

**CONSUMER GRIEVANCE REDRESSAL FORUM
KERALA STATE ELECTRICITY BOARD LTD- SOUTHERN REGION
VYDYUTHI BHAVANAM, KOTTARAKKARA**

Present: 1. Smt.Laila.N.G, Deputy Chief Engineer, Chairperson
2. Sri. Rajeev.N Executive Engineer, Member II
3. Sri. M. Sabu, Advocate, Member III

Tuesday 16th May,2023

OP No.05/2023

Between

Petitioner: Sri. Jacob Philip ,
Kanjirathummoottil House
Maramon.P.O, Kozhencherry.
Thiruvalla, Pathanamthitta .

And

Respondents : (1) The Assistant Executive Engineer
Electrical Sub Division, Kozhencherry.

(2) The Assistant Engineer,
Electrical Section, Ayiroor

ORDER

1. Grievance of the petitioner

The petitioner is a three phase domestic consumer under Electrical Section, Ayiroor bearing consumer number 1146087011031. A 5 kVA on grid solar energy system has been connected and used in the service connection premises. The petitioner is aggrieved by an exorbitant bill amounting to Rs.27044/- issued during the billing month of May 2022. As the premises has been unoccupied for months there was hardly any electricity consumption in the house. The petitioner and his family has been living in Changanassery for the past one year. Apart from the 5 kVA solar energy system a lightning arrester and a solar inverter had also been installed in the house. Six months ago the solar inverter was damaged by severe lightning strike and since then all the electrical appliances in the house have been disconnected from the main supply. As there was no electricity consumption in the premises, the abnormal hike in the bill occurred might be due to the lightning strike.

On 19/05/2022 the petitioner lodged complaints at the Sub Engineers Office, Kozhencherry and at the Electrical Section office ,Ayiroor regarding

the excessive bill received. Accordingly the officials of the licensee inspected the site on 21/05/2022 and prepared a site mahazar. No prior intimation has been given to the the petitioner about the inspection conducted in his premises.

As per the site mahazar the insulation on one side of the connecting rod inside the main switch was burnt and damaged due to lightning. In October 2021, the solar inverter and related electrical appliances were damaged due to severe lightning strike. More over the complaint regarding the replacement of electric post which is in a dangerous condition, hasn't been rectified yet. Aggrieved by this the petitioner approached the Forum for redressal.

Without considering the petitioner's application to reduce the excess amount billed, due to over reading caused by the technical error, the licensee issued a disconnection notice on 19/09/2022. On 28/09/2022, a complaint has been filed by the petitioner to the Chief Engineer, requesting the withdrawal of the said disconnection notice. But till date no reply has been received to these complaints. On 18/11/2022 the electricity connection to the premises was disconnected by the officials of the licensee without any premonition.

As per the order dated 11/04/2022 in the appeal No.48/2020 of the Kerala State Electricity Appellate Authority, the respondent was directed to refund the excess amount remitted against the petitioners service connection number 1146087019049 availed for agricultural purpose. Regarding this order the petitioner had made an application to the licensee but the amount has not been refunded till date. The petitioner also submitted an application to reduce the connected load of the above said service connection number 1146087019049 but so far no action has been taken by the licensee.

Due to the irresponsible actions from the part of the licensee the petitioner has suffered a lot of financial loss and mental anguish. Rs.50,000/- should be recovered from the authorities as compensation for all the loss incurred to the petitioner. Hence the petitioner approached the Forum for the redressal of the following grievances.

1. Restore the Electricity supply to the disconnected service connection premises.
2. Waive off the Electricity bills from the date of disconnection.
3. Reduce the excess Electricity Bill amount.
4. Refund the amount with interest as per the order of the Appellate Authority in the appeal No.48/2020.

5. Compensation should be granted for the mental distress and financial loss incurred to him .

2. Version of the respondent

According to the respondent the service connection number 11460870011031 under Ayiroor Electrical Section, has been registered in the name of Sri. Jacob Philip, Kanjirathumoottil, Maramon. The said consumer has been using a 5 kVA on grid solar system since 28/03/2019.

In the month of May 2022, the petitioner has imported 2532 units of electricity from KSE Board's Grid system. As per the reading in May 2022 the petitioner had not exported power to KSEB's grid. A bill has been issued to the petitioner for the billing month of 05/2022, for the recorded consumption of 2532 units. As per the report from Meter testing unit, Thirumala, the meter is not faulty and the bill was confirmed based on the test report . Hence the licensee had no provision to revise the bill assessed and issued on the basis of actual consumption.

The bill has been given as per the actual meter reading taken in the month of May 2022. It was made sure that the reading is error- free. The consumer himself admits that the higher meter reading was recorded due to lightning during the month of May 2022. On 21st May 2022, the Sub Engineer of Electrical Section Ayiroor conducted a site inspection and found that the insulation of a portion of the connecting rod of the three phase main switch installed below the electricity meter was burnt. There occurred no damage to the meter after the lightning strike.

The petitioner had complained about the bill. But since the increase in bill amount was not due to any fault on the part of the Licensee, the bill amount could not be reviewed. As the petitioner had complained about the bill and mentioned about lightening strike occurred in his complaint, a site inspection was conducted by the licensee as a usual procedure and a site mahazar was prepared. At that time, the licensee tried to contact the petitioner over phone but could not get through.

There is no evidence that the reading is higher due to over voltage. If this happened due to lightning the meter would not have been damaged. However the meter was not found to be defective during the inspections.

The post about which the petitioner raised complaint is not in a dangerous condition. The petitioner's demand was that the current RCC pole should be replaced by a PSC pole. But the post has not been changed as

there was no emergency situation which necessitated it to be replaced immediately.

The increase in bill amount is not due to any fault of the licensee in billing, recording meter reading or meter failure. The disconnection notice has been issued to the petitioner only after conducting a site inspection. The electricity supply to the premises has been disconnected due to non payment of regular bill amount and it had been done after giving a notice. The licensee can not be held liable in any way for any alleged loss incurred by the petitioner.

In order to implement the order of the Appellate Authority in Appeal No.48/2020, the sanction order of the Board Secretary, of KSEB was required. Now the sanction order granted from the Board Secretary and instructions have been given to the Assistant Engineer, Electrical Section, Ayiroor to comply with the instructions of Appellate Authority.

The licensee shall not be liable for any failure of the consumer's solar Power system. There is no evidence that the increased bill amount in the premises is due to any mistake from the part of the licensee. The licensee shall not be liable for any failure of the consumer's solar power system. There is no evidence that the increased bill amount in the premises is due to any mistake from the part of licensee. The meter has been found to be free of defects during testing at an approved lab and KSEBL is not liable to compensate for any losses incurred by the consumer.

The electricity connection can be restored only after the arrears are cleared. After disconnection the fixed charges and meter rent were demanded under current charges which is unavoidable. On 07/08/2022, the Sub Engineer from Electrical Section, Ayiroor, removed the existing meter and gave it for inspection and replaced with a temporary meter. After the replacement of meter the petitioner has been a bill amounting to Rs.545/- on 19/09/2022.

3 Analysis and Findings

A Hearing was conducted on 23/03/2023. Both the petitioner and the respondent were present and heard the matter in detail.

On analyzing the petition and other documents in the file, the Forum viewed that the petition pertains to an exorbitant regular monthly current

charge bill issued by the licensee for the billing month of 05/2022. The house had been in closed status for months and all the electrical appliances were disconnected due to a lightning strike occurred six months ago. Hence the petitioner was not aware of the excessive consumption recorded in the meter.

The respondent stated that the higher consumption was due to the fault in the internal wiring installations of the petitioner's premises. The meter was tested in an accredited laboratory and confirmed that the same was in good working condition. Hence the petitioner is liable to remit the amount of the bill.

On verifying the records submitted and also on hearing no evidence is seen produced by the petitioner to prove that the damage was caused due to high voltage supply or owing to any failure from the part of the licensee. The test report of the meter from the Meter Testing Laboratory reveals that the over reading in the meter is not due to any faulty status of the meter. As per the test result, "errors at various load conditions are within permissible limit." Increment in energy display is not observed, no abnormalities were seen in KWh and MC readings of the downloaded meter data and the meter is complied with the requirement of the standard (IS 13779-2020) in the test" .

The detailed procedure for testing the meter is stipulated Regulation 115 of Kerala Electricity Supply Code, 2014 which is quoted below.

115. Procedure for testing of meter.- (1) The meter shall normally be tested in the laboratory of the licensee, approved by the Commission.

(2) In case the licensee does not have a testing facility approved by the Commission, or if so desired by the consumer, the meter shall be tested at any other laboratory accredited by the National Accreditation Board for Testing and Calibration Laboratories (NABL).

(3) The list of the accredited laboratories and approved laboratories for testing of meters shall be made available on the website of the licensee.

(4) In the case of testing on the request of the consumer, he shall have to pay the testing fee as per the Schedule of Miscellaneous Charges given in schedule 1 of the Code:

Provided that if the meter is found to be recording incorrectly or defective or damaged due to technical reasons such as voltage fluctuation or transients, attributable to the licensee, the testing fee shall be refunded to the consumer by the licensee by adjustment in the subsequent bill.

Sub regulation 9 of the above Regulation also states that

(9) In case the meter is found to be faulty, revision of bill on the basis of the test report shall be done for a maximum period of six months or from the date of last testing, whichever is shorter and the excess or deficit charges on account of such revision shall be adjusted in the two subsequent bills.

As per the site mahazar it is stated that the insulation of the connecting rod of the three phase main switch which is connected after the energy meter in the premises was burnt and from this it is revealed that the appliances were damaged due to the fault in the internal installations after the metering point, which is not due to the fault from the part of the licensee. Since the meter was ascertained to be in good working condition and no fault could be detected with the installations of the licensee before the point of supply the licensee can not be held responsible for the excess amount of the bill. Hence the petitioner is liable to remit the amount of the bill.

Regarding the compensation for loss occurred due to the damage of equipments this authority is not competent to award compensation as per rules. Since the relief requested on compensation does not come under the purview of this Authority, it is not considered by the Forum.

Certain other complaints were also raised by the petitioner before this Forum. Firstly the petitioner requires immediate reconnection of the disconnected supply line to the premises. The Forum found that the supply had been disconnected by the licensee due to the defaulted payment of charges due to the licensee. For reconnecting the service line the petitioner is required to remit the arrears of charges due to the licensee. The respondent shall inspect the premises and make sure that the reconnection of supply of the premises shall not create any safety risk and if the respondent is satisfied with the safety of installations in the premises, the supply shall be reconnected immediately on receiving the lump sum payment or the first installment of payment if the petitioner desires to make the payment of arrears in installments. If any violation of safety related regulations is observed, the respondent shall give necessary instruction to the petitioner in order to rectify the same. In that case supply shall be reconnected after the anomalies are rectified.

In relation with the refund of excess amount remitted by the petitioner in accordance with the final order of the Appellate Authority, Regulation 158(18) of the Kerala Electricity Supply Code, 2014 clearly states that

(18) In case the amount payable as determined by the appellate authority is less than the amount already deposited by the consumer at the time of filing the appeal, the excess amount shall be refunded along with interest at the rate of sixteen percent per annum compounded every six months from the date of such deposit till the date of refund.

Hence immediate action shall be taken by the respondent to refund the amount along with applicable interest as stipulated in the above quoted Regulation.

Regulation 141 of the Supply Code, 2014 further envisages the details of charges applicable during the period of disconnection of any premises.

141. Charges payable during the period of disconnection.- The consumer is liable to pay the charges if any as approved by the Commission, during the period of disconnection also:

Provided that no charge shall be due to the licensee for the period which is in excess of one hundred and eighty days from the date of disconnection if the connection remains continuously disconnected for one hundred and eighty days except on the request of the consumer.

Hence the petitioner is required to remit the minimum charges during the period of disconnection also. Minimum charges demanded by the licensee beyond the period of 180 days shall be excluded from the payable amount in accordance with the above regulation.

As regarding the complaint related to the replacement of electric post, the respondent is directed to replace the existing disputed pole with a PSC pole within 10 days of receipt of this order.

DECISION

Considering the facts and circumstance of the case, the Forum ordered as follows.

1. The petitioner is liable to pay the disputed current charges amounting to Rs.27044/-along with minimum charges during the period of disconnection. No charges shall be levied after the period of 180 days from the date of disconnection. No interest or surcharge shall be realized from the petitioner for the period of the case pending before the form. Installment facility shall be sanctioned to the petitioner for the payment of arrears if the petitioner desires so.

2. The respondent is hereby directed to replace the existing RCC pole with a PSC pole within ten days of receiving this order.
3. The respondent is further directed to comply with the order of the Appellate authority in Appeal No. 48/2020, to refund the excess amount remitted with applicable interest as stipulated in Regulation 158 (18) of the Kerala Electricity Supply Code ,2014 .
4. No order as to cost.

If the petitioner is not satisfied with the above order of this Forum, he is at liberty to prefer appeal before the Electricity Ombudsman within 30 days from the date of receipt of this order.

The address of the Electricity Ombudsman is furnished below.
'The State Electricity Ombudsman, D.H & Foreshore Road Junction, Near Gandhi Square, Ernakulam, Kerala - 682 016. Phone: 0484 2346488'.

Sd/-
M. SABU
ADVOCATE
MEMBER III

Sd/-
RAJEEV.N
EXECUTIVE ENGINEER
MEMBER II

Sd/-
LAILA.N.G
DEPUTY CHIEF ENGINEER
CHAIRPERSON

Forwarded

Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.05/2023/157

Dated : 17/ 05/2023

Delivered to:

1. Sri. Jacob Philip , Kanjirathummoottil House, Maramon.P.O, Kozhencherry, Thiruvalla, Pathanamthitta .
2. The Assistant Executive Engineer, Electrical Sub Division, K.S.E. Board Ltd, Kozhencherry.
3. The Assistant Engineer, Electrical Section, Ayiroor.

Copy to:

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam, TVPM.
- 2.The Deputy Chief Engineer, Electrical Circle, Pathanamthitta.
- 3.The Executive Engineer, Electrical Division, Pathanamthitta.