

**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. Sanjeev Koshi, Executive Engineer, Member II
3. Sri.C.K.Harikumar, Advocate, Member III

wednesday 25th October, 2023

OP No.73 /2023

Between

Petitioner: Sri. P.F. Joseph
Kizhuvilam PO, Mamom
Attingal, Thiruvananthapuram
PIN.695104.

And

Respondents : (1) The Special Officer(Revenue),Vydyuthi Bhavanam,
Pattom Thiruvananthapuram

(2) The Deputy Chief Engineer, Electrical Circle,
Thiruvananthapuram

ORDER

1. Grievance of the petitioner

The petitioner is having an electric connection with consumer No.1345320001007(23/4693)in HT category under the Jurisdiction of Electrical section Chirayinkeezhu . On 06/06/2023, the TMR team inspected the premises of petitioner and found that LCD display of meter is not showing and declared as meter faulty. Subsequently, a communication was send to the petitioner by Deputy Chief Engineer,Electrical Circle,Thiruvananthapuram to replace the defective meter by new one with specific standards stipulated by Kerala State Electricity Board.

Pursuant to the communication, the petitioner purchased new equipments as specified in the same on 27/07/2023, and also painted existing metering panel to prevent ingress of moisture. On 27/07/2023 the petitioner sought permission from Assistant Engineer to get the same tested at TMR Division. The petitioner has remitted the testing fees for the same also. On that day the Executive Engineer,TMR Division further instructed the firm to change the existing panel box to new one. However it took 11 days for changing the old

panel and the work was completed. Thereafter the Onam holidays ensued and eventually the authorities of licensee visited the premises of the petitioner on 04/09/2023. Hence the petitioner believed that they had taken steps to replace the meter and submitted the same for testing by the Executive Engineer on 31/07/2023. However a demand notice for September 2023 dated 06/09/2023 for payment of Rs. 4,68,723/-was issued out of which 2,79,739 was for penalty for meter fault. Upon receiving the same, the petitioner send a communication to Special officer(Revenue) described the whole process of replacing faulty meter and requested to withdraw the penalty procedure. However the Special Officer(Revenue) ignored their request and urged petitioner to remit the amount on or before 04/10/2023, otherwise the service will be disconnected without further notice.

The petitioner alleged that there was no initial communication to replace the metering panel box. Therefore petitioner cannot be blamed for such lack of communication. Hence the petitioner prays the forum to set aside the demand notice dated 06/09/2023 to the extend of imposing penalty regarding the meter fault.

2. Version of the respondent

M/s Nirapara Roller Flour Mills Keezhuvilam, have an HT connection with Legacy Code No. LCN 23/4693 under Electrical Section Chirayinkeezhu. The agreement authority of this HT connection is Deputy Chief Engineer, Electrical Circle Thiruvananthapuram. The genesis of the dispute was on 01/06/2023, then Assistant Engineer,Electrical Section,Chirayinkeezhu noticed irregularities in LCD meter of the above said consumer. It was observed that LCD display meter was not visible and hence average billing was proposed by the Assistant Engineer and simultaneously, the matter was informed to the Meter Testing Laboratory,TMR division, Thirumala. The Executive Engineer, TMR Division, Thirumala, inspected HT meter of M/s Nirapara Roller Flour Mills on 06/06/2023 and noticed the above said irregularities and declared as meter faulty and proposes remedial measures. Based on the proposal of TMR Division,The Deputy Chief Engineer informed M/s Nirapara Roller Flour Mills to replace.

- 1.Existing defective meter with a new 3 phase 4 wire DLMS Compatible TOD Meter of accuracy class 0.2S.
2. Existing PT unit with a new PT class unit of accuracy class 0.2
3. Existing CT units with new 3CTs of accuracy 0.2s and CT ratio 20/5A.

4. Existing TTB and PT fuse sets with new ones and steps may be taken to arrest the ingress of moisture inside the metering panel.

The respondent contended that though the petitioner has purchased new metering equipment and metering panel there occurred some delay for installing the meter on the premises of the petitioner. If metering panel was purchased along with meter equipments they would have sufficient time to produce and get tested in the Meter Testing Laboratory, Thirumala and licensee can replace the same within the limit of two months. Further it is important to note that the new meter testing equipments purchased by the petitioner was delivered to him from the TMR Division, after conducting standard metering test on 31/07/2023. The meter testing report was issued by TMR Thirumala, on 05/08/2023. This shows that there occurs no delay from the part of licensee for replacing old meter. Hence the licensee prays the forum for dismissal of the petition.

3. Analysis and Findings

The Forum afforded an opportunity to hear the petitioner and respondent on 17/10/2023. Both the petitioner and respondent were present for hearing. Having examined the petition in detail, and the statement of facts of the respondent, considering all the facts, circumstances in detail, and perusing all the documents of both sides, the Forum comes to the following observations, conclusions and decisions thereof.

The General conditions for HT and EHT tariff, order No 297/D(t)/2022/KSERC DATED 25.06.2022 issued by the Hon. Kerala-State Electricity Regulatory Commission clearly states that if any consumer having elected to purchase and supply the meter for replacement of the defective meter in his premises, fails to do so within two months, such consumer will be charged **50%** extra over the prevailing rates applicable to him for both demand and energy, for the said two months and one month there after. However the forum has not been not found any lapse on the part of petitioner for complying the above said rules.

The Forum observed that it was not the fault of the petitioner that the old meter could only be replaced on 04/09/2023. The petitioner took all necessary steps to supply the new meter for testing on TMR within stipulated time. The petitioner cannot be burdened for this meter fault. Moreover, it is found that there is no intentional time delay from the part of petitioner for installing new meter. It was primarily due to split purchase of metering equipments and metering panel by the petitioner causes delay in replacement of faulty meter. It

is also evident that there is no direction in the initial communication to replace the metering panel box. The improper communication from the part of licensee causes delay in installing new meter. In such circumstances, issuance of demand notice and arrear/disconnection notice are not sustainable.

Decision

Considering the above facts and circumstances, the Forum disposed the case with following orders.

1. The Forum decided to quash the meter faulty penalty bill of Rs.2,79739.93/- issued to the petitioner.
- 2..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/-
C.K.HARIKUMAR
ADVOCATE
MEMBER III

Sd/-
SANJEEV KOSHI
EXECUTIVE ENGINEER
MEMBER II

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

Forwarded

Sd/-
CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.73/2023/226

Dated :21/10/2023

Delivered to:

1. Sri. P.F Joseph, Kizhuvilam PO, Mamom, Attingal, Thiruvananthapuram PIN.695104.

(1) The Special Officer(Revenue),Vydyuthi Bhavanam, Pattom Thiruvananthapuram.

(2) The Deputy Chief Engineer, Electrical Circle, Thiruvananthapuram

Copy to :-

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam, TVPM.
- 2..The Executive Engineer, Electrical Division, Thiruvananthapuram.