

**CONSUMER GRIEVANCE REDRESSAL FORUM
NORTHERN REGION, KOZHIKODE.**

(Formed under section 42(5) of Electricity Act 2003.)

Vydyuthibhavan, Gandhi Road, Kozhikode -673011

Telephone Number -0495 2367820 Email.cgfrkzd@kseb.in

PRESENT

SAJAMMA . J. PUNNOOR : CHAIRPERSON

ANCY PAUL .C : MEMBER

FRANCIS A.C : MEMBER

OP NO.93/2023-24

PETITIONER :-

1. Sri. M. Sreekandan Nair, President, Bekal Club, NH-66, Near Railway Over Bridge, Padannakkad, Kanhangad, Kasaragod – 671 314.

RESPONDENTS :-

1. The Assistant Executive Engineer, Electrical Sub Division, Kanhangad, KSEB Ltd, Kasaragod District
The Assistant Engineer, Electrical Section, Padannakkad, K.S.E.B Ltd., Kasaragod

ORDER

Complaint:

The petitioner has a commercial 3phase service connection in LT 7A tariff with connected load 74000 watts under electrical section Padannakkad. The consumer number of the petitioner is 1168043010219. A short assessment bill for an amount of Rs.50,332/- dated 09/11/2022 has been served to the petitioner based on the audit report for the recovery of average demand during the meter faulty period 06/2020 and 07/2020. The complaint is for waiving the short assessment bill for Rs.50,322/- dated 09/11/2022.

Version of the Petitioner :

The Petitioner, Sri. M.Sreekandan Nair, President, Bekal Club, Padannakkad is a commercial consumer, bearing consumer number 11680430102 under Padannakkad Electrical Section, Kasaragod District. A short assessment bill for Rs.50,322/- dated 09/11/2022 has been served to the petitioner based on the audit report of the Regional Audit Officer.

The respondents claim that the service connection meter of petitioner's consumer number 11680430102 is faulty from 01/05/2020. Petitioner stated that the above claim is without any basis and scientific proof. The claim made by KSEBL that petitioner's meter was faulty is based only on assumptions and presumptions, not sufficient enough to fix the additional payment of Rs. 50,322/-. The calculation arrived at fixing the additional sum of Rs. 50322/- is on imaginary basis. The fixing

of additional payment without scientific basis and on improper assessment is not permissible under law.

Therefore the petitioner requests the Hon'ble Forum, for waiving off the additional assessment bill Rs. 50,322/- issued by the padannakkad electrical section to the petitioner on 09/11/2022 .

Version of the Respondent:

1. The consumer number 1168043010219 is a commercial 3phase service connection given to Sri. Sreekandan Nair M/XIV/397, Kanhangad on 28/06/2001 with a total connected load of 74000 watts. This is a monthly reading consumer.

The consumption and reading in old and new meter during 09/2019 to 10/2020 are as follows:

Reading date	Meter reading	consumption	Multiplication factor	Total consumption
02/09/2019	7639	92	40	3680
01/10/2019	7740	101	40	4040
01/11/2019	7870	130	40	5200
02/12/2019	8025	155	40	6200
02/01/2020	8196	171	40	6840
01/02/2020	8335	139	40	5560
02/03/2020	8469	134	40	5360
01/04/2020	8469	0	40	0
04/05/2020	8568	99	40	3960
01/06/2020	8600	32	40	1280
01/07/2020	8600	Meter declared faulty	40	0
05/07/2020	00	Faulty meter changed	40	
03/08/2020	42	42	40	1680
03/09/2020	93	51	40	2040
01/10/2020	145	52	40	2080

2. From the above it is clear that the consumption during 05/2020 was very less compared to previous months and during 06/2020 the consumption was zero. Hence it can be inferred that the meter was faulty from 05/2020 onwards.
3. While taking reading on 01/07/2020, it was seen that the reading is same as that of 01/06/2020. Hence the meter was declared faulty. New meter was installed on 05/07/2020.
4. The short assessment bill as per section 125 of Kerala Electricity Supply Code 2014 was issued to the petitioner based on the audit report of Kasaragod Regional Audit Officer for the period of 2020-21 year.
5. The details of the bills issued are given below:

Months	Consumption
12/2019	6200
01/2020	6840
02/2020	5560
03/2020	5660
04/2020	1980
05/2020	1980
Total	27920 units

Average - $27920/6 = 4653$ units

Energy charge for 06/2020 – $4652 \times \text{Rs. } 9.3 = 43273$

Energy charge for 07/2020 – $4652 \times \text{Rs. } 9.3 = 43273$

Total = 86546 units

Current charge remitted during 06/2020 = 11904

Current charge remitted during 07/2020 = 28895

Total remitted 40799

Balance to be remitted	=	86546 – 40799
	=	45747
Electricity duty 10%	=	<u>4575</u>
Total amount to be remitted	=	<u>50322</u>

6. The bill has been issued for recovering average demand during the meter faulty period (2billing cycles).

Analysis & Findings:

The hearing of the case was conducted on 06/03/2024 at CGRF Court Hall, Kozhikode. The hearing was attended by the Petitioner and the respondent

Having examined the petition in detail and the statement of facts of the respondent, considering all the documents submitted and deliberations during the hearing, the Forum has come to the following observations and conclusions leading to the decision.

- The petitioner has a three phase service connection with consumer 168043010219 for running his Bekal Club. On going through the consumption pattern of the petitioner, it can be seen that the consumption during 03/2020, 04/2020 & 05/2020 were very less compared to the previous months. The petitioner stated that the Club activities were restricted due to lock down consequent to the Covid 19 pandemic. The consumption during these months also justifies the same. Moreover the intermittent lockdown during the year 2020 is a known fact to everyone.

- From the reading it can be seen that the meter became faulty during 06/2020.

As per Section 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 meter being found or reported defective.

- Here the respondent has calculated the average based on previous 6 billing cycles and the same is against the rules, and is not valid. Since the immediately preceding 3 billing cycles ie., 03/2020 to 05/2020 were the Covid lock down period, and will not represent the actual average consumption. Hence the Forum finds that the average which is computed from the three billing cycles after the replacement of meter- is correct in this case and is valid as per section 125 (1) of the Kerala Electricity Supply Code 2014.

DECISION:

- * The bill dated 09/11/2022 for an amount of Rs.50,322/- is hereby cancelled.
- * The respondent has to reassess the bills during 06/2020 and 07/2020 based on the average consumption during the three billing cycles after the faulty meter change on 05/07/2020.

The petition is disposed off accordingly

Dated this the 20th day of March, 2024.

Sd/-

Sajamma .J. Punnoor
Chairperson.

Sd/-

Ancy Paul.C
Member

Sd/-

Francis . A .C
Member

Endt.on CGRF-NR/OP 93/2023-24/ 273

/ 20 .03.2024.

- 1) Sri. M. Sreekandan Nair, President Bekal Club, NH-66, Near Railway Over Bridge, Padannakkad Kanhangad, Kasaragod. } If the petitioner is not satisfied with the above order of this Forum, he is at liberty to prefer appeal before the State Electricity Ombudsman, D.H. Road, Offshore Road Junction Gandhi Square, Eranakulam, Kerala- 682016. (Ph: 0484 2346488) within 30 days from date of receipt of this order.

- 2) The Assistant Executive Engineer,
Electrical Sub Division, Kanhangad,
KSEB Ltd, , Kasaragod District.

Copy Submitted to:

Chief Engineer (Distribution – North Malabar), Kannur.

Copy to:

The Secretary, KSEB Ltd,

Vydyuthi Bhavanam, Thiruvananthapuram.

- 2) The Deputy Chief Engineer,
Electrical Circle, Kasaragod,
Kasaragod District.
- 3) The Executive Engineer
Electrical Division, Kanhangad,
K.S.E.B.L., Kasaragod.
- 4) The Assistant Engineer,
Electrical Section, Padannakkad,
K.S.E.B.L., Kasaragod.

Forwarded

