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APPEAL PETITION No. P/004/2021  
(Present: A.S. Dasappan)  
Dated: 28<sup>th</sup> June 2021

Appellant : Smt. Jancy Varghese  
TC No. 14/352, Kanjirakattu,  
Kumarapuram,  
Thiruvananthapuram Dist. – 11

Respondent : Asst. Executive Engineer,  
KSE Board Ltd., Electrical Sub Division,  
Kesavadasapuram,  
Thiruvananthapuram Dist.

### **ORDER**

#### **Background of the case:**

The appellant is a consumer of Electrical Section, Ulloor with Consumer number 114517400453 under LT I(A) tariff and connected load is 17510 watts. The regular bimonthly bill issued to the appellant after replacing the electro-mechanical meter with a new meter for a higher consumption is the reason for filing the petition to the CGRF and appeal petition to this Authority. The metering system was tested by the Licensee in the premises and later tested at the laboratory of the Licensee, but the test results are not acceptable to the appellant. The appellant argued that the consumption recorded is exorbitant and hence, wants revision. The petition filed by the appellant before CGRF, Southern Region, Kottarakkara vide OP No.58/2020 and the Forum rejected the request in its order dated 24-12-2020. Aggrieved by the decision of the Forum, the appellant filed this appeal petition before this Authority on 21-01-2021.

**Arguments of the appellant:**

The appellant was using electrical energy at an average of 30 units per day. While so on 25-11-2019, the appellant's meter was changed without any intimation. When the electrician noticed unusual running of meter, the appellant lodged a complaint on 27-11-2019. The Assistant Engineer kept silent and when the meter reading was taken on 11-01-2020, recorded very high consumption. So, lodged another complaint on 17-01-2020. On 18-01-2020, the meter was taken for testing and replaced with another one. On 05-05-2020, the disputed meter was reinstalled. The appellant noticed high speed again and registered another complaint. The appellant's letter dated 15-05-2020 was refused to accept by the Assistant Engineer and hence, the appellant sent a complaint to the Executive Engineer. Aggrieved by this, the Assistant Engineer issued a letter dated 10-06-2020 demanding double amount without issuing any bills. The meter was changed on 18-01-2020 and not on 22-01-2020. The meter was replaced on 05-05-2020. The number of days taken by the Assistant Engineer for arriving at the average as 99 days, which is not correct. Actual period is 108 days and average daily consumption is only around 40 units. Even in the 'COVID-19 lockdown' period also the reading was below 40 units. The Forum found the average as 50 units, which is without any basis.

The request of the appellant is to set aside the order of CGRF and take actual reading and correct all the bills.

**Arguments of the respondent:**

KSEB Ltd. had changed mechanical meter at the appellant's premises on 25/11/2019. After that the appellant filed an application on 27/11/2019 stating the meter shows high reading and wiring at the premises was burnt. Again, the appellant approached the section office to provide a test meter and remitted the required fee on 30/11/2019. Accordingly, a test meter was provided on 6/12/2019 for 3 days. It was found that readings in the original meter and the test meter for these days are same, that was 159 units having an average consumption of 53 units per day.

	<u>IR</u>	<u>FR</u>	
Original meter reading	579	738	159 units
Test meter reading	1943	2102	159 units

Again, the appellant argued that the meter shows high reading and requested to test the original meter in an authorized meter testing laboratory and remitted the required fee on 18/1/2020. So, the original meter was temporarily replaced with a new meter having initial reading zero on 22/1/20. The original meter was sent to TMR, Thirumala for testing with final reading 3124, so that the original meter was installed on 25/11/2019 with zero initial reading and replaced for testing on 22/1/2020 with final reading of 3124 units. Thus, the average consumption is  $3124/58 \text{ days} = 53.86 \text{ units}$ .

The test report from TMR was received on 30/4/2020, it was reported that no anomalies found in the meter. Then KSEB Ltd. replaced the temporary meter with original meter, which was tested from TMR on 30/4/2020 with reading of 3128. The final reading of the temporary meter was 4630 units on that day. Average consumption is  $4630/99 \text{ days} = 46.77 \text{ units}$ . Even after as the appellant was not satisfied with the performance of the original meter, which was tested by TMR. Again, a test meter was provided on 26.05.2020 for 2 days as per the request of the appellant on 15.05.2020.

	<u>IR</u>	<u>FR</u>	
Original meter reading	4107	4210	103 units
Test meter reading	2408	2511	103 units

It was found that readings on the original and the test meter for these days are same, that was 103 units having an average consumption of 51.5 units per day. So, it concludes that average consumption per day by this appellant is around 50 units. As per the provisions of the regulation 113 of Electricity Supply Code 2014, it shall be the responsibility of licensee to satisfy itself regarding the accuracy of the meter. Regulation 113(4) entitles the licensee to remove the meter to be tested and to replace the same with the correct meter and to test the removed meter in an accredited laboratory. The respondent has acted as per the above provisions.

Detailed calculation of the Bill dt 10.06.2020

12.11.2019 to	11.01.2020	3038 units	= Rs. 26736
11.01.2020 to	11.03.2020	2741 units	= Rs. 24274
11.03.2020 to	12.05.2020	2674 units	= Rs. <u>23846</u>
			Rs. 74856
	Paid on 13-05-2020		Rs. <u>9000</u>
	Balance to be remitted		= Rs. <u>65856</u>

Meter was tested as per the provisions of regulation 115 and 116 and subsequent bills were issued as per regulation 122. KSEBL is entitled to recover the arrear dues from the appellant and hence, the appellant is not entitled to any relief and the bills were issued as per the prevailing rules in vogue.

All the calculations are made as per the prevailing rules and the bills issued during the door lock period were revised.

Average consumption per day by this appellant is around 50 units. The regular meter at the premises of the appellant, on getting complaint was subjected to testing by the competent authority immediately and the authority had testified to the accuracy of the regular meter. For the above reasons, there were no materials to conclude that the readings of the regular meter were erroneous in any manner. Hence, the contentions of the appellant may be rejected in view of the findings of CGRF, Kottarakkara and the respondent may be permitted to recover the dues.

**Analysis and findings:**

An online hearing was conducted at 11 AM on 26-02-2021 with prior intimation to both the appellant and the respondent. Sri. Reji Varghese attended for the appellant and Sri. V. Pramod, Assistant Executive Engineer, Electrical Subdivision, Kesavadasapuram attended for the respondent in the hearing. On examining the petition, the counterstatement of the respondent, the documents attached and the arguments made during the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

The argument of the appellant is that the consumption recorded in the newly installed meter replacing the old meter was exorbitant and hence, the appellant is not liable to remit the bill amount prepared based on the reading of the new meter. The requirement of the appellant is that the billing to be done based on the average meter reading.

The argument of the respondent is that the newly installed meter in the premises is accurate and confirmed its accuracy in the testing conducted at the laboratory, which is a NABL accredited one. As such the appellant is liable to remit the bill amount, prepared based on the reading of the tested meter.

The electromechanical meter in the premises was changed with a new static meter on 25-11-2019. The Licensee can change meter in a premises if it was found defective or suspected defective or as a programme of changing meters with new meters having advanced features and technology for recording actual consumption of energy. In these situations, the Licensee has to ascertain whether the meter installed records actual consumption of energy in the premises. The metering system in a premises can be replaced if the Licensee or the consumer suspects any defect in the metering system, but after ascertaining the defectiveness of the meter. Here a test meter was installed on 06-12-2019 in parallel with the newly installed meter on receiving a complaint from the appellant that the meter installed on 25-11-2019 was incorrect. The test meter retained for three days and which shows the same quantum of energy recorded in the premises meter, i.e. 159 units for 3 days. But the appellant was not satisfied with the test results so found and hence, the meter was tested at TMR, Thirumala on 11-02-2020. The test result is "Meter complied with the requirement of the standard in the test. Errors are within permissible limit and there is no anomalies found in downloaded data".

The downloaded data shows that, meter reading 266, 1955 & 3124 kwh on 01-12-2019, 01-01-2020 and 01-02-2020 respectively. Also, the consumption recorded in the meter for 58 days from 25-11-2019 to 22-01-2020 is 3124 units. The consumption recorded for 99 days from 22-01-2020 to 30-04-2020, the date on which the tested meter was reinstalled, in the temporary meter is 4630 units. The meter reading in the tested meter reinstalled on 30-04-2020 is 3128, not 3124

as stated by the respondent, and reading on 12-05-2020 is 3460. The consumption found from 30-04-2020 to 12-05-2020 is 332 units.

Still the appellant is not satisfied with the test results from the TMR unit, the respondent again provided a parallel meter on 26-05-2020 and found both meters recorded same quantum of energy.

The relevant regulations in the Kerala Electricity Supply Code 2014 are,

Regulation 116 of Kerala Electricity Supply Code 2014 explains about testing of 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 Annex. 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 5 working days of receiving the complaint.
- (6) If the meter is found defective, the Licensee and the consumer follow the procedure as detailed in Regulation 115 of Kerala Electricity Supply Code 2014.

**115. Procedure for testing of meter: -**

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

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

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

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

- (8) If a consumer disputes the result of testing at the laboratory of the licensee, the meter shall be got tested at a laboratory selected by the consumer from among the laboratories accredited by the National Accreditation Board for Testing and Calibration Laboratories (NABL).
- (9) In case the meter is found to be faulty, revision of bill on the basis of the test report shall be done for a maximum period of six months or from the date of last testing, whichever is shorter and the excess or deficit charges on account of such revision shall be adjusted in the two subsequent bills.

There is no relevance in providing a check meter in parallel with the premises meter, once it is tested in a NABL accredited laboratory and found its accuracy. Here the respondent had acted in accordance with the procedures to be adopted for the testing of a meter.

An energy meter is a measuring instrument in the electric circuit to the premises to measure the quantum of electrical energy being used by the consumer and which varies mainly on their load requirement and duration of its operation or functioning. The error of the meter to what extent has been fixed with rules and regulations. The procedure for testing whether the errors are within the limit or beyond the limit were also explained in the Code. The connected load in the appellant's premises is that of three numbers Air Condition units, water pump

motor, washing machine, water heaters, Fridge, Microwave Oven, lights, fans etc., which comes 18000 watts. A consumer is liable to remit the energy charge based on the consumption recorded in an accurate meter. The disputed meter was tested two times in the premises with a calibrated check meter and in a NABL accredited laboratory. Even after the testing as per regulations in the Kerala Electricity Supply Code 2014 and found its correctness, further arguments of defectiveness of meter and non-paying of energy charge cannot be justified. The appellant is liable to remit the energy charge as per the consumption recorded in the static meter installed by the respondent.

**Decision: -**

From the reasons detailed above, the appeal petition No. P-004/2021 filed by the appellant stands dismissed as it is found having no merits. The order No: 52/2020 dated 24-12-2020 of CGRF, Southern Region, Kottarakkara is upheld.

Having concluded and decided as above, it is ordered accordingly. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/004/2021/ \_\_\_\_\_ dated \_\_\_\_\_.

**Delivered to:**

1. Smt. Jancy Varghese, TC No. 14/352, Kanjirakattu, Kumarapuram, Thiruvananthapuram Dist. – 11
2. Asst. Executive Engineer, KSE Board Ltd., Electrical Sub Division, Kesavadasapuram, Thiruvananthapuram Dist.

**Copy to:**

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Kottarakkara - 691 506.