

THE STATE ELECTRICITY OMBUDSMAN

Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,
Edappally, Kochi-682 024

www.keralaeo.org Ph: 0484 2346488, Mob: 91 9447576208

Email:ombudsman.electricity@gmail.com

APPEAL PETITION NO.P/064/2014

(Present: Sri. V.V. Sathyarajan)

Dated: 22nd April 2015

Appellant : Sri. Prasad Alex,
Kurisummoottil House,
Vijayagiri P.O.,
Alakode (via),
Kannur- 670 571

Respondent : The Assistant Executive Engineer
Electrical Sub Division
KSE Board Ltd.,
Taliparambu,
Kannur District

ORDER**Background of the case**

The appellant's electric connection was disconnected on 20-10-2013. The KSEB officials told him that the disconnection was made as his meter had been burnt. According to the appellant, the meter had not been burnt. The appellant suffered for 10 days due to lack of power supply. The power supply was restored, by installing a new meter only after paying Rs. 942/-. Moreover the KSEB officials levy meter rent at the rate of Rs. 20/- from the appellant. The appellant approached the CGRF seeking refund of the amount paid by him. The Forum dismissed the petition, holding that the appellant was liable to pay the charge of the meter. Aggrieved against the said order, this appeal petition was filed.

Appellant's arguments

The KSEB officials disconnected the power supply on 20-10-2013 in order to settle scores with him. The officials were under the influence of liquor at the time of disconnecting the power supply. When he approached the section office seeking to restore connection, they told him that the meter had been burnt. They pressurised him to install a new meter. On 28-10-2013, he informed the Assistant Engineer that the meter had not been burnt. But he was directed to remit an amount of Rs. 942/- for restoring the supply. At last he was compelled to remit the said amount. Subsequently a new meter was installed and power connection was restored. Ever since, the respondents have been levying meter rent of Rs. 20/- also along with the bimonthly bills. The appellant has not got justice from the CGRF. Further the appellant contented that the energy meter produced for testing before the Forum was not the same that was installed in the premises of the appellant. Hence the appellant raised objection against

the testing of the meter. According to the appellant the details of his meter are as follows:-

Make - United Electrical Industries, Kollam - Single phase - Sl. No. 13779 - Type 2B - Capacity 5-30 A.

But the meter produced by the respondents before the Forum is having another number.

Respondent's arguments

The electric connection with consumer No. 4137 under Electrical Section, Karthikapuram is registered in the name of Sri. Alex Kurisummoottil. The appellant is not a registered consumer. On 20-10-2013 at 11:00 AM, a complaint was registered on receiving the same over phone. The same was recorded in the complaint register. On the same day itself, two linemen went to the premises to rectify the default. When they reached there, they saw that the meter had been burnt due to water and dust found in the meter. The meter was being kept unattended inside a bathroom. As the situation was dangerous, the supply was disconnected. On 28-10-2013, the appellant contacted the Assistant Engineer in person and the Assistant Engineer went to the premises and inspected the site. The Assistant Engineer, after inspection, informed the appellant that the meter had been burnt and that, for restoring supply, he had to remit the cost of the meter i.e. Rs. 942/-. The appellant, without hesitation remitted the amount and the supply was restored on the very same day. If the appellant had any doubt, he could have checked the meter by remitting the fee for checking the meter. As per Kerala State Supply Code, 2014, Section 21, it is the responsibility of the consumer to keep in safe custody, the meter and other equipments of the Licensee. As per Kerala State Supply Code, 2014, Section 22, in the event of any damage caused to any equipment of the Licensee within the premises of the consumer, by reason of any act, neglect or default of the consumer or his employee, the residual cost thereof as claimed by the Licensee, shall be paid by the consumer.

Analysis and findings

Hearing was conducted on 16-03-2015 in my chamber at Edappally, Kochi. Sri Prasad Alex, the appellant himself appeared for hearing. Sri Biju Jose, Sub Engineer-in-charge represented the respondent. Hearing the arguments of both parties and perusing the appeal petition, statement of facts and other documents, this Authority comes to the following conclusions.

In fact, there is not much dispute in regard to the narration of the facts in the matter. The following facts are admitted by both sides.

1. The appellant complained to the Section Office regarding the failure of supply.
2. The KSEB staff went to the premises of the appellant.
3. After inspection, the KSEB officials informed that the meter had been burnt.
4. The KSEB staff disconnected the supply.
5. The respondent demanded to remit an amount of Rs. 942/- towards the cost of meter in order to restore supply of electricity.

The dispute revolves around to the report of the KSEB that the meter installed in the premises had been burnt. If it had been burnt actually for lack of proper care on the part of the appellant, he should have paid the cost of the meter as claimed by the respondent. But at first, the respondent has to prove that the meter had been burnt due to leakage of water and deposit of dust inside the meter. It is admitted that two linemen of the KSEB inspected the premises. Later, the Assistant Engineer along with an electricity worker inspected the site. But nothing is seen recorded in writing by any of the KSEB officials to prove that the meter had been kept unattended in a bathroom and that the same had been burnt due to water leakage and dust deposit.

On going through the records it has come to the notice of this Authority that the respondent has not been able to produce any notice or order issued to the appellant directing him to remit the cost of meter. Though the Assistant Engineer inspected the premises he directed the appellant to remit the cost of meter without conducting proper inspection or by recording the defects, if any, noticed in the installations of the appellant. It appears that even without recording the defects if any noticed in the installations the service connection was disconnected alleging safety aspects. Moreover, no action is seen taken for another ten days after disconnecting the supply to the appellant. Hence the said acts of the Licensee are not in order. They have no authority to demand the cost of the meter from the appellant in the present situation.

In the above circumstances, the respondent is directed to refund the sum of Rs. 942/- (Rupees Nine Hundred and Forty Two only) along with interest to the appellant within a period of 30 days on receipt of a copy of this order. The order of the CGRF is quashed. The appeal petition is allowed. No order as to costs.

ELECTRICITY OMBUDSMAN

No.P/064/2014/_____ /Dated:_____

Forwarded to:

1. Sri Prasad Alex, Kurisummoottil House, Vijayagiri P.O., Alakode (via), Kannur-670 571.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Taliparambu, Kannur District

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSEBoard Ltd, Gandhi Road, Kozhikode.