

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/058/2021
(Present: A.S. Dasappan)
Dated: 30th December, 2021

Appellant : Adv. Sreekanth J. Swaroop,
Geetha Apartments, B2,
Bilathikulam,
Eranhipalam P.O.,
Kozhikode Dist.673006

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
West Hill, Kozhikode Dist.

ORDER

Background of the case:

The appellant is a Low-Tension (LT) three-phase consumer of KSEB Ltd., Electrical Section, West Hill with consumer number 1166048019430 in the tariff category LT IA Domestic having a connected load of 5885 watts. The appellant received an electricity bill amounting to Rs.15,332/- for the period 02/2020 to 04/2020 and the appellant remitted the amount on satisfying the clarification made by the respondent. The appellant received another bill for Rs.8,263/- dated 05-02-2021 stating as COVID time arrears along with the regular bill amount and the appellant filed a petition in Consumer Grievance Redressal Forum (CGRF), Northern Region, Kozhikode against the bill. The Forum registered the petition vide OP No. 140/2020-21 and issued order on 13-08-2021 with a decision to dismiss the petition. Aggrieved by the decision of the Forum, the appellant filed this appeal petition before this Authority.

Arguments of the appellant:

In the order issued by the CGRF in OP No. 140/2020-21 says that verification of meter readings and amounts paid, it has been confirmed that there was no duplication of bills. According to the bills, the arrear amount plus regular usage amounting to Rs.14,663/- was duly paid by the appellant before 31st December 2020, taking into account that all amounts due should be paid by year end. The amount Rs.5,189/- and COVID arrear amount of Rs.8,999/- were paid and total due amount nullified.

But after 31st December 2020, in the next bill which come in February 2021, an amount of Rs.8,410/- was shown as disputed amount, due to inability of the Board to take reading due to lock down. This amount was shown only in the February 2021 bill and not in December 2020. Hence, the appellant wants to know why the amount was not mentioned in the December 2020 bill when amounts of Rs.5,189/- and Rs.8,999/- had been paid by the appellant in December 2020.

Here, the Board says, the amount accrued due to inability to take meter readings. The appellant says, in a building where there are 11 other flats, which are all occupied and the meters of all these 12 flats are stationed in one particular place, leaving no room for one meter alone to be let out for meter reading.

If it were a common arrears, all the other flat's bills should reflect the disputed amounts in their further bills, which are not there. This shows that either there is deliberate manipulation in meter reading or billing which the CGRF, Northern Region has not taken into account even after the appellant's mentioning it in the zoom meetings with the officials. The appellant requests for justice in the subject.

Arguments of the respondent:

The petition is about exorbitant COVID arrear bill served on 05.02.2021 amounting to Rs 8263/ and how it was not possible to take meter reading in this particular flat alone, among a cluster of flats. In this connection, the following facts are submitted with regard to the complaint filed by the appellant.

During April 2020, meter reading was not available, as reading could not be taken due to the nationwide lock down owing to the outbreak of the pandemic Covid-19. The system therefore generated a door locked bill of Rs.3969/- for 572 units average, which was paid by the appellant on 27.04.2020.

Another electricity bill amounting to Rs.14,663/- was issued on 09.06.2020 on obtaining the actual reading for the period from 03/2020 to 06/2020. The total consumption for four months was 2044 units, which was divided as 1022 units bimonthly. The actual bill appellant ought to pay during 4/2020 was Rs.9,313/-. Hence, the balance amount of Rs.5,350/- along with the bill amount for the consumption from 4/2020 to 6/2020 was demanded, amounting to Rs.14,663/-. This amount was however reduced to Rs.12,073/- after deducting the due CD interest(Rs. 449/-) and COVID subsidy Rs.2,141/-

Without remitting this amount, the appellant paid subsequent bills served during 08/20 and 10/20. Electricity bill for the month of 12/20 was Rs. 5,189/- The total arrear including the current bill was Rs. 17262/. However, the appellant paid only Rs.8,999/- on 27.12.2020 and the arrear reduced to Rs.8,263/-. This amount along with interest was included in the bill dated 05.02.2021.

Thereafter up to 08/2021, though the bill was served for the actual bimonthly consumption and the pending arrears including surcharge, the appellant used to pay only the actual bimonthly bills without clearing the arrears pending. The appellant paid the bill amount for the consumption during the billing period 08/2021 amounting to Rs.4,939/- on 28.08.2021, the arrear

amount remaining the same Rs.8,834/- (including surcharge). The appellant is liable to remit the arrears along with interest. It is brought to the information of this Authority that no irregular billing or duplication is done in the case of the appellant.

With regard to the appellant's complaint that only his flat was marked door lock, it is reported that all the reading taken on 04.04.2020 was marked as door locked since reading could not be taken physically due to the nationwide lock down owing to the outbreak of the pandemic Covid-19. 13 number of flats within the same premise were marked as door locked.

In view of the above facts, the respondent requested to dismiss the petition.

Analysis and findings:

An online hearing of the case was conducted at 11 AM on 30-11-2021 with prior intimation to both the appellant and the respondent. The appellant did not attend the hearing and Smt. Rajani. P. Nair, Assistant Executive Engineer, Electrical Subdivision, KSEB Ltd., West Hill from the respondent's side attended the hearing. Another hearing over phone was conducted at 11 AM on 13-12-2021 with the prior intimation to both the appellant and the respondent. In this hearing also, the appellant did not attend. On 17-12-2021, the details of the case were explained from the appellant's side. On examining the appeal petition, the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached 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 contention of the appellant is that, even though all the electricity bills issued by the respondent had been remitted by the appellant before 31-12-2020, why an amount for Rs.8,410/- shown in the bill for the month of 02/2021 under the head "Arrear Charge". Also, the appellant stated that among 12

numbers flat in the building occupied, why the meter reading of the appellant's flat alone was not taken by the respondent in 04/2020. As such, the appellant wants clarification in the bill issued by the respondent in 02/2021.

According to the respondent, meter reading could not be taken in the appellant's premises along with the other flats in the building for 04/2020 due to the restrictions imposed in the "Lockdown" period. Hence, for the month of 04/2020, the appellant was given an electricity bill for a consumption of 572 units arrived at based on the previous consumption. The appellant had not remitted electricity bill amount in 06/2020 and a portion of which was remitted in 12/2020. Hence, the appellant is liable to remit the "Arrear amount" noted in the bill dated 05-02-2021.

On going through the records file, it is seen that the energy consumption recorded in the premises of the appellant from 04-12-2020 to 05-02-2021 comes to 645 units and the bill amount is Rs.4,939/-. In addition to the regular bill amount, Rs.8410/- is seen mentioned as "Arrear Charge", which is under dispute. The meter reading in the premises was not taken by the respondent for the month of 04/2020 and hence, bill was issued for an average of the previous consumption for 572 units. While verifying meter reading details, the total consumption for the period from 05-02-2020 to 04-06-2020 was 2044 units and the respondent equally divided the consumption for 1022 units in 04/2020 and 06/2020. The appellant has no dispute in the accuracy of the meter. The same meter is seen changed by the respondent on 06-10-2021, after eight months from the date of bill under dispute. The consumption for the previous year 2019, in the same period, 05-02-2019 to 03-04-2019 was 739 units and from 03-04-2019 to 06-06-2019 was 1008 units. As such the appellant is liable to remit the energy charge for 450 units in 04/2020 in addition to the energy charge remitted by the appellant for 572 units in 04/2020 and 1022 units in 06/2020. An amount of Rs.449/- was credited to the account of the appellant on 30-05-2020 towards "CD interest" and

Rs.2,141/- on 27-07-2020 towards “COVID 19 subsidy” and adjusted in the bills issued after 04/2020. Though the respondent had issued the regular bills in 08/2020 and 10/2020 and collected the amount from the appellant, the respondent did not bring the details of balance amount to the notice of the appellant till 2021. An additional amount for Rs.3,937/- is seen realized from the appellant in 12/2020. For the above analysis, it is revealed that the appellant had not paid any amount in 06/2020, which led to the demanding of arrear charge in the bill for 02/2021.

Regulation 110 of Kerala Electricity Supply Code, 2014 says about “Reading of meters”:

Regulation:

- 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.
- (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.
- (13) The amount paid as per the provisional bill shall be adjusted against the bill raised on the basis of actual meter reading during subsequent billing cycles.

This Authority observes that the non-availability of meter reading in 04/2020, lapse of the respondent in billing/realizing the energy charge in 06/2020 including the balance amount of 04/2020 and the realization of an amount of Rs.3,937/- in the bill for 12/2020 along with the regular bill are the reasons, which led to the disputes in the electricity bill issued in 02/2021 by the respondent. A consumer is liable to remit the energy charge for the consumption recorded in a good meter provided in their premises. At the same time, Licensee is also responsible to generate bills and to realize the bill amount as per rules.

Decision: -

In view of the above discussions, I take the following decision.

The respondent shall revise the bill dated 05-02-2021 for Rs.13,075/- (usual electricity charge for Rs.4,939/- in 02/2021 and balance amount for the month of 06/2020 for Rs.8,136/-) within 15 days from the date of order. No surcharge or interest shall be levied for the amount Rs.8,136/-till the due date of the revised bill. The request of the appellant is allowed to this extent and stands disposed of as such. The order of CGRF, Northern Region in OP No.140/2020-'21 dated 13-08-2021 is modified as above.

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

ELECTRICITY OMBUDSMAN

P/058/2021/_____ dated _____.

Delivered to:

1. Adv. Sreekanth J. Swaroop, Geetha Apartments, B2, Bilathikulam, Eranhipalam P.O., Kozhikode Dist.673006
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., West Hill, Kozhikode 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, Gandhi Road, Kozhikode