definite pattern of the consumption, occasional fall and raise is common. Moreover, licensee's meter reader was taking meter reading in every month. If there was any fault on the meter, the meter reader would have noticed it. Forum feels that this is a case of loose connection on the terminal of the CT which leads to the faulty reading of the meter. From the test report issued from TMR division, Kannur, it is very clear that the CT to be used is 200/5 instead of 100/5. The split up details of the bill provided in the statement of facts by the respondents is not at all

convinced to this Forum. Therefore, the Forum finds that the contention of the petitioner is genuine and justifiable.

This authority is not going to re-evaluate the said findings which is favourable to the appellant. The respondents were directed to find out the actual period of fault of the CT, since there was no evidence regarding the date of the fault of the CT. But the respondents issued a fresh bill for an amount higher than the original bill amount. According to them, the consumer had been undercharged from 04/2014. But it appears that they have not been able to adduce any creditable evidence in support of the date of fault of the CT.

On verification of the calculation details submitted by the respondents during the period, it is noted that there is much difference noted in the consumption pattern. The respondents also submitted the calculation statement for the previous year (2013). The consolidated statement is as follows:-

Consumption Details of Consumer Number 1590 period from 1/2013 to 14/2014

Sl No.	Month	Consumption
1	1-2013	5340 + 189 (light meter)
2	2-2013	3200
3	3-2013	14840
4	4-2013	11213 (DL)
5	5-2013	18140 (36280/2)
6	6-2013	33860
7	7-2013	8200
8	8-2013	5240
9	9-2013	18220
10	10-2013	30840
11	11-2013	41900
12	12-2013	43000
13	1-2014	32880
14	2-2014	22340
15	3-2014	17780
16	4-2014	24940
17	5-2014	19440
18	6-2014	20700
19	7-2014	14380
20	8-2014	19080
21	9-2014	40680
22	10-2014	35680
23	11-2014	40120
24	12-2014	27240

The above statement shows that there are differences in the month-wise consumption pattern. The consumption pattern reinforces the observation of the Forum that there will not be a definite pattern of consumption in a seasonable business like Ice Plant. Moreover, the respondent's meter reader was taking meter reading regularly. If any fault of the meter had been suspected, he would have noticed it and reported to higher authorities in the year 2013 itself.

The appellant cannot be penalized for the failure on the part of respondent to keep the meter and CTs functional and without fault. So long as the appellant had not done anything to commit theft of electrical energy or to make a meter dysfunctional, normally, he cannot be penalized demanding a very huge amount from him. In the circumstances I see no justification in issuing a short assessment bill for an imaginary fault period. Moreover it is not just and fair to issue a revised bill for an excess amount in this particular case when the original bill was quashed by the Forum.

Decision

In view of the above discussion the short assessment bill issued for Rs. 1,79,050/- is set aside. The order of CGRF is modified. The appeal petition is allowed.

ELECTRICITY OMBUDSMAN

No.P/073/2014/ /Dated: _____

Forwarded to:

1. Sri.K.Chithrangathan, Proprietor, M/S. Shibili's Ice & Cold Storage, Pallikandy Beach, Puthiyangadi P.O., Kozhikode
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., West Hill, Kozhikode

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSEBoard Ltd, Gandhi Road, Kozhikode