

THE STATE ELECTRICITY OMBUDSMAN
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REVIEW PETITION ON APPEAL PETITION NO. P/422/2013

(Present: Sri. V.V. Sathyarajan)

Dated: 29th May 2015

Review Petitioner : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Limited,
Ramapuram Bazar P.O.,
Kottayam

Review Respondent : Sri. V.T. Cherian
Velloppillil House,
Ramapuram Bazar P.O.,
Kottayam

ORDER

Background of the case

The review respondent herein had earlier approached this Authority by filing an appeal petition against the order passed by the CGRF Central in Complaint No. CGRF-CR/Comp.12/13-14 dated: 23-07-2013. While disposing the above petition it was directed to test the existing meter in the review respondent's premises and replace it with a new one if the existing one is found faulty. Further the faulty period may be reassessed with effect from 13-08-2012 to the date of change of meter based on 6 months subsequent average after the installation of new meter. Now the review petitioner contends that if the above dictum is applied, considerable injury will be resulted to KSEBL. Hence they filed this review petition.

Arguments of the review petitioner

The review petitioner has argued that as per regulation 125(1) of the Kerala Electricity Supply Code 2014, in the case of defective or damaged meter, the consumer shall be billed on the basis of average consumption of the past three billing cycles immediately preceding the date of the meter being found or reported defective. But Hon'ble Ombudsman has passed orders for reassessment of the current charges of the appellant with effect from 13-08-2012 to the date of change of meter based on 6 months subsequent average after the installation of new meter

The review petitioner further stated that the energy meter was tested at TMR Division, Pallam and declared faulty on 25-09-2014. There was no reliable data available about the date on which the meter became faulty. The defect noticed is that the meter dial counter and pulse indicator are not working. Hence the implementation of the above said order will provide a chance for the review respondent to regulate the consumption and get undue benefit on prospective date.

Even though the review petitioner requested the respondent to remit the testing fee for getting the meter tested on the date of receipt of complaint itself i.e. on 13-08-2012, the review respondent remitted the fees only on 11-10-2013. The review respondent prevented the petitioner from replacing the disputed meter and there was no lapse on the part of review petitioner in taking timely action. Further submitted that a parallel meter was installed in the review respondent's premises having consumer No. 15591 on 17-07-2013 with initial reading as 0.6 as per the direction of Hon'ble CGRF, Ernakulam. Since the parallel meter has not been taken back from the premises of the review respondent, his consumption can be made assessed based on the readings in the parallel meter. Based on the readings of the parallel meter the review petitioner arrived at an amount of Rs. 7,641.00 is seen collected excess from the review respondent and the same can be adjusted against the future bills. In the above circumstances the review petitioner requested for verification of factual position and to issue appropriate order for the final settlement of the dispute.

The review petitioner has also stated that they have replaced the faulty meter as well as the parallel meter on 04-09-2014 and noted a consumption of 50 units for 34 days i.e. per day consumption is 1.47 units. This clearly indicates that the review respondent is resorting to deliberate reduction in the consumption pattern in order to obtain unlawful enrichment. Therefore tremendous mischief is intended by the review respondent to deliberately gauge down the consumption. Hence the review petitioner prayed to review the previous order of this Authority and to pass appropriate orders based on the readings of the parallel meter.

Arguments of the review respondent

The review respondent stated that during the hearing on 07-10-2014, his request for revising the assessment based on the average consumption of the check meter was not accepted by the review petitioner. Hence the request now put forwarded by the review petitioner cannot be considered. He also argued that after noticing the real consumption in the check meter, the review petitioner collected the current charges during the period from 17-07-2013 to 07-10-2014 based on the consumption recorded in the faulty meter. The review petitioner has not taken any steps to replace the faulty meter in the premises even after submitting several complaints until on 13-08-2012. Moreover, the statement that the actual date of meter fault cannot be ascertained by the review petitioner is against the real fact. Hence the review respondent requested to implement the order already issued in this case.

Analysis and findings

Hearing of the case was conducted in my chamber at Edappally on 15-05-2015. Sri Rajmohan P., Assistant Executive Engineer, Electrical Sub Division, Ramapuram appeared for the review petitioner and Sri V.T. Cherian, appeared for the review respondent. On perusing the review petition and the counter of the review respondent, arguments made during the hearing etc., this Authority comes to the following decisions thereof. Even though in a review petition, it is not necessary to reassess the evidence produced and assessed, in this case there is no mistake apparent on the face of records is pointed out necessitating the review of the earlier order. Here is a case where the review petitioner pointed out certain after effects of the implementation of the order dated: 08-08-2014. This type of unreasonable arguments from the part of a licensee like KSEB Limited is unwarranted.

On going through the records it can be seen that this is a case of meter fault. There is no doubt that the review respondent had raised complaints regarding the healthiness of the energy meter on 13-08-2012 but the review petitioner failed to take timely action. According to Section 125 (1) of Supply Code, 2014 in the case of defective or damaged meter, the consumer shall be billed on the basis of average consumption of the past 3 billing cycles immediately preceding the date of meter being found or reported defective:

Provided that the average shall be computed from 3 billing cycles after the meter is replaced if required details pertaining to previous billing cycles are not available:

Provided further that any evidence given by consumer about conditions of working and occupancy of the concerned premises during the said period, which might have had a bearing on energy consumption, shall also be considered by the Licensee for computing the average.

(2) Charges based on average as computed above shall be levied only for a maximum period of 2 billing cycles during which time the licensee shall replace the defective meter or damaged meter with a corrected meter.

(3) In case the maximum demand indicator (MDI) of the meter at the installation of the consumer is found to be faulty or not recording at all, the demand charges shall be calculated based on maximum demand during corresponding months or billing cycle of previous year, when the meter was functional and recording correctly.

(4) In case, the recorded maximum demand (MD) of corresponding month or billing cycle of past year is also not available, the average maximum demand as available for lesser period shall be considered.

Whatever be the reasons in this case it can be seen that the review respondent complained about the accuracy of the meter as early as on 13-08-2012. But timely action is not seen taken by the responsible officers of the licensee to find out the

accuracy of meter and issue proper bills to the review respondent. The present enthusiasm shown by the review petitioner in the pretext that KSEB Limited will suffer considerable injury due to the implementation of the earlier order is nothing but a camouflage to cover up the deficiency of service on the part of officers of the licensee.

Decision

In the instant case the review petitioner installed a check meter for testing the accuracy of the existing meter. But no further step is seen taken by the review petitioner simply alleging objection from the review respondent. Now the review petitioner has agreed to reassess the review respondent based on the parallel meter reading since lesser amount is to be refunded. This sort of unreasonable arguments from the part of review petitioner cannot be justified. Hence this Authority is of the opinion that the review respondent shall be billed on the basis of average consumption of the past three billing cycles immediately preceding the date of meter being found faulty. In this case the date of meter faulty may be taken as 13-08-2012. The meter faulty period may be reassessed with effect from 13-08-2012 to the date of change of faulty meter i.e. 14-09-2014. The excess amount, if any, remitted by the review respondent shall be refunded along with applicable interest within a period of 30 days from the date of receipt of this order.

Having concluded and decided as above it is ordered accordingly. The review petition is dismissed. No order on costs.

ELECTRICITY OMBUDSMAN

No.P/422/2014/ _____ /Dated: _____

Forwarded to:

1. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Ramapuram Bazar P.O., Kottayam District.
2. Sri. V.T. Cherian, Velloppillil House, Ramapuram Bazar, Kottayam 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, Power House, Power House Buildings, Cemeterymukku, Ernakulam-682 018