

# **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		Sri. Joseph Michael, General Manager, M/s. Suvira Energy, Old Lighthouse Bristow Hotel, Beach Road, Near INS Dronacharya, Fort Kochi, Pin – 682 001
Respondent	1) The Deputy Chief Engineer, Kerala State Electricity Board Ltd., Electrical Circle, Ernakulam (Electrical Section, Fort Kochi)  2) The Special Officer (Revenue) Kerala State Electricity Board Ltd., Thiruvananthapuram- 4	

**No.CGRF-CR/OP No.62/2023-24**

**Date: 21-12-2023.**

### **ORDER**

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

The petitioner, who is the General Manager of 'The Old Lighthouse Bristow Hotel' in Fort Kochi, holds an HT (High Tension) electric connection for this premise under consumer number 1355640004763 / LCN 27/5442. On 07/10/2022, the Transformer and Meter Repair (TMR) Division, Angamaly team of the licensee inspected the petitioner's meter and identified a fault in the B-phase of the CT meter since 19/10/2020. Consequently, the respondent issued a short assessment bill on 08/11/2022, covering the period from 10/2020 to 10/2022, amounting to Rs.21,05,700/-, based on the average consumption of three months after the meter change. Despite the petitioner's efforts to address the issue with

officials at various levels of the licensee, the bill was not waived off. Thus, the petitioner has approached this Forum seeking justice.

**Version of the Petitioner:-**

The petitioner states that they received an 'arrear / disconnection notice' dated 18-10-2022 which was issued by Special Officer Revenue (SOR) of the licensee, directing the petitioner to remit the due amount on or before 02-11-2022, failing which, the service will be disconnected. Due to the threat of disconnection, the petitioner remitted the amount. Subsequently, a demand notice dated 27/04/2023 was issued by the licensee stating that the TMR Division, Angamaly inspected the metering panel and detected that B-Phase CT is faulty and requested the KSEBL to review the bills issued from 19-10-2020 onwards. On that basis, the KSEBL issued a short assessment bill covering the months from October 2020 to October 2022. The petitioner states that the licensee again issued a demand notice to the petitioner thereby directing to remit the demand due as per the revised bills on or before 27-05-2023 to avoid disconnection of the service. The petitioner complains that the revision in the original bills was done by the respondent without any prior intimation or providing the petitioner with an opportunity of hearing. Against this, the petitioner approached the licensee for several times and provided explanations. Subsequently, on 19-09-2023, the SOR of the licensee again issued Arrear Notice/Disconnection Notice stating the amounts pending as per the revised bill is to be paid on or before 04-10-2023, failing which the service will be disconnected without further notice. The petitioner then filed a representation dated 30-09-2023 before the Special Officer (Revenue) to revise the bills by considering actual consumption and to keep further actions pursuant to the notice pending, but did not yet receive any response.

The petitioner states that the average bill amount for the period from 10/2020 to 12/2020 as per the original bill comes to Rs.44,387/-. But the average bill amount for the above period as per the revised bill comes to Rs.1,30,019/-. The comparison between the amounts as per original bills and revised bills shows a significant difference. The petitioner complains that the amount calculated by the respondent for determining the revised bills was solely based on presumptions and

lacked a solid foundation. This calculation was made without taking into account the significantly lower consumption of electricity during the period of COVID-19 when the hotel was closed. During the COVID-19 lockdown, the hotel was closed and there was no operation during that period. The hotel was undergoing structural maintenance and became partially operational only on 24-12-2021. Hence the hotel did not consume any electricity. The petitioner argued that the respondent was regularly taking meter readings every month and issuing bills. But no issues in the meter were noted by the KSEB during that period. The petitioner argues that even if the electricity meter was faulty, the respondent ought to have informed during the period from which the fault occurred and that shall not be after the expiry of almost 3 years. The respondent should have identified any faults during the period from October 2020. Issuing a demand notice after 3 years stating that the meter was faulty during the period of October 2020, is not acceptable. Also, from the bills issued by KSEB, there was no mention of any defect in the meter during the period from October 2020 to October 2022.

The petitioner pointed out that according to Regulation 125(1) of the Kerala Electricity Supply Code, 2014, in the case of a defective or damaged meter, the billing should be based on the average consumption of the past three billing cycles immediately preceding the date when the meter was discovered or reported as defective. Only in situations where information about the previous billing cycles is not available, should the average be computed from the three billing cycles after the meter is replaced. The petitioner argues that if the meter was found to be faulty from 19-10-2020 onwards, then for the purpose of issuing revised bills, the consumption data from the previous three months' billing cycles, i.e., the months from July 2020 to September 2020, has to be taken. The average bill amount for these months comes only Rs. 41,977/-. Thus the petitioner requests this Forum to waive off this short assessment bill.

Subsequently, statement of facts was called for and the same was submitted by the respondent on 07-12-2023.

**Version of the Respondent (Dy.CE, Ernakulam):-**

The respondent states that the petitioner challenges the demand notice dated 27/04/2023 issued under Regulation 134 of the Kerala State Electricity Supply Code and the enabling provisions under the Electricity Act, 2003 demanding to pay an amount of Rs.21,05,700/- as short assessment charges since the consumption registered in the meter was less and not actual, since the B phase current was zero from 10/2020 to 10/2022. The demand is raised commensurate to the short consumption, being the difference between the recorded consumption and the actual consumption of the petitioner and the short assessment bill amounts to Rs.21,05,700/-. The demand notice is accompanied by the calculation details of the assessment by which the undercharged amount has been arrived. The respondent states that TMR Division, Angamaly conducted an inspection at the premises of the petitioner and detected that the B Phase of Current Transformer (CT) is faulty since 19/10/2020. The inspection of the consumer meter was conducted by the licensee as per Regulation 18 of the Central Electricity Authority (Installation and operation of meters) Regulations 2006. Regulation 18 provides for calibration and periodic testing of meters and it provides for testing the consumer meters at site at least once in 5 years. The inspection revealed that the recording in the meter suffered an error and the petitioner was being undercharged in the monthly bills issued to him. As the consumer was not being billed for his actual consumption due to this wrong metering, the Special Officer Revenue (SOR) of the licensee prepared a short assessment bill amounting to Rs. 2105700/- under Regulation 134 of the Kerala State Electricity Supply Code 2014 and the enabling provisions under the Electricity Act 2003, taking the period of assessment from 10/2020 to 10/2022.

The respondent quotes Section 45 of the Electricity Act, 2003 which deals with the power of the licensee to recover charges for the energy supplied. In this Act, Section 45 (2) deals with charges for electricity supplied by the Distribution licensee. Also Section 56 dealing with disconnection of supply in default of payment, says that when any person neglects to pay any charge for electricity or any sum other than charge for electricity due from him to a licensee or generating company in respect of supply, transmission or distribution or wheeling of electricity

to him, the licensee or generating company may after giving not less than 15 clear days' notice in writing to such person and without prejudice to his rights to recover such charges or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee together with any expenses incurred by him in cutting off and reconnecting the supply. Furthermore, Regulation 136 of the Supply Code gives power to the licensee to recover arrears of charged or any other amount due from the consumer, along with interest at the rates applicable for the belated payments from the date of which such payments became due. The fact that the complainant has consumed electricity supplied by the respondent is not in dispute. In the instant case, the licensee has conducted the inspection in tune with Regulation 18(2) of the Central Electricity Authority (installation and operation of meters) Regulations 2006 within the period of 5 years. Thus the licensee is entitled to short collect the amount that has escaped assessment, as the inspection has been conducted within the statutory frame.

As per the Regulation 134 (1) "if the licensee establishes either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount 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". Hence the licensee has the right to recover the undercharged portion of energy charges from the consumer. Also as per Regulation 120 (1) of the Supply Code, 2014 – Responsibility of the consumer to report the defect of the meter – (1) If the consumer notices any defect in the meter installed in his premises, he shall immediately report the matter to the nearest office of the licensee.

Also, as per Regulation 21, the safe custody of the meter and other equipment of the licensee, (1) It is the responsibility of the consumer to keep in safe custody, the meter and other equipment of the licensee and seals on the meter and associated equipment installed within the premises of the consumer. As per Regulation 109(18) of the Supply Code 2014, the consumer shall be responsible for safe custody of meter and accessories, if the same is installed within the

premises of the consumer and the consumer shall promptly intimate the licensee about any fault, accident or abnormality noticed with the meter.

The respondent argues that, from the above, it is very much clear that the KSEBL has the right in giving the short assessment bill for the entire period and the safety of the meter lies with consumer. The licensee is bound to abide by the statutes and is bound to recover the unbilled portion of the consumption. The petitioner is capable of paying the amounts demanded and is having sufficient means to satisfy the same.

**Version of the Respondent (SOR):-**

The respondent states that the TMR Division, Angamaly Team inspected the metering panel of the petitioner's premises and detected that the B-Phase of CT is faulty. Hence, as per Regulation 125 of Kerala Electricity Supply Code 2014, bills from 10/2020 to 10/2022 were revised with average consumption of three months after meter change. During the meter faulty period, the incentive and disincentive shall not be applicable in the Energy Charge of Meter Faulty consumers. 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 13-12-2023. Both the representatives of 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.

The petitioner, who is the General Manager of 'The Old Lighthouse Bristow Hotel' in Fort Kochi, holds an HT (High Tension) electric connection for this premise under consumer number 1355640004763 / LCN 27/5442. On 07/10/2022, the Transformer and Meter Repair (TMR) Division, Angamaly team of the licensee inspected the petitioner's meter and identified a fault in the B-phase

of the CT meter since 19/10/2020. Consequently, the respondent issued a short assessment bill on 08/11/2022, covering the period from 10/2020 to 10/2022, amounting to Rs.21,05,700/-, based on the average consumption of three months after the meter change.

During the hearing, the petitioner explained that their hotel was closed throughout the COVID-19 lockdown, with no operations during that period. Structural maintenance was underway and the hotel became partially operational only since 24/12/2021. Therefore, it is argued that taking the average consumption of three months after the meter change, based on the petitioner's higher consumption in the year 2022 compared to 2020, is not justifiable. This approach is considered to be against Regulation 125 (1) of the Kerala Electricity Regulatory Commission. The petitioner further emphasized that marking the meter status as 'working' in the bills from 07/2020 to 09/2020 and later treating the same as faulty is not acceptable.

In response, the respondent asserted that the B phase of the petitioner's meter was found to be faulty and as a result, they have back-billed the petitioner based on the inspection report from the TMR Division, Angamaly. The respondent clarified that they have only claimed for the actual consumption of the petitioner. Furthermore, they mentioned that they have recalculated the bill using a healthy average, which was determined by considering the consumption recorded after the faulty meter was replaced. This approach was adopted due to a significant difference in consumption between the years 2020 and 2022.

This Forum has determined that the inspection conducted by the TMR Division, Angamaly has revealed that the petitioner's meter became faulty since 09/10/2020. Regulation 125 (1) of the Kerala Electricity Supply Code, 2014 clearly outlines the procedure to be followed by the licensee while billing a consumer whose meter becomes defective or damaged. The relevant part from Regulation 125 (1) of the Kerala Electricity Supply Code, 2014 is provided 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.*

Therefore, the Forum holds the view that the short assessment bill issued by the licensee needs to be revised. The revision should involve calculating the average of the past three billing cycles immediately preceding the date when the meter was found or reported defective. In this particular case, the average is to be calculated based on the consumption for the months 07/2020, 08/2020, and 09/2020.

**DECISION:**

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

- 1. The respondent shall revise the short assessment bill for the meter faulty period by taking the average of three billing cycles immediately preceding the date when the meter was found or reported defective. In this particular case, the average is to be calculated based on the consumption for the months 07/2020, 08/2020, and 09/2020. The petitioner is liable to pay the revised short assessment bill resulting from this calculation.**
- 2. 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 21<sup>st</sup> day of December, 2023**

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

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



Endt. On CGRF-CR/OP No.62/2023-24 Dated

Delivered to:-

Sri. Joseph Michael,  
General Manager,  
M/s. Suvira Energy, Old Lighthouse  
Bristow Hotel, Beach Road,  
Near INS Dronacharya,  
Fort Kochi, Pin – 682 001

CHAIRPERSON  
(DEPUTY CHIEF ENGINEER)  
CGRF-CR, KALAMASSERRY

Copy submitted to: 1)The Secretary, KSEBL, VydhyuthiBhavanam, 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)TheSpecial Officer (Revenue), Kerala State Electricity Board  
Ltd., VydhyuthiBhavanam,Thiruvananthapuram.