

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. K.E. Abdul Kareem,
Proprietor,
M/s. Kaisons Pre-Treads,
Mattoor, Kalady,
Pin – 683 574

Respondent

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

No.CGRF-CR/OP No.95/2023-24

Date:30/03/2024

ORDER

Background of the case:

The petitioner, who is the heir of the deceased consumer Sri. Meethenkutty, has a Low Tension (LT) - IVA electricity connection with consumer number 1155766011312 for their industrial unit, M/s Kaison Rubber Products, situated under the area of the Electrical Section of Kalady, Ernakulam District. The connected load for the petitioner's connection is 111 kW, and the contract demand is 100 kVA. During an inspection conducted by the respondent on 20.03.2023, it was found that the R-phase current was not being recorded in the meter. Consequently, a back assessment bill amounting to Rs. 2,45,505/- for a one-year

period was issued to the petitioner. The reason provided was the malfunction of the R Phase Current Transformer (CT) of the meter, resulting in an underbilling of the petitioner's actual consumption. Despite lodging a complaint with the respondent, the petitioner's concerns remained unaddressed, leading to the filing of this petition before this Forum.

Version of the Petitioner:-

The petitioner is the legal heir of late Meethenkutty who was the registered consumer under Electrical Section Kalady with consumer number 1155766011312. It is a connection for industrial purpose in LT IVA tariff with connected load of 111KW and contract demand 100 KVA. On 20.03.2023, the respondent inspected this industrial unit and prepared a site mahazer alleging that one CT was not working. Then, a short assessment bill dated 30.05.2023 for Rs.245505/- for a period from 04/2022 to 03/2023 was served to the petitioner alleging that there was a shortage in the reading recorded.

The petitioner argues that the calculation of short assessment bill is wrong because licensee is permitted to collect the average of three/six months in the case of defective or damaged meter according to the procedure laid down in the Regulation 125(1) of the Kerala Electricity Supply Code, 2014. So the short assessment for a period of one year by the respondent is illegal and arbitrary.

Further, the petitioner argues that as the meter includes the CT according to theregulation 2(p) of the *Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006*, the licensee can claim the short assessment only through the procedure for the meter faulty period while the CT is found faulty.

Moreover, the petitioner put forward that it is the responsibility of the licensee to provide a correct meter as per the Section 55(1) of the Electricity Act, 2003. The officials of the licensee who was assigned the duty of taking reading every month had not found any defect in the CT meter. The status of meter in the previous bills was shown as 'ok'.

The petitioner also states that if the meter is found faulty after testing it in an accredited laboratory, the revision of the bill on the basis of the test report can be done only for a maximum period of six months as per Regulation 115(9) of the Kerala Electricity Supply Code, 2014. And in this case, meter data are not downloaded.

The petitioner further argues that the period of undercharging as per regulation 134(1) is also limited to six months as per Regulation 115(9) of the Kerala Electricity Supply Code, 2014.

The petitioner alleges that the testing of three phase meter once in 3 years as stipulated by Regulation 113(6) of the Kerala Electricity Supply Code, 2014 is not done by the respondent until 20.03.2023.

The petitioner also states that the short assessment under Regulation 155 of the Kerala Electricity Supply Code, 2014 is not sustainable. The petitioner registered a complaint against this bill and demanded checking of meter as per Regulation 115(4) of the Kerala Electricity Supply Code, 2014. But the complaint was not considered by the respondent.

By filing this petition, the petitioner also request for issuing an interim order from this forum directing the licensee to stop all the proceedings in regard with the short assessment bill including disconnection of the service connection until the final disposal of the petition by the Forum.

Version of the Respondent:-

An LT connection with consumer number 1155766011312 is effected for running an Industrial Unit to Sri. Maithenkutty, Kattiyath, Kaison Rubber products, Manickamangalam under Electrical Section Kalady. The premises of consumer No. 1155766011312 was inspected on 20.03.2023 and found that the R-Phase current was not recording in energy meter. A site mahazar was prepared. As the exact date of CT missing could not verify, the bill amounting Rs.245505/

(Rupees Two Lakhs Forty Five Thousand Five Hundred and Five Only) was prepared based on Regulation 125 of Kerala Electricity Supply Code 2014.

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.

The respondent argues that the observed anomaly with the metering installation was with CT terminal and not with Energy meter. The inspection was conducted in the presence of petitioner's representative and he has signed the site Mahazar after verifying the anomaly with CT connection.

The respondent replies that the bill was prepared as per prevailing regulations of Kerala Electricity Supply Code when the missing period cannot be ascertained.

The respondent states that the connection is already under DC status and any actions in this regard will be taken only as per standing rules and regulations only.

The bill raised is only for the consumption missed to bill due to the CT meter anomaly and is a short collection amount only and by no means comes under unauthorized use of electricity.

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 26/03/2024. 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 holds a Low Tension (LT) - IVA electricity connection with consumer number 1155766011312 for their industrial unit, M/s Kaison Rubber Products, located within the jurisdiction of the Electrical Section, Kalady, Ernakulam District. The connected load for their connection is 111 kW, with a contract demand of 100 kVA. During an inspection conducted by the respondent on 20.03.2023, it was observed that the R-phase current was not being recorded in the meter. As a result, a short assessment bill totalling Rs. 2,45,505/- for a one-year period was issued to the petitioner, attributing the discrepancy in the R Phase Current Transformer (CT) of the meter, which led to an undercharging of the petitioner's actual consumption.

During the hearing, the petitioner contests the legality of the short assessment due to procedural lapses on the part of the licensee. The petitioner highlights that the requested downloading of meter data was not executed by the respondent. Additionally, there is a dispute regarding the period of short assessment, with the petitioner arguing that Regulation 125 of the Kerala Electricity Supply Code 2014 should be applied, allowing billing based on the previous average in cases where the meter is defective. Since the Current Transformer (CT) is considered a part of the meter according to Regulation 2(p) of the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, any defect in the CT should be considered a defect in the meter itself, making Regulation 125 applicable.

Contrarily, the respondent asserts that during the inspection on 20.03.2023, it was discovered that the R-phase current was not being recorded in the meter, leading to the issuance of a back assessment bill to recover the undercharged revenue. However, the respondent admits the inability to retrieve data from the meter to determine the actual duration of the R-phase current being missing in the meter. Therefore, the period of the defect could not be precisely ascertained, resulting in a one-year back assessment under Regulation 125(1) of the Kerala Electricity Supply Code 2014.

The 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.”

After considering all evidence, this Forum concludes that the licensee identified the meter as faulty during the inspection on 20.03.2024, noting the absence of R-phase current recording due to the CT fault. However, the respondent's decision to conduct a one-year back assessment to recover undercharged revenue is deemed inconsistent with Regulation 125 (1) of the Kerala Electricity Supply Code, 2014 as this regulation does not give provision to the licensee for issuing short assessment bill for the undercharged revenue.

The Regulation 134(1) of the Kerala Electricity Supply Code, 2014 permits the recovery of undercharged amounts upon establishment by the licensee.

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 sounder charged 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.*”

However, in this case, the licensee has issued a short assessment bill for one year without establishing the period of undercharging of the petitioner. This was revealed during the hearing, where the licensee admitted they could not download the meter data to determine the actual period of the meter fault. As a result, this Forum concludes that the short assessment bill issued by the licensee for a one-year period does not comply with the law. The licensee failed to establish that they had undercharged the consumer for the entire year. Therefore, the short assessment bill issued by the licensee is not in accordance with the law.

DECISION:

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

- 1. The Short assessment bill amounting Rs.2,45,505/- is hereby quashed.**
- 2. No additional costs are 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 30th day of March 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.95/2023-24 Dated
Delivered to

Sri. K.E. Abdul Kareem,
 Proprietor,
 M/s. Kaisons Pre-Treads,
 Mattoor, Kalady,
 Pin – 683 574

Sd/-
 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, Perumbavoor
 (2) The Executive Engineer, Electrical Division, KSEBL, Perumbavoor
 (3) The Assistant Executive Engineer, Electrical Sub Division KSEBL,
 Kalady
 (4) The Assistant Engineer, Electrical Section, Kalady