

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/028/2022**(Present: A. Chandrakumaran Nair)****Dated: 12th August, 2022**

Appellant : Sri. Moosa. C.V.,
Cheekiloden House,
Kathirur, Thalassery,
Kannur Dist. 670642

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Koothuparamba, Kannur Dist.

ORDER**Background of the case:**

The appellant Sri. Moosa. C.V. is a consumer of the Licensee under the Electrical Section, Kathirur with consumer number 19042. The connection is availed for the construction of a house on 05-02-2018 and tariff applicable is LT-VI F. For a long period of time, construction activities were not going on at site due to Covid restrictions. The metering equipment at the premises was covered with vegetation. Earth leakage happened due to the vegetation. The leakage was at the appellant's side of the installation. On 21-07-2021, the Sub Engineer visited the site and inspected the premises and found that the meter is showing high reading though there is no consumption in the construction site. On further testing, it is found that this is due to the earth leakage due to the growth of vegetation. This has been informed to the consumer and the cutout fuse was removed and thus, electricity is disconnected. The bill amount usually came less than Rs.300/-. The respondent issued a bill of Rs.30,000/- and given 5 installments to clear the payment. The appellant filed petition to Consumer Grievance Redressal Forum

(CGRF), Northern Region, Kozhikode and CGRF had issued order completing the formalities on 15-02-2022, stating that the consumer is liable to pay the amount.

Aggrieved by the order of the CGRF(N), the appellant filed the appeal petition to this Authority.

Arguments of the appellant:

The appellant availed a temporary connection for the construction of a house. For a long period of time, construction activities were not happening at site. Normal bimonthly bill was below Rs.300/-. The electricity bill for the month 07/2021 was exorbitantly high. There was overgrowth of vegetation near the metering kiosk and earth leakage occurred and the leakage point was at the appellant's side of installation. On 26-05-2021, meter reader took the reading and it was noticed very high. This could not be communicated to the appellant in time and the bill amount was Rs.10,000/-. The respondent was not disconnected the electric connection after elapsing the due date of the payment. Because of this fault from the respondent, the next bill is mounting to an exorbitant amount of Rs.30,000/-. As such, this is not at all a fault from the appellant's side and thereby he may not be in a position to make this payment. As the CGRF passed the order to pay the amount as per the consumption, the appellant approached this Authority to waive off the exorbitant payment.

Arguments of the respondent:

The electricity connection to the appellant was given for construction purpose of a house. But for a long period, construction activities were not going on at the site. The metering equipment at the premises was covered with vegetation. Earth leakage happened due to the vegetation growth. The leakage was at the appellant's side installation.

Normal bimonthly electricity bill of the consumer was below Rs.300/-. The connection was provided for construction purpose and no construction activities were carried out at the site recently and hence, normal bi-monthly bills were very low. Due to the vegetation growth near the metering kiosk earth leakage occurred and the leakage point was at the appellant's side of installation.

On 26/5/21 meter reader took the reading and found that the consumption was high. He tried to contact the appellant over phone to inform the matter but could not communicate the same since the appellant neither took the call nor called back. Message regarding the bill was sent to the appellant's registered phone number. No body contacted the office and payment was not seen made. Disconnection of the defaulted appellant's service connection was not done due to the Covid pandemic scenario.

On 23/7/21 next reading was taken and the consumption was quite high. The consumption of the appellant for the bi month was 2062 units. On seeing this abnormal reading the meter reader contacted the sub engineer and the sub engineer conducted inspection at the premises and it was found that the earth leakage existed there. The cutout fuse was removed to disconnect the supply to the premises. Site Mahasser was prepared by the Sub Engineer. Appellant was informed over phone to check the installation with electrician to clear the earth leakage. The bill issued to the appellant's is for the consumption shown in the meter. The meter was tested at TMR Kannur and it was confirmed that the high consumption was due to the earth leakage at the appellant's side installation.

On 23/12/21 hearing on the case was conducted at CGRF-N Kozhikode. The CGRF passed the order that the appellant is liable to pay the amount as per the consumption recorded.

Analysis and findings:

The hearing of the case was conducted on 04-08-2022 in the office of the State Electricity Ombudsman, Near Gandhi Square/BTH, Ernakulam South. The appellant Sri. Moosa. C.V., was attended the hearing and Sri. Rajeevan. P., Assistant Executive Engineer, Electrical Sub Division, KSEBL, Koothuparamba attended the hearing from the respondent'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 appellant availed electricity connection for the construction activities of a house. The work was discontinued for a long time due to Covid restriction. The bimonthly bill was less Rs.300/- during the period when work was stopped. There was a heavy growth of vegetation along the temporary main switch and meter board installation. The vegetation was in contact with phase terminal which results for the heavy earth leakage. The energy was really consumed in the premises of the consumer, through the earth leakage. On 23-07-2021, the meter reader of Electrical Section noticed abnormally high reading and as per his information, Sub Engineer conducted the inspection.

As per the Section 45 (1) of Indian Electricity Act 2003, the Licensee is to charge for the electricity supplied to the consumer. The Licensee has given power supply to the consumer through the proper metering arrangement as per the regulation.

The Section 104 (6) of Kerala Electricity Supply Code 2014 states "The licensee shall provide seals or other appropriate devices on the metering equipment to detect any interference and shall maintain a register of all relevant security devices and seals."

The Section 113 (2) of Kerala Electricity Supply Code 2014 states "The licensee shall also conduct periodical inspection or testing or both and calibration of the meters, as specified in the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time."

In the case in hand, the meter was intact and functioning normal. The leakage was happened in the appellant's side. The appellant is also not disputing about the meter.

Here the earth leakage is happened at the meter unit of the appellant's side. The meter reader noting the abnormally high reading and informed the appellant to test the installation by an electrician. The consumption from the date of connection to 26-01-2021 was only 6 units. The bimonthly reading taken on 25-03-2021 shows 177 units and the billing cycle on 26-05-2021 and 23-07-2021 recorded the consumption of 1084 and 2062 units respectively.

The appellant has stated that there was over growth of vegetations around

the site and premises. It is the responsibility of the appellant to keep the premises neat and clean and also to ensure the installation is perfectly alright. The appellant is again stated that this is not because of the fault from his side. But one thing is very clear that the energy has been used/wasted by the appellant. The earth leakage is not because of a fault from the Licensee.

Decision: -

From the analysis of the arguments of appellant and respondent and the hearing, the decision is taken as follows:

- (1) The appellant is liable to pay the amount as per the consumption.
- (2) The Licensee shall grant 15 numbers of monthly instalments without interest.
- (3) CGRF, Northern Region order in OP No.38/2021-22 dated 15-02-2022 is modified accordingly.

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

ELECTRICITY OMBUDSMAN

P/028/2022/_____ dated _____.

Delivered to:

1. Sri. Moosa. C.V., Cheekiloden House, Kathirur, Thalassery, Kannur Dist. 670642
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Koothuparamba, Kannur 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