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**REPRESENTATION No: P32/08**

*Appellant* : M/s Shilpa Color Lab,  
Zaika'EF Complex, Fort road, Kannur

*Respondent:* Kerala State Electricity Board  
*Represented by*  
The Assistant Executive Engineer  
Electrical Sub Division Kannur

**ORDER**

M/s Shilpa Color Lab, Kannur submitted a representation on 12.11.2008 seeking the following relief :

*Cancel the Revised Bill No E 66550001469 dated 14.7.2008 issued by the Respondent*

Counter statements of the Respondent was obtained and hearing of both the parties conducted on 05.02.2009

M/s Shilpa Color Lab Kannur is an industrial LT Consumer with Consumer no 5922 and Connected Load 22KW(Power) and 15.66KW (Light).The consumption recorded in the Light Meter was seen drastically dropped from August 2007 onwards .The Light meter was changed on 11.2.2008.The reading was checked on 13.2.2008 and an invoice was issued to the consumer based upon the average consumption for two days .The invoice was set aside by the CGRF with direction to issue a revised bill as per Section 42 of the Terms and Conditions of Supply 2005.Average consumption for the period 2/2007 to 7/2007 was taken to issue the invoice for the months 8/07 to 01/08. The invoice dated 14.7.2008 for Rs 128522.00 was challenged by the consumer before the Ombudsman. The representation with the pleas noted above is submitted to the under signed in the above back ground.

The contentions/arguments/points raised by the Appellant in the representation and during the hearing are summarized below:

1. The KSEB could not prove that the meter was faulty .The errors found out on the meter was not informed to the Appellant .They have not tested the meter as per statutes.

2. A number of AC units have been installed in the premises and connected to the Light Circuits. A few AC units were not working during these months hence there was a drastic reduction in consumption in the light circuits. This can be the reason for reduction in units recorded on the light meter.
3. A written request was made to get the meter tested in a standard laboratory. The request was not conceded.
4. Statement showing the calculation of arriving at the revised demand as per order of CGRF was not provided.

The contentions/arguments/points raised by the Respondent in the counterstatement and during the hearing are summarized below:

1. On a review of the Meter reading records of the consumer , the power meter consumption shows that there were normal business in the firm for the period from 8/2007 to 1/2008.The consumption recorded in the power meter is more or less steady for a long period. But there was an unusual dip in the consumption recorded in Light Meter from August 2007.
2. The consumption on the light meter again came up to normal levels once the meter was changed in Feb 2008.
3. The consumer had never pointed out earlier that some AC units connected to light circuit were not working during the period. No documentary evidence or report was produced till date. Hence this contention has been brought up now to avoid the payment of the invoice and can not be accepted.
4. The meter was replaced on 13.2.2008 and the invoice was issued on 15.2.2008 . Installments were allowed on 26.2.2008 The consumer was convinced and had agreed to make the payment in installments. The request for testing of the meter was submitted on 17.3.2008 only. By that time the faulty meter was sent back to the suppliers since it had replacement guaranty by the supplier company. Hence testing of the meter was not practically possible.

Discussion and Findings:

1. The consumption recorded on the power meter and the light meter was analyzed for a longer span of period from July 2006 to August 2008. It was seen that the average power meter consumption was 2175 units per month. The consumption recorded during the period under dispute (August 2007 to Jan 2008) is around 2015 units per month and it can be seen that there is no appreciable variation during the period. Hence the contention of the Respondent that it was business as usual during the period seems to be correct.
2. But the average light meter consumption during the period under dispute was only around 732 units per month. This has to be compared with the average monthly consumption from July 2006 to July 2007 (5976 units) and the same during the period Feb 2008 to Aug 2008 (5009 units).Hence there was an abnormal dip in the light meter readings from Aug b2007 to Jan 2008.

3. The Monthly bills issued to the consumer was also examined. The average of the monthly invoices issued to the consumer from Jan 07 to July 2007 was around Rs 34092.00. The same for the period from March 2008 to January 2009 was around Rs 27590.00. But the average of the monthly bill during the period under dispute is only Rs 10708.00. The total amount saved by the consumer during the period is around Rs 1,25,000.00
4. The reasons stated by the Consumer regarding the failure of AC units have not been supported by any documents/evidence at any stage. The claim that the units were put back to service exactly when the meter was replaced to record higher consumption do not seem to be logical. Hence these contentions are not acceptable.
5. The consumer had known well during the second week of February 2008 that the meter had been replaced and an invoice towards short assessment was issued by KSEB. He did not make a dispute on the matter until the middle of March and requested for testing of the meter only on 17.3.2008. By delaying the request he himself had spoiled the claim for a standard testing of the meter as per statutes.
6. How ever it would have been proper if the Respondent had retained the Meter in his custody for a reasonably longer period to make it available for testing until the time the claims are settled by the consumer. The Consumer has a right to demand testing of the meter when the Licensee changes the meter and issues short assessment invoice. *The Secretary KSEB may issue appropriate instructions on the matter to the field officials for future guidance.*

Orders:

Under the circum stances explained above and after carefully examining all the evidences, arguments and points furnished by the Appellant and Respondent on the matter, the representation is disposed off with the following orders:

1. *The plea of the Appellant to cancel the Revised Bill No E 66550001469 dated 14.7.2008 issued by the Respondent has no merit and hence disallowed.*
2. *The Respondent shall be free to recover the Invoice amount from the Appellant.*
3. *No order on costs.*

Dated this the 3<sup>rd</sup> day of March 2009 ,

(P.PARAMESWARAN)  
Electricity Ombudsman

No P 32/08 / 181 / dated 05.03.2009

Forwarded to: 1. M/s Shilpa Color Lab,  
Zaika'EF Complex, Fort road, KANNUR

2. The Assistant Executive Engineer  
Electrical Sub Division KANNUR 670002

Copy to :

The Secretary,  
Kerala State Electricity Regulatory Commission  
KPFC Bhavanam, Vellayambalam, Thiruvananthapuram 695010

The Secretary ,KSE Board,  
VaidyuthiBhavanam ,Thiruvananthapuram 695004

The Chairman  
Consumer Grievance Redressal Forum  
KSEBoard, Gandhi Road  
KOZHIKODE