

# **CONSUMER GRIEVANCE REDRESSAL FORUM**

## **CENTRAL REGION**

(Formed under Section 42(5) of the Electricity Act 2003)

**220 kV Substation Compound, HMT Colony P.O. Kalamassery, Pin – 683 503**  
**Phone No. 0484-2556500 Website: [cgrf.kseb.in](http://cgrf.kseb.in), Email: [cgrf.ekm@gmail.com](mailto:cgrf.ekm@gmail.com),**  
**CUG No. 9496008719**

**Present**

(1) Smt. Sheeba. P  
 (2) Sri. Biju Varghese

**Chairperson**  
**3<sup>rd</sup> Member**

**Petitioner**

Sub Divisional Engineer,  
 BSNL, CTO Building,  
 Ernakulam

**Respondent**

- 1) The Deputy Chief Engineer,  
 Kerala State Electricity Board Ltd.,  
 Electrical Circle, Ernakulam.
- 2) The Special Officer (Revenue)  
 Kerala State Electricity Board Ltd.,  
 Thiruvananthapuram

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**No.CGRF-CR/OP No.36/2023-24**

**Date: 11-10-2023**

### **ORDER**

#### **Background of the case:**

The petitioner is the Sub Divisional Engineer of M/s Bharat Sanchar Nigam Limited (BSNL), CTO Building, Ernakulam which is having a High Tension (HT) electricity connection bearing consumer number LCN-8/5455 with a contract demand of 20 kVA. The Special Officer Revenue (SOR) of the licensee issued a demand notice on January 1, 2022, to the petitioner, claiming short assessed amount of Rs.2,77,369/-. This notice cited a shortfall in the assessed amount due to the current imbalance noticed in the energy meter from July 2018.

Furthermore, the petitioner was initially charged Rs.86,443/- as a penalty for the delay in the replacement of faulty meter in addition to their regular monthly bill of May 2021. However, this penalty was subsequently revised by the respondent

to Rs.51,290/-. Despite the petitioner's repeated attempts to request a revision of the short assessment bill in accordance with their revised contract demand of 20 kVA, both the respondents failed to provide any resolution. Consequently, the petitioner has approached this Forum seeking a revision of the bills.

**Version of the Petitioner:-**

The petitioner states that they have submitted the complaint to waive off the penalty imposed on its High Tension (HT) connection. The petitioner states that they had been getting demand notices regularly with the status of 'meter working' up to January 2021. Later these demand notices were revised with the status of 'meter stuck' with the effect from July 2018 on account of Current Transformer (CT) fault. The petitioner states that during 2021 January, a Letter was issued by KSEBL to the petitioner stating the CT was faulty and to be replaced. The petitioner states that consequent to that letter, they took actions to replace the CT and by 2021 June, they replaced the CT and informed KSEBL. The CTs, PTs and TOD meter were commissioned at site on 22-06-2021 only on account of various reasons and conditions due to the pandemic situation. Meanwhile applications for unmetered supply were submitted regularly up to 30/05/2021. But KSEB revised the bill from July 2018 instead of January 2021. The petitioner complains that the average bill has been taken based on the average bill amounts for the months of April 2018, May 2018 and June 2018. The petitioner argues that, for a CT fault reported in January 2021, it is not the natural justice that the demand note is being issued from July 2018.

The petitioner argues that only administrative offices were working in CTO building. The consumption of this building has been reduced from the year 2018 due to following reasons:-

1. During the year 2018, BSNL TRA units occupied in First floor, second floor, third floor of CTO building has been shifted to BSNL Bhavan, Kalathi Parambil Road.
2. Customer service centre occupied in Ground floor has been closed during 2018 itself.

From January 2021, permission for unmetered supply has been given. From that month, KSEBL charged abnormal bill based on the consumption during April 2018 to June 2018 for whole period of unmetered supply. In addition, bills from July 2018 also revised. Either KSEBL can take average reading of 3 months before fault reporting month or if it is not correct, KSEBL can take average reading of 3 months after replacement of CT PT.

Sl. No	Demand Notice	Bill Date	Energy Consumption (kWh)				Demand (kVA)			Total Amount
			Zone 1	Zone 2	Zone 3	Total	Zone 1	Zone 2	Zone 3	
	<b>Unmetered Supply( CONSUMPTION HAS TAKEN DURING 2018 )</b>									
1	Jan-21	04-02-2021	5448	756	1467	<b>7671</b>	<b>31</b>	12	12	62209
2	Feb-21	05-03-2021	5229	739	1439	<b>7407</b>	<b>37.37</b>	9.67	9.84	63887
3	Mar-21	05-04-2021	5229	739	1439	<b>7407</b>	<b>35</b>	15	12	64032
4	Apr-21	06-05-2021	5229	739	1439	<b>7407</b>	<b>35.02</b>	14.6	12.4	149902
5	May-21	07-06-2021	5229	739	1439	<b>7407</b>	<b>34.32</b>	12.7	12.77	62222
6	Jun-21	06-07-2021	4183	548	1024	<b>5755</b>	<b>27</b>	13	12	43948

Metered Supply after replacing CT/PT										
1	Jul-21	03-08-2021	2945	330	59	<b>3334</b>	25.65	13.1	11.87	39272
2	Aug-21	06-09-2021	2820	317	582	<b>3719</b>	22.74	7.25	5.89	32319
3	Sep-21	05-10-2021	3164	321	555	<b>4040</b>	25.15	7.86	5.05	37230

Sl. No	Demand Notice	Bill Date	Bill Amount	Avg. bill amount	Difference
1	Jan-21	04/02/2021	62209	36274	25935.00
2	Feb-21	05/03/2021	63887	36274	27613.00
3	Mar-21	05/04/2021	64032	36274	27758.00
4	Apr-21	06/05/2021	149902	36274	113628.00
5	May-21	07/06/2021	62222	36274	25948.00
6	Jun-21	06/07/2021	43948	36274	7674.00

Hence the petitioner requests this Forum to revise the short assessed amount of Rs.3,47,973/- which is not justifiable.

Subsequently, statement of facts was called for and the same was submitted on 05/09/2023 and on 18/09/2023 by respondent 1 and 2 respectively.

### **Version of the Deputy Chief Engineer ( Respondent 1)**

The HT consumer number LCN 8/5455 is a connection registered in the name of M/s BSNL, CTO Building, Ernakulam. The electric connection in the said premises was effected under HT II B Tariff for which agreement was executed on 11-08-2010 between BSNL and KSEBL with contract demand 80 kVA and connected load 118.999 kW. On 10-04-2019, the contract demand was reduced to 20 kVA with the same sanctioned load 118.999 kW based on the request of the consumer.

An inspection was conducted at the premises of M/s BSNL, CTO Building, Ernakulam bearing consumer number LCN 8/5455 on 13-01-2021 by TMR HTMT Unit. On inspection it was found that 'B' phase CT shows ratio error while calibration. In test report, it was furnished that on verification of meter reading register of Assistant Engineer, Electrical Section, College, B-phase unbalance

ampere was found from 07/2018 and hence previous bills may be revised as per existing rules. Executive Engineer, TMR Division, Angamaly also reported to the SOR that the reading register of Assistant Engineer, Electrical Section, College shows unbalanced current recorded since 07/2018 onwards. For revision of bills, consumption prior to the month of 07/2018 may be taken.

As per the test report dated 13-01-2021 of TMR Division, Angamaly and request from the petitioner, unmetered supply was sanctioned on 14-01-2021 for 15 days from 13-01-2021 to 27-01-2021. In the proceedings of the Deputy Chief Engineer, Electrical Circle, Ernakulam, it was clearly stated that *“If the metering equipments are not reinstalled within 60 days from 13-01-2021, 50% extra will be charged over the prevailing rates for both demand and energy for the said two months and one month thereafter”*. This clause was incorporated in the Proceedings as per the Tariff Order published in the Gazette dated 08-07-2019 Clause 4 (d) Part B of the General Conditions of HT and EHT Tariff which states that *“If any existing consumer, having elected to purchase and supply the meter for replacement of the defective meter in his premises, fails to do so within two months, such consumer will be charged 50% extra over the prevailing rates applicable to him for both demand and energy, for the said two months and one month thereafter”*. The petitioner further requested for extending time for unmetered supply for 30 days. Hence unmetered supply was sanctioned vide Proceedings of the Deputy Chief Engineer dated 04-02-2021 for 30 days from 28-01-2021 to 26/02/2021. The copies of the above Proceedings were already served to the petitioner.

On 31-03-2021, the petitioner requested for further time extension for unmetered supply till 30-04-2021. Time extension for unmetered supply was sanctioned vide Proceedings of the Deputy Chief Engineer on 27-04-2021 till 30/04/2021. In this Proceeding, it was clearly stated that *“As the metering equipments are not reinstalled within 60 days from 13-01-2021, 50% extra will be charged over the prevailing rates for both demand and energy for the said two*

*months and one month thereafter*". The petitioner never questioned the above Clause included in all the above Proceedings.

Meanwhile, the consumer requested Assistant Engineer, Electrical Section, College to shift the existing metering panel due to water logging in the trench beneath the metering cubicle during heavy rain. This matter was intimated to the Deputy Chief Engineer on 04-06-2021 by Assistant Engineer, Electrical Section, College. Administrative sanction for shifting existing metering equipment to a new location of the petitioner was accorded on 08-06-21. A detailed letter by registered post was sent on 09-06-2021 to the petitioner intimating the estimated cost of the work and requesting to remit Rs.2738/- towards supervision charges at Electrical Section, College. This amount was remitted at section office on 10.06.2021 and the work was completed on 15.06.2021. After the shifting of metering panels, the CT and PT were recommissioned on 15.06.2021. Hence as per the existing rule, the licensee is entitled to recover the penalty charged for not replacing the faulty meter within 60 days. Thus the respondent requests this Forum to dismiss the complaint with cost.

**Version of the Respondent Special Officer Revenue (Respondent 2):-**

The officials of the TMR HTMT unit conducted an inspection at the premises of BSNL LCN-8/5455 on 13.01.2021. At the time of inspection, it was noticed that the energy meter was showing star indication due to the current unbalance. The method used for metering was 2 Watt meter method. The downloaded data from the meter showed that an average of 59% is less recording current in B Phase than the current recorded in R Phase. The unbalance was showed w.e.f. 07/2018 as per the reading register of Assistant Engineer, Electrical Section, College. Hence the Deputy Chief Engineer, vide Proceedings dated 14.01.2021 directed to revise the bills from 07/2018 onwards. The bills from 07/2018 to 09.04.2019 were revised based on the average consumption of three months prior to 07/2018 and that from 10.04.2019 till the date of replacement of faulty units, based on the average consumption of the succeeding three months after the replacement of faulty units, since CD was reduced from 80 KVA to 20

KVA w.e.f. 10.04.2019, in accordance with the direction of Deputy Chief Engineer, Electrical Circle, Ernakulam.

In the wake of the findings of the officials of TMR and in accordance with the direction of Deputy Chief Engineer, Ernakulam, the petitioner was served a short assessment bill dated 01.01.2022 for an amount of Rs.2,77,369/- as per Regulation 134 (1) of Kerala Electricity Supply Code, 2014. The petitioner was also charged with meter faulty penalty amounting to Rs.86,443/- along with the demand for the month of 05/2021, as the faulty units were replaced only on 15.06.2021. Later the penalty was revised to Rs.51,290/-. The respondent further quotes Regulation 125 of Kerala Electricity Supply Code 2014, which is described below:-

**Regulation 125. Procedure for billing in the case of defective or damaged meter.-**

*(1) 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:*

*Provided that, the average shall be computed from the three 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.*

As envisaged in the above Regulation, bills from 07/2018 to 09.04.2019 were revised, based on the average consumption of three months prior to 07/2018 and that from 10.04.2019 till the date of replacement of faulty units, based on the average consumption of the succeeding three months after the replacement of faulty units. Hence the same is in order.

Since the petitioner failed to replace the meter within two months as stipulated in General Condition 4 (d) under part B of Tariff Order, an amount of Rs.51,290/- was imposed as meter faulty penalty along with the bill 05/2021. The

respondent states that the faulty meter was replaced on 15.06.2021 only. General Condition 4 (d) states that: If any existing consumer, having elected to purchase and supply the meter for replacement of the defective meter in his premises, fails to do so within two months, such consumer will be charged 50% extra over the prevailing rates applicable to him for both demand and energy, for the said two months and one month thereafter.

The total amount of short assessment bill issued to the consumer was Rs.2,77,369/- and that the penalty charged for non-replacement of faulty meter was Rs.51,290/- ( $2,77,369 + 51,290 = 3,28,659$ /- only). The arrear of BSNL Telephone Exchange, Monastery Road, Ernakulam as on 11/09/2023 comes to Rs.294336/- (principal amount only). Thus the respondent requests this Forum to dismiss the petition with cost.

### **Analysis and findings:**

Hearing was conducted at the chamber of the Chairperson, Consumer Grievance Redressal Forum, Ernakulam. The Forum afforded an opportunity to hear the Petitioner and the Respondent on 20-09-2023. Both the petitioner and the respondent were present for hearing. Having examined the petition in detail and the statement of facts of the respondent, considering all the facts and circumstances in detail and perusing all the documents of both sides, the Forum comes to the following observations, conclusions and decisions thereof.

During the hearing, the petitioner explained that they had been receiving an unmetered power supply since January 14, 2021. This situation arose because the respondent had deemed their meter as faulty after a site inspection conducted at their premises. The petitioner also mentioned that they were charged an amount of Rs.86,443/- as penalty for the delay in the replacement of faulty meter, in addition to their electricity charges for the month of May 2021. Due to the COVID-19 pandemic, the petitioner was unable to purchase a new meter promptly and they subsequently requested the removal of the faulty meter penalty.



The petitioner further stated that the meter was declared as faulty only on January 13, 2021. But the respondent had retrospectively revised their bills from July 2018 up to the month of meter replacement, which the petitioner deemed incorrect. They argued that a short assessment bill of Rs.2,77,369/-, which has been calculated based on their average consumption before July 2018, was unjustifiable as there was a significant reduction in their consumption since June 2019. Furthermore, the petitioner had reduced their contract demand from 80 kVA to 20 kVA on April 10, 2019. Therefore, they requested either to waive off the short assessment bill or to revise the short assessed bill amount, based on the revised contract demand of 20 kVA.

The respondent clarified that on January 13, 2021, officials from the HT Meter Testing Wing of the Transformer and Meter Testing and Repairing Unit (TMR), Angamaly, conducted an inspection at the petitioner's premises. The TMR officials identified a current imbalance in the energy meter and found that such an imbalance was recorded in the meter reading register of the Assistant Engineer, Electrical Section, College, Ernakulam since July, 2018. Consequently, the meter was deemed faulty and as a result, unmetered power supply was initiated for the petitioner with effect from January 14, 2021.

The respondent asserted that the petitioner replaced the old energy meter with a new one only on June 15, 2021. They justified the imposition of meter faulty penalty due to delay in changing the meter, amounting to Rs. 86,443/-, based on the provisions outlined in Clause 4 (d), Part B of the General Conditions of the High Tension and Extra High Tension tariff, as stipulated in the Tariff Order of the Kerala Electricity Regulatory Commission published in the Gazette dated July 8, 2019. Subsequently, the respondent revised the penalty to Rs.51,240/-.

Furthermore, the respondent pointed out that, in the inspection report dated 13/01/2021 of TMR Angamaly, it was mentioned that there occurred a current imbalance in the energy meter and the same has recorded in the meter reading register of the Assistant Engineer, Electrical Section, College, Ernakulam, starting from July 2018, which led to the revision of the regular current charges. This

reassessment was carried out from July 2018 until the month when the meter was replaced in June 2021 and resulted in the issuance of a short assessment bill totalling Rs.2,77,369/- on January 1, 2022. The respondent clarified that they revised the bills from July 2018 to April 09, 2019, using the average consumption of the three months preceding to July 2018. Also the bills from April 10, 2019, to June 2021 got revised by the respondent based on the average consumption in the three months following the meter replacement, considering the petitioner's revised Contract Demand, which was decreased from 80 kVA to 20 kVA.

In this regard, this Forum analysed the following issues one by one:-

1. Is the petitioner obligated to settle the short assessed bill of Rs.2,77,369/- dated 01/01/2022, covering the period from July 2018 to June 2021?

Here, a site inspection was conducted by TMR, Angamaly officials on January 13, 2021, which revealed an imbalance in the 'B' phase of the Current Transformer (CT) in the petitioner's energy meter. The inspection report of TMR, Angamaly also conveyed that a current imbalance has been recorded in the energy meter reading register of the Assistant Engineer, Electrical Section, College, Ernakulam since July 2008 and thereby suggested that previous bills need to be revised as per the prevailing rules. Based on the Proceedings of the Deputy Chief Engineer dated January 14, 2021, under Proceedings Number: AEE 1/HT LCN 8/5455/BSNL, CTO building/unmetered supply/2020-21/2552, the Special Officer (Revenue) issued a short assessment bill amounting to Rs.2,77,369/- dated 01/01/2022 to the petitioner.

The respondent clarified that they determined the short assessment bill through the following steps:-

- a. Revising the bills from July 2018 to April 9, 2019, based on the average consumption before July 2018.
- b. Revising the bills from April 10, 2019, up to the date of the CT replacement, considering the average consumption of the subsequent

months of meter replacement, as Contract Demand reduction took place during this period.

The respondent further asserted that the petitioner is liable for payment of this short assessment bill in accordance with Regulation 134 (1) of the Kerala Electricity Supply Code, 2014, which is described as follows:-

**Regulation 134 :Under charged bills and over charged bills.-**

*“(1) If the licensee establishes either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill.”*

This Forum views that according to Section 56 (2) of the Electricity Act, 2003, the respondent is entitled to recover the undercharged amount from the consumers. Section 56 (2) of the Electricity Act, 2003 is stated as follows:-  
*“Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity”.*

Also according to the Supreme Court Judgment (Civil Appeal No.1672/2020) in the matter of Assistant Engineer, Ajmer Vidyut Vitharan Ltd & Another V/s. Rahmathulla Khan (2020 (4) SCC 650), *“Section 56 (2) of the Electricity Act, 2003 did not preclude the licensee company from raising an additional or supplementary demand after the expiry of the limitation period under Section 56 (2) in the case of a mistake or bona fide error. As per Section 17 (1) (c) of the Limitation Act, 1963, in case of a mistake, the limitation period begins to run from the date when the mistake is discovered for the first time.”*

*Section 17 (1) (c) of the Limitation Act, 1963, provides that “in the case of a suit for relief on the ground of mistake, the period of limitation does not begin to*

*run until the plaintiff had discovered the mistake or could with reasonable diligence, have discovered it.”*

In the present case, the period of limitation would commence from the date of discover of the mistake i.e. on 07/2018, the date on which the Assistant Engineer started recording the unbalanced current in the meter reading register. These meter readings were available to all the higher officers concerned of the licensee. But no actions have been taken till 13/01/2021 (inspection date of TMR, Angamaly). The licensee has issued a short assessment bill only on 01/01/2022, based on the meter reading register of the Assistant Engineer. Hence it is clear that the licensee has issued the short assessment bill after the completion of limitation period of two years, as the limitation period start from the date of first discovery of the mistake, which was on 07/2018. Thus the short assessment bill calculated for the period from 07/2018 to 13/01/2021 (TMR Inspection date) by the licensee is not justifiable as per Section 56 (2) of the Electricity Act, 2003.

Also, here, the contract demand of the petitioner has reduced from 80 kVA to 20kVA on 10/04/2019 and since then, no accurate consumption details were available with the licensee. Hence, the licensee shall revise the regular current charge bills issued during the unmetered supply period according to the average consumption of the succeeding three months after the meter replacement, as per the first Proviso of Regulation 125 (1) of the Kerala Electricity Supply Code, 2014, which is as follows:-

**Regulation 125. Procedure for billing in the case of defective or damaged meter.-**

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

**2) Is it permissible for the respondent to demand a penalty for the failure to replace the CT energy meter in time?**

Here, the unmetered supply was provided to the petitioner from 14/01/2021 as the respondent has declared that the energy meter of the petitioner is faulty. The

petitioner installed a new meter only on 15/06/2021. Hence the respondent charged Rs.86443/- (which has been later revised to Rs.51290/-) as penalty for delayed faulty meter replacement, based on the provisions outlined in Clause 4 (d), Part B of the General Conditions of the High Tension and Extra High Tension tariff, as stipulated in the Tariff Order of the Kerala State Electricity Regulatory Commission published in the Gazette dated July 8, 2019, which states that *“If any existing consumer, having elected to purchase and supply the meter for replacement of the defective meter in his premises, fails to do so within two months, such consumer will be charged 50% extra over the prevailing rates applicable to him for both demand and energy, for the said two months and one month thereafter”*.

Hence this Forum analyse that it is permissible for the respondent to demand a penalty for the failure to replace the CT energy meter in time.

### **DECISION:**

**Considering the above facts and circumstances, the Forum issues the following orders:-**

- 1) The respondent shall not demand short assessment bill for the period from 07/2018 to 13/01/2021 (date of TMR Inspection).**
- 2) The licensee shall revise the regular current charge bills issued during the unmetered supply period according to the average consumption computed based on the three billing cycles after the meter is replaced. The penalty amount for delay in faulty meter replacement included in the bill of 05/2021 shall also be recalculated accordingly.**
- 3) No cost ordered.**

*The petitioner is at liberty to file appeal before the State Electricity Ombudsman, D.H. Road, Off shore Road Junction, Near Gandhi Square, Ernakulam, Pin – 682 016 (Ph: 0484 -2346488 , Mobile No. 8714356488) within 30 days of receipt of this order, if not satisfied with this decision.*

Dated this 11<sup>th</sup> day of October, 2023

Sd/-  
Sri.Biju Varghese  
3<sup>rd</sup> Member  
CGRF, Ernakulam

Sd/-  
Smt. Sheeba. P  
(CHAIRPERSON)  
CGRF-CR, Ernakulam

Endt. On CGRF-CR/OP No.36/2023-24 Dated

Delivered to

Sub Divisional Engineer,  
BSNL, CTO Building,  
Ernakulam

Sd/-  
CHAIRPERSON  
(DEPUTY CHIEF ENGINEER)  
CGRF-CR, KALAMASSERRY

Copy submitted to: 1)The Secretary, KSEBL, Vidyuthi Bhavanam, Pattom,  
Thiruvananthapuram.  
2) The Secretary, Kerala State Regulatory Commission,  
KPFC Bhavanam, C.V Raman Pillai Road, Vellayambalam,  
Thiruvananthapuram.

Copy to: 1) The Deputy Chief Engineer, Kerala State Electricity  
Board Ltd., Electrical Circle, Ernakulam.

2) The Special Officer (Revenue), Kerala State Electricity Board Ltd.,  
Vydhyuthi Bhavanam, Thiruvananthapuram.