

**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

Tuesday,05th December ,2023

OP No.44/2023

Between

Petitioner: Sri. Adhabiya Beevi
Kaviyil Ice Factory Products ,
Puthentheruvu, K.S.Puram (P.O),
Karunagappally -690544

And

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

(2) The Assistant Engineer, Electrical Section, Karunagappally (North)

ORDER

1. Grievance of the petitioner

The petitioner is an industrial monthly consumer, of Electrical Section, Karunagappally North, with consumer number 1145698019553 under LT-IVA tariff category of connected load 69979 watts. The petitioner is aggrieved by RAO inspection bill amounting to Rs.1,49,708/- The above said bill served by the licensee is owing to the meter faulty during the period from 12/2021 to 02/2022. The petitioner contended that the short assessment bill is illegal, since it is not in accordance with any Sections of the Electricity Act and provisions contained in the Kerala Electricity Supply Code ,2014

The petitioner alleged that meter faulty was declared by the licensee without conducting the meter testing. In addition to this, if the meter is found to be faulty, the revision of bill shall be done for maximum period six months. Therefore the above said bills served by the licensee are not sustainable.

The petitioner argued that the licensee has declared the meter as faulty on 12/2021, but they have not produced the test report of the same, or downloaded date for confirming meter faulty. Further the Regulation 134 (1) permits the licensee to collect the undercharged amount by bill and in such cases at least thirty days shall be

given to the consumer for making payment of the bill. Otherwise it is regarded as non-compliance of directions and violation of regulation 134 (1)

Therefore the petitioner prays the Forum to cancel the impugned short assessment bill and also direct the licensee to provide meter faulty and payment collection details.

2. Version of the respondent

The petitioner is a consumer under Electrical Section, Karunagappally North bearing consumer number 1145698019553 with connected load 69979 watts.

To begin with, the licensee has countered the argument of the petitioner that the meter was faulty from 12/2021 to 02/2022. Since the meter was actually faulty from 11/2021 to 12/2021, thereby the meter recording reading for the month is 12/2021 and 01/2022.

The Respondent asserted that the abnormality in the meter reading started on 11/2021, which may lead to a reduced abnormal consumption during the bill period on 12/2021. However the concerned official was not in a position to confirm whether the meter was faulty or not because sometimes, the consumer's reduced usage may causes shows reduced energy consumption. On 03.01.2022, the officials of the licensee confirmed the meter is faulty as the reading was same as that of previous reading taken on 12/2021. Therefore the licensee is on the strong contention that further testing is not required to conform the status of the meter as faulty.

Subsequently the meter was replaced on 03-01-2022. On the basis of RAO inspection bill (No RAO/R/Kollam/KPLY(N)/2022-23/108/dtd 08/11/2022) an amount of Rs.1,49708/- was served to the petitioner. The Licensee stated the short assessment bill issued to him on the basis of average consumption of the three billing cycles before the meter became faulty and the bill was issued for realize the short assessed current charges.

The Licensee also dismissed the contention of the petitioner that the regulation 134 (1) says about but the supporting documents for substantiating bill whereas that regulation does not imply for the accompaniments.

3. Analysis and Findings

Hearing was conducted on 05/10/2023. Both the petitioner and Respondent were present and heard the matter in detail. Having examined the petition in detail and statement of facts of the respondent, considering all the facts and circumstances in detail and perusing all the document of both side, the Forum comes to the following observations conclusions and decisions thereof.

On going through the petition and other documents in the file, it is seen that the case is with regard to the issuance of short assessment bill of Rs 1,49,708/-to the petitioner on 08/02/2023 for the meter faulty period from 11/2021 to 12/2023, based on internal audit conduct by the Regional Audit Team, KSEBL Kollam.

The Forum observed that the Licensee sustained a revenue loss due to meter faulty during the period from 11/2021 to 12/2021. In order to compensate, the petitioner was given short assessment a bill of Rs.1,49,708/-.

The procedure for billing in the event of energy meter in any premises, reported being defective or damaged is explicitly mentioned in **Regulation (125) of Kerala Electricity Supply Code 2014, implicates as follows.**

1. In the case of defective or damaged meter, the consumer shall be billed on the basis of average consumption of 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.

(2) Charges based on the average consumption as computed above shall be levied only for a maximum period of two billing cycles during which time the licensee shall replace the defective or damaged meter with a correct meter.

(3) In case, the maximum demand indicator (MDI) of the meter at the installation of the consumer is found to be faulty or not recording at all, the demand charges shall be calculated based on maximum demand during corresponding months or billing cycle of the previous year, when the meter was functional and recording correctly.

(4) In case, the recorded maximum demand (MD) of corresponding month or billing cycle of past year is also not available, the average maximum demand as available for lesser period shall be considered:

Provided that the above sub regulations shall not be applicable in the case of a tampered meter for which appropriate action under the provisions of the Act shall be initiated by the licensee.

The contention of the petitioner that the average billing should be based on the consumption of electricity for the prior six months before the meter became faulty is baseless and devoid of any merit. Being an LT-IV industrial consumer, the billing cycle is monthly rather than bi monthly. Hence the Forum is of the view that short assessment bill shall be issued to the petitioner for two billing cycles, based on the average consumption of past three billing cycles preceding the meter faulty period- **ie, 09/2021,10/2021,and 11/2021.** Further, revision of the bill arises on the basis of RAO inspection bill dated 08/11/2022. The then recorded meter reading shows reduced

consumption pattern. Hence the Forum is on the view that the short assessment bill based on **Regulation (125) Kerala Electricity Supply Code 2014** is sustainable.

4. Decision

Considering the facts and circumstances of the case mentioned above the Forum ordered as follows.

- (1). The petitioner is liable to remit the revised bill served by the licensee.
- (2). The licensee is directed to allow installments for making the payment of the bill, if the petitioner desires so.
- (3). 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.44/2023/ 295

Dated :05/12/2023

Delivered to: 1.Sri. Adhabiya Beevi, Kaviyil Ice Factory Products , Puthentheruvu, K.S.Puram (P.O), Karunagappally -690544

2. The Assistant Executive Engineer, Electrical Sub Division, Oachira,
3. The Assistant Engineer, Electrical Section, Karunagappally (North)

Copy to:

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