

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, Email: cgrf.ekm@gmail.com,
CUG No. 9496008719

Present

(1) Smt. Sheeba P.
 (2) Smt. Jayanthi S.
 (3) Sri. Biju Varghese

Chairperson
2nd Member
3rd Member

Petitioner

Sri. Salimkumar K.,
 Managing Partner,
 Triveni River Palace,
 Champakkulam,
 Alappuzha, Pin – 688 505.

Respondent

The Assistant Executive Engineer,
 Kerala State Electricity Board Ltd,
 Electrical Sub Division,
 Edathuva
 (Electrical Section, Champakkulam)

No.CGRF-CR/OP No.70/2023-24

Date:-13-02-2024.

ORDER

Background of the case:-

The petitioner, the Managing Partner of the partnership firm, "Triveni River Palace" in Champakkulam, Alappuzha, received a short assessment bill dated 27/11/2023 from Electrical Section, Champakkulam, demanding payment of Rs.53,436/-. This amount pertained to the meter faulty period from May 2021 to June 2021. Despite the petitioner's efforts to have the bill waived due to the firm's closure and consequently no electricity consumption during June 2021, no favourable response was received from the licensee. Therefore, the petitioner requests this Forum to cancel the short assessment bill.

Version of the Petitioner:-

The petitioner received a notice from Electrical Section, Champakkulam vide No:BB/CKM/RAO-Audit/23-24/163/dtd 27-11-2023 demanding to pay a sum of Rs.53,436/- within 30 days and was charged as additional electricity charges for the period from June 2021 to July 2021. The petitioner states that they submitted a reply to this notice on 14/12/2023 to the Champakkulam Section Office regarding their contentions. Then, on 15/12/2023, they received a second notice from this office, demanding them to pay the amount of Rs.53436/- within thirty days from the date of first notice. Thus the petitioner produced a copy of their GST returns as the proof for non-business and closure for the given period. The petitioner argues that their resort was completely closed down during that period due to covid-19 Pandemic situation and upon the Order by Government Authorities and hence there was no electricity consumption for the given period. The petitioner states that they have paid their monthly electricity charges without any default till the receipt of this notice. The petitioner further states that they have paid Rs.6,476/- and Rs.34,168/- as electricity charges for the months of June 2021 and July 2021 respectively. Even though the petitioner approached the licensee to get this bill waived off, no favourable action was received from licensee. Thus the petitioner prays this Forum to cancel this notice demanding additional amount of Rs.53,436/-.

Subsequently, statement of facts was called for and the same was submitted by the respondent on 15-01-2024.

Argument Note by the Petitioner:-

The petitioner argued that their premises was closedown during the relevant month June 2021 due to the restrictions laid down by the Government vide G.O.(Rt)No.444 /2021/DMD Dated 29 May, 2021. The lock down was declared for the period from 31st May 2021 to 9th June 2021. Further, the lockdown was extended from 10th June 2021 to 16th June 2021 vide G.O.(Rt)No.459/2021/DMD dtd 07/06/2023. As per the Government Order vide G.O.(Rt)No.467/2021/DMD dated 15/06/2021, the restriction in the geographical area of premises continued. The petitioner declared that they did not open their resort, even for a single day,

during the month June 2021 and hence had no electricity consumption during the month June 2021.

Version of the Respondent:-

The respondent admits that they had issued a demand notice vide letter No.BB/CKM/RAO-Audit/2023-24/163/dtd.27-11-2023 of the Assistant Engineer, KSEBL, Electrical Section, Champakkulam, demanding the petitioner to pay a sum of Rs.53,436/- as short assessment charges. The respondent states that upon realizing the meter as damaged, the meter was replaced through “section initiated meter change” on 09/07/2021. The Meter Reader of the licensee had verbally informed the petitioner that the meter was faulty. The respondent argues that there was an average consumption of nearly 3000 units that has been recorded before and after the date of the meter being found or reported defective. The bill was issued for 2 months only from 06/2021 to 07/2021, by calculating the average of their previous billing cycles. The respondent admits that the petitioner had paid Rs.6476/- & Rs.34168/- during the months of 06/2021 and 07/2021. The respondent also admits that a request was received from the petitioner.

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 25/01/2024.The representative 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, the Managing Partner of the partnership firm, "Triveni River Palace" in Champakkulam, Alappuzha, received a short assessment bill dated 27/11/2023 from Electrical Section, Champakkulam, demanding payment of Rs.53,436/-. This amount pertained to the meter faulty period from May 2021 to June 2021. The licensee, the Office of the Electrical Section in Champakkulam,

replaced the faulty meter on 09/07/2021 after finding its display non-functional while taking the reading for the month of 07/2021. Subsequently, an internal audit by the Regional Audit Office (RAO) team; an internal audit team of the licensee, concluded that the petitioner's meter had been stuck at the final reading from May 2021, resulting in the same reading for June 2021 and thus billing the petitioner for zero consumption, deemed incorrect. The audit report recommended revising the bills for June and July 2021, based on average consumption from March to May 2021, calculated at 3967 units, resulting in the issuance of a short assessment bill dated 27/11/2023 demanding Rs.53,436/- from the petitioner.

During the hearing, the petitioner contended that their meter was not faulty in May 2021 and that their premises were completely shut down due to government-imposed Covid-19 restrictions, resulting in no electricity consumption during May and June 2021. The petitioner also objected to the meter replacement without their acknowledgment. In response, the respondent pointed out that the meter showed the same reading as the initial reading for June 2021, justifying the zero consumption bill. The meter was declared faulty in July 2021 due to a lack of display during the meter reading. The respondent argued that the bill was based on the previous three billing cycles' average consumption and highlighted that the petitioner paid a bill for July 2021 without protest, indicating electricity usage.

The Forum evaluated the situation and found that the meter was initially deemed operational during the billing for June 2021 and was later declared as faulty, based on an audit report. The respondent's attempt to test the faulty meter in order to scientifically prove its faultiness from May 2021 was failed due to the meter's non-display. Additionally, the petitioner provided evidence of their premises' closure due to Covid-19 restrictions, quoting Government Orders prevailed at that time, which the respondent couldn't prove wrong. As the meter reading for June 2021 recorded zero consumption, relying solely on the audit team's assumption of meter faultiness during June 2021 is unjustifiable. Thus, the Forum determined that the short assessment bill should be quashed.

DECISION:

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

- 1) The disputed short assessment bill is quashed.**
- 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 13th day of February 2024

Sd/-

Biju Varghese
3rd Member
CGRF, Ernakulam

Sd/-

Jayanthi.S
2nd Member
CGRF-CR, Ekm

Sd/-

Sheeba. P
CHAIRPERSON
CGRF-CR, Ernakulam

Endt. On CGRF-CR/OP No.70/2023-24 Dated

Delivered to Sri.Salimkumar,
Managing Partner,
Triveni River Palace,
Champakulam,
Alappuzha, Pin – 688 505.

CHAIRPERSON
DEPUTY CHIEF ENGINEER
CGRF-CR, KALAMASSERRY

Copy submitted to: 1)The Secretary, KSEBL, Vydhyuthi 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, Electrical Circle, KSEBL, Alappuzha
(2) The Executive Engineer, Electrical Division, KSEBL, Alappuzha
(3) The Assistant Executive Engineer, Electrical Sub Division KSEBL,
Edathuva
(4) The Assistant Engineer, Electrical Section,Champakulam