

# **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) Smt. Jayanthi. S (3) Sri. Biju Varghese	Chairperson 2 <sup>nd</sup> Member 3 <sup>rd</sup> Member
Petitioner	The Vicar, St. Peter's Church, Chembakapara, Pallikkanam, Erattayaar, Idukki, Pin – 685 514.	
Respondent	The Assistant Executive Engineer, Kerala State Electricity Board Ltd, Electrical Sub Division, Nedumkandam. (Electrical Section, Erattayaar)	

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**No.CGRF-CR/OP No.96/2023-24**

**Date:12-04-2024.**

### **ORDER**

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

The petitioner is the Vicar of St. Peter's Church at Chempakappara and owns an electricity connection with consumer number 1157241005120 under the jurisdiction of Electrical Section, Erattayaar and is billed bi-monthly. On 16/10/2021, the petitioner's electric meter was found to be faulty and was replaced with a new one on 30/10/2021. Subsequently, based on the findings of the Regional Audit Office (RAO), an internal audit team of the licensee, a short assessment bill amounting to Rs.4834/- was issued to the petitioner, covering the period of meter faultiness for the bimonthly billing period from June 2021 to October 2021. Against this matter, the petitioner has lodged a complaint with this Forum seeking to have the bill waived off.

### **Version of the Petitioner:-**

The petitioner states that they received an additional bill while they were paying the bills of KSEBL regularly. The petitioner states that they have already installed a solar system with the permission from KSEBL without receiving any subsidy and are giving 40 units / day to KSEBL. Thus the petitioner requested this Forum to exempt them from this additional payment.

Subsequently, statement of facts was called for and the same was submitted by the respondent on 02-03-2024.

### **Version of the Respondent:-**

The respondent states that on 16/10/2021, it was found that the meter of the petitioner is in a faulty state. Hence this meter got replaced with a healthy one on 30/10/2021. The average consumption of this petitioner before this meter change was 533 units and the same after meter change was 512 units. Billed consumption during 06/2021, 08/2021 and 10/2021 were 0 units, 414 units and 414 units respectively. During the audit conducted on 03/2021 by the Regional Audit Office (RAO – an internal audit team of the licensee), it was found that the billed consumption from 06/2021 to 10/2021 were less than the exact average consumption. Hence it was directed to revise those bills according to the average consumption obtained before the meter change period and to issue short assessment bill accordingly. Thus on 21/01/2024, a short assessment bill for an amount of Rs.4834/- was served to the petitioner. The respondent argues that the short assessment bill thus served to the petitioner is as per law and is valid as per the Regulations of Kerala Electricity Supply Code, 2014.

### **Analysis and findings:**

The Forum afforded an opportunity to hear the Petitioner and the Respondent on 04/04/2024 at the Conference Hall, Electrical Circle, Thodupuzha. But as the petitioner was absent for that hearing, a second hearing was scheduled on 09/04/2024. The petitioner expressed their inconvenience to travel for attending the hearing. Thus the Forum decided to conduct the hearing via online

(Google meet) on 09/04/2024. 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.

The petitioner is the Vicar of St. Peter's Church at Chempakappara and owns an electricity connection with consumer number 1157241005120 under the jurisdiction of Electrical Section, Erattayaar and is billed bi-monthly. On 16/10/2021, the petitioner's electric meter was found to be faulty and was replaced with a new one on 30/10/2021. Subsequently, based on the findings of the Regional Audit Office (RAO), an internal audit team of the licensee, a short assessment bill amounting to Rs. 4834/- was issued to the petitioner, covering the period of meter faultiness for the bi-monthly billing period from June 2021 to October 2021.

During the hearing, the petitioner contested that they were unaware of any faults in the meter during the bi-monthly billing period from June 2021 to October 2021 and claimed that they did not utilize any additional electrical equipment during the said period. The petitioner also noted that their regular bills issued from 06/2021 to 10/2021 did not indicate any meter faults.

In response, the respondent explained that during an internal audit, they observed that the petitioner's average consumption after the meter replacement was 512 units, whereas it was 533 units before the meter faulty period of bi-monthly billing from June 2021 to October 2021. Consequently, the audit team noted a shortfall in the calculated consumption from the petitioner for the months from June 2021 to October 2021, as the petitioner was billed for 0 units, 414 units, and 414 units respectively; all below the average consumption. Therefore, the licensee assumed that the meter might have been faulty from the bimonthly billing period of June 2021 to October 2021. Consequently, the respondent issued a short assessment bill dated 27/01/2024 amounting to Rs.4834/- to the petitioner, as per

Regulation 134 (1) of the Kerala Electricity Supply Code 2014, to rectify the shortfall in revenue. The Regulation 134 (1) of the Kerala Electricity Supply Code, 2014 is stated below:-

**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.”*

Thus the respondent requested this Forum to admit this short assessment bill.

After considering all evidence, this Forum concludes that the licensee issued regular bills to the petitioner, noting the meter status as "working" for the billing months from June 2021 to October 2021. However, the issuance of the short assessment bill, in accordance with Regulation 134 (1) of the Kerala Electricity Supply Code, 2014, was based solely on an assumption derived from the average consumption before and after the meter change. Regulation 134 (1) allows the licensee to recover undercharged amounts only upon establishing the existence of undercharged revenue from a consumer. The most important point of the issue lies in determining the healthiness of the petitioner's meter. If a meter is found defective, the licensee must establish this through testing, as outlined in Sub-Regulations (1) and (2) of Regulation 116 of the Kerala Electricity Supply Code, 2014. This Regulation is noted below:-

**Regulation 116. Replacement of defective meters.-**

*(1) The licensee shall periodically inspect and check the meter and associated apparatus.*

*(2) If the meter is found defective, the licensee may test it at site, if feasible, and if not feasible, the meter shall be replaced with a correct meter and the defective meter shall be got tested in an accredited laboratory or in an approved laboratory.*

During the hearing, the respondent admitted that they were unable to download the meter data in order to determine the exact period of the meter fault.

Consequently, this Forum concludes that the respondent could not establish the precise date of the meter fault. Therefore, issuing short assessment bills solely based on the assumption that the consumption was lower during the bimonthly bill periods from June 2021 to October 2021 does not comply with Regulation 134(1). Hence, the short assessment bill issued by the licensee is deemed not in accordance with the law and is hereby quashed.

**DECISION:**

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

- 1) The short assessment bill for Rs. 4834/- is hereby quashed.**
- 2) No costs 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 12<sup>th</sup> day of April, 2024**

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

Sd/-  
Jayanthi S.  
2<sup>nd</sup> Member  
CGRF-CR, Ekm

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

Endt. On CGRF-CR/OP No.96/2023-24 Dated  
Delivered to

Fr. Vicar,  
St. Peter's Church,  
Chembakapara, Pallikkanam,  
Erattayaar, Idukki, Pin – 685 514.

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, Thodupuzha  
(2) The Executive Engineer, Electrical Division, KSEBL, Kattappana  
(3) The Assistant Executive Engineer, Electrical Sub Division KSEBL,  
Nedumkandam.  
(4) The Assistant Engineer, Electrical Section, Erattayaar.