

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION NO. P/350/2013.

(Present: T.P. Vivekanandan)

Appellant : 1). Sri. Kader Pillai,
28/209 (G-27), Kanoos Enclave,
Panampilly Nager, Kochi-36.

Respondent : 2). The Assistant Executive Engineer,
Electrical Sub Division, KSEBoard,
Central, Ernakulum-18.

ORDER.

Background of the Case: -

SriK.S. Kadar Pillai is consumer No. 22036, under Electrical Section, Central, Ernakulam and is running Hotel business with LT VII-A-commercial tariff. The consumer is aggrieved by an exorbitant bill dated 8.11.2012 for the recorded consumption of 4926 units of electricity for two months, for a sum of Rs.49,051/-. Hence the consumer submitted a request on 20.11.2012 to the respondent to test the Meter and the consumer was allowed to remit the average of the last six months consumption, provisionally, as per Section 56 (b) of Electricity Act, 2003. The disputed bill was kept in abeyance till settlement of the complaint. The Test of meter proved that the same was working in good condition and being not satisfied of the Findings, he filed a petition before the CGRF, Ernakulum and still not satisfied by its decision in order no. CGRF-CR/Comp.111/12-13 dated 29.01.2013, the appellant has filed the Appeal petition before this Forum.

Arguments of the Appellant: -

The Appellant has adduced the following averments.

(1). The consumer is aggrieved by the exorbitant bill dated 08.11.2012, for the consumption of 4926 units for 2 months, amounting to Rs.49051/-. There is no possibility of leakage and all previous and subsequent bills were of normal values.

(2). The HonCGRF, Ernakulum, was pleased to release the order without cancelling the disputed bill. There was a direction to replace the meter with a new meter. For an electronic meter, it is quite normal and natural to have excess readings occasionally because of voltage surge or dial jump. Here also it might have happened. Hence the Hon Ombudsman may direct KSEBoard to collect the payments as per the average before or after the months of the impugned bill.

Arguments of the Respondent: -

- (1). The consumer No. 22036 is a LT VII A (a hotel at MG Road) consumer with connected load of 8 KW, under Electrical Section, Central. The electric connection was provided on 26.11.2011.
- (2). The appellant had requested for a check on the energy meter connected to his premises and paid necessary fees on 20.11.2012. The meter was checked by connecting another meter in addition and found the existing meter as working correctly. The copy of the parallel meter test register is marked as Exhibit- R 1
- (3). Thereafter the appellant applied to Asst Engineer, to permit him to remit the average of last 6 months invoking section 56 (b) of Electricity Act. This was allowed and the demand was revised from Rs.49051/- to Rs.12981/- till disposal of the complaint. The complaint is marked Exhbt-R2.
- (4). A reply was given to the appellant vide letter dated 5.12.2012 and marked as Exhbt-R3. He was requested to check his internal wirings, switch gears and appliances at his premises by the letter.
- (5). Soon after filing Exhibit- R2, the consumer also filed complaint No.111/12-13, before the HonCGRF, Ernakulum. Hence final decision on Exhibit-R2 was not issued, till the Hon CGRF dismissed the petition filed by him, directing him to pay the balance amount. The recorded consumption from the DOC is given below.

SL No:	Date of Reading	Initial Reading	Final Reading	Consumption	Bill Amount
1.	07.01.2012	10	547	537	5594.00
2.	08.03.2012	547	1181	634	6890.00
3.	08.05.2012	1181	1608	427	4904.00
4.	09.07.2012	1608	1938	330	3902.00
5.	06.09.2012	1938	4628	2690	27650.00
6.	08.11.2012	4628	9554	4626	49051.00
7.	09.01.2013	9554	11195	1641	18701.00
8.	07.03.2013	11195	11198	3	1978.00
9.	25.03.2013	Meter changed with FR of Old Meter as 11198, And IR of new Meter as '0'.			
10.	10.05.2013	0	0	0	1960.00

6). The energy meter installed at the premises showed increase in consumption during the period from 06.09.2012 to 09.01.2013. The bills dated 07.03.2013 and 10.05.2013 has not been remitted by the party and it is under disconnection. Against the disputed amount, the appellant have remitted only Rs.12981/-. Balance amount is also due from the appellant.

(7). The connection is 3-phase and the supply is provided through an ELCB. Hence there is no question of leakages in the premises. The recorded high consumption is solely due to actual usage of electricity by the consumer. It is the duty of the consumer to connect and use standard equipment. Whether it is actual use or due to any defect or malfunction of the consumer's appliances kept in his premises, has to be ascertained by the consumer himself.

Analysis and Findings: -

The Hearing of the Case was done on 18.7.2013 and 14.8.2013 in my chamber at Edappally, Kochi. The appellant was absent on 18.7.2013, but has requested adjournment of the case to another date through his letter dated 18.7.2013. Sri. Shaji Sebastian has represented for the appellant and Sri. Kenny Philip, the Asst. Exe. Engineer, Electrical Sub Division, Central, Ernakulum has appeared for the opposite side on 14.8.2013. On examining the Petition, the counter statement of the Respondent, the documents filed, the arguments raised in the hearing and considering the facts and circumstances of the case, this Forum comes to the following findings and conclusions leading to the decisions, thereof.

Based on a complaint letter received from the consumer the respondent had taken action to test the disputed meter by installing a Check meter (a good meter installed along with the meter under dispute, so that both meters simultaneously record the same energy used by the consumer) on 26.11.2012. The entries in the Test register show the same consumption of 310 units each in both meters during the 5 days test from 26.11.2012 to 30.11.2012. The consumption during this test period was found as 77.5 units per day, which justifies the recorded consumption of 4926 units in the disputed bill. But the party is still not convinced of this high consumption because of his low previous average consumption. The consumer believes that his meter was faulty or has shown excess readings because of voltage surge or dial jump of meter counter.

In the order of CGRF, it is held as, "the petitioner did not convey his willingness to submit request for testing and remit necessary testing fees even though the respondent was ready to get the meter tested at Electrical Inspectorate or at TMR, Angamaly, if he request for the same". It is also ordered by the CGRF that, "petitioner is free to submit his request and pay necessary fees for testing before replacement of the concerned meter in which case the respondent is bound to get this concerned meter tested observing formalities and shall follow clause 42(3) of T& C of Supply, if the test results proves otherwise. The party was also instructed to check for any possible earth leakage and also the healthiness of ELCB installed in his premises". But the appellant is not seen to have approached the KSEB office for meter testing as instructed by the CGRF.

DECISION: -

From the analysis done and the conclusions arrived at, I take the following decision.

1.0. The Meter Test undertaken by KSEB, by installing an additional Check meter has conclusively established that the consumer's Meter is not faulty. Both meters have shown the same recordings of energy consumption during the Test period of 5 days. The average energy consumption during this time was 77.5 units per day which is quite unusual. The appellant's firm is a hotel and the sanctioned connected load is 8 KW. The respondent has not conducted an inspection in the premises of the consumer to confirm whether there is any additional load installed in the premises than the sanctioned connected load or why such a high rate of consumption is going on there, like misuse to other premise or earth leakage etc. The respondent has stated that he is having an ELCB to protect from earth leakage but is silent about whether it was tested to check its working condition. I believe, the respondent ought to have verified and tried to ascertain the cause for such a high consumption of electricity, in the consumer's premise, when a Test is carried out by them.

1.1. The consumer's energy consumption for the previous bi-month before the disputed bill was for 2690 units, which was not disputed. Since KSEB failed to inspect the premise and ascertain the reason for such a high consumption during Test, I am of the view that the consumer shall be assessed for this much units of energy (2690 units) for the disputed month also. That is to say, the bill dated 8.11.2012 for an energy consumption of 4926 units shall be revised to 2690 units. The consumer has to remit other monthly bills as per the meter readings obtained and accordingly, the Respondent is directed to revise the consumer's disputed bill. No interest or surcharge need be levied on the consumer during the appeal pending period and up to the due date of the revised bill ordered now.

Having concluded and decided as above it is ordered accordingly. The Appeal Petition filed by the appellant is allowed to the extent ordered and is disposed of accordingly. The related CGRF order vide No. CGRF-CR/Comp.111/2012-13 dated 29.01.2013 is set aside. No order on costs. Dated the 25th of November, 2013.

Electricity Ombudsman.

Ref. No. P / 350 / 2013/ 2057 / Dated 25.11.2013.

Forwarded to : 1). Sri. Kader Pillai,

28/209 (G-27), Kanoos Enclave, Panampilly Nager, Kochi-36.

2). The Assistant Executive Engineer, .

Electrical Sub Division, KSEBoard, Central, Ernakulum- Cochin -18.

Copy to: - 1). The Secretary, Kerala State Electricity Regulatory Commission,
KPFChavanam, Vellayambalam, Thiruvananthapuram-10.

2). The Secretary, KSEB,

Vydyuthi Bhavanam, Pattom, Thiruvananthapuram - 4.

3). The Chairperson, CGRF, KSEB, Power House Bldgs, Kombara, Cochin-18.

