

**CONSUMER GRIEVANCE REDRESSAL FORUM
NORTHERN REGION, KOZHIKODE.**

(Formed under section 42(5) of Electricity Act 2003.)

Vydyuthibhavan, Gandhi Road, Kozhikode -673011

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PRESENT

SAJAMMA . J. PUNNOOR : CHAIRPERSON

ANCY PAUL .C : MEMBER

FRANCIS A.C : MEMBER

OP NO. 87/2023-24

PETITIONER :-

1. M/s. Reliance Projects & Property Management Services Ltd.,
Sri.Arul Kumar Puthukkudi, (Power of Attorney Holder),
Pukkalakkattu Kariyattu Tower, Mamangalam, Palarivattom – P.O.,
Kochin – 682 025.

RESPONDENTS :-

1. The Assistant Executive Engineer, Electrical Sub Division, Nadakkavu
KSEB Ltd, Kozhikode District.
2. The Assistant Engineer, Electrical Section, , Karaparamba , KSEB Ltd,
Malappuram District

ORDER

Complaint:

The petitioner has a service connection with consumer number 1165989018805, in LT VIIA tariff under Electrical Section Karaparamba. The connected load of the said connection is 78856 Watts. The meter in the said premises is LT CT connected. During the APTS inspection on 11/12/2023, it has been found that Y-phase CT connection is missing in the meter. In the down loaded tamper report of the meter; it has been noted that the 'Y' phase current has been missing from 31/10/2016 onwards. Hence a short assessment bill amounting Rs. 21,33,913/- has been served to the petitioner. Petitioner's prayer is to set aside the bill as the same is against the provisions of Kerala Electricity Supply Code 2014.

Version of the Petitioner :

1. The Petitioner, Sri. Arul Kumar, Puthukkudi represented by its power of Attorney Holder of M/s. Reliance Projects & Property Management Service Ltd., Kariyattu Tower, Mammangalam, Palarivattom, Cochin is a company registered under the Companies Act and is engaged in the business of selling telecom products. The complainant is constrained to file this complaint being aggrieved by the decision taken by the Respondent herein by upholding its decision to collect short assessment bill dated 13/12/2023 for the period from 31/10/2016 to 12/12/2023 on the basis of Anti Power Theft Squad

inspection dated 11/12/2023. It is respectfully submitted that the decision taken by the respondent herein is not legally sustainable in view of the statutory stipulations contained in this regard under Kerala Electricity Supply Code, 2014 and other relevant provisions.

The facts of the case in detail is as follows:

2. The petitioner has conducting its business office at D square Building, 2nd floor, Civil station Road, Kozhikode and using service connection bearing consumer number 1165989028805 obtained by virtue of the registered lease deed no.652/2015 on 27/02/2015.

3. Subsequently, the Anti Power Theft Squad of Kozhikode under the leadership of Assistant Executive Engineer along with other officers and witnesses inspected the electric meter and allied equipments in the said business place of complainant on 11.12.2023 During the inspection it was found that Y phase current is measured as “Zero” in the meter though all electrical appliances are connected and used at the time of inspection. The mehazar further states that the reason for the above issue is due to “Y phase current” is not received in the “Energy Meter” and that is the reason for measuring “zero” current.

4. The said mehazar further states that on inspection memory data of electricity meter, the “Y phase current” use is reported as “zero” from 31/10/2016 and this has caused loss of income to KSEBL by way of electricity charges and other allied heads.

5. Thereafter complainant is issued with a demand cum disconnection notice dated 13/12/2023 thereby requiring to remit an amount of Rs. 21,33,913/- towards the short assessment charges on the count of electricity charges, electricity duty, arrears with effect from 31/10/2016 to 11/12/2023.

6. Complainant submitted a detailed statement of objection on legal grounds with the Respondent on 16/12/2023 contenting inter-alia that the impugned notice is against the provisions of Supply code and the impugned demand against Regulation 125(1) and the short assessment made as per the impugned notice is against the condition mentioned in Regulation 125(2).

7. Thereafter Respondent issued letter dated 27/12/2023 in response to confirm the demand of short assessment bill dated 13/12/2023 and complainant was asked to remit the amount demanded.

8. It is respectfully submitted that, the demand issued by the Respondent is not at all sustainable in law, as it is issued in violation of the statutory stipulations contained in Kerala Electricity Supply Code, 2014 and therefore liable to be interfered with.

GROUND OF COMPLAINT :

- The respondent is not at all justified in rejecting the objection raised against the short assessment bill by the complainant. Here the real issue is defect in metering which is the combined function of Energy Meter and Current

Transformer (CT). Respondent during their inspection at the premises of complainant declared one current 'transformer in 'Y phase' is defective without testing the same in an accredited laboratory or in an approved laboratory. As per the Kerala Electricity Supply Code, Regulation 112(4) states that before declaring defective metering system, the licensee may remove the meter to be tested, replace the same with a correct one and test the removed meter in an accredited laboratory or in an approved laboratory. Without doing these parameters as per Supply Code, the respondent, again visited complainant's premises after four days of inspection and replaced one CT and declared that the error is rectified now and the system is working properly without conducting required test in defective CT.

- The present non working of meter is the responsibility of Respondent as per Regulation 113(2) Supply Code which mandates that the licensee shall conduct periodical inspection or testing or both a calibration of the meters once in every 3 years. If respondent would have conducted periodical inspection in timely manner, defects or errors in metering like present nature can be identified in the initial state and can avoid exorbitant billing to consumers on the ground of undercharging. Hence Respondent cannot absolve responsibility and saddle the burden on the shoulder of complaint.**

- It may be noted that the short assessment calculated by the Respondent is against Regulation 125(2). As per regulation 125(2), charges based on the average consumption as computed above shall be levied only for a maximum period or two billing cycles immediately preceding the date of the meter being found faulty or defective. Here the metering is found faulty on the date of inspection on 11/12/2023. The respondent is relied on the downloaded memory data of the meter and as per the data there were intermittent reading is recorded for “Y phase”. Hence it can be safely found that the metering is not defective. However respondent is not ready to accept the proposition of defect in meter and concluded their finding on the ground of under charging.
- The act of respondent in forfeiting energy charges to the extent of 1/3rd of energy charge is unheard as per Supply Code. The impugned connection is a 3 phase connection with single phase load only, mainly for operating office air conditioner and other equipments that are not used regularly.

2. Version of the Respondent:

The petitioner is a consumer with KSEBL and having Electricity connection consumer number 1165989018805 under electrical section Karaparamba . The said consumer is a LT CT (Low Tension Current Transformer) meter connected consumer with a load of 78856 Watts in

LT VIIA tariff. The officially registered consumer for this service connection is Mr. Antony Libyn, representing M/s. Reliance Corporate IT park, head quartered in Thane.

Anti Power Theft unit of Kozhikode carried out an inspection at the consumer's premises on 11/12/2023 and identified that the CT metering connected at the premises was missing one phase current (specifically, the Y-phase). A site mahazar was prepared during the inspection and the ensuing observations were documented in with the site mahazar.

The multiplication factor applied to the mentioned connection is 20. The recorded primary and secondary current readings are detailed below:

- R – Phase : Primary 30. 1A, Secondary 1.51A**
- Y – phase : Primary 52A, Secondary 0A**
- B – Phase : Primary 32.4A, Secondary 1.7A**

The corresponding voltage values are as follows:

- R – Phase : 240.1V**
- Y – phase : 237.1V**
- B – Phase : 240.8V**

Even after activating all loads in the premises, the secondary current for the Y-phase remained at zero. Consequently, tamper report was downloaded from the meter.

Upon reviewing the tamper report, it has been observed that the Y-phase current has been absent since October 31, 2016. Consequently, a short assessment bill has to be issued to the consumer to recover the losses incurred by KSEBL during this period. 7

The Assistant Engineer, Electrical Section, Karaparamba prepared a short assessment bill considering the above facts and had served the bill to the consumer for Rs.21,33,913/- without any interest and penal charges. The bill is only for compensating the actual shortage in the electricity charges remitted by the consumer and is in accordance with Regulations 152(1),152(2),152(3) of Kerala Electricity Supply Code 2014 which states as follows:

Regulation 152 : Anomalies attributable to the licensee which are detected at the premises of the consumer :-

152(1) : Anomalies attributable to the licensee which are detected on inspection at the premises of the consumer, such as wrong application of multiplication factor, incorrect application of tariff by the licensee even while there is no change in the purpose of use of electricity by the consumer and inaccuracies in metering shall not attract provisions of Section 126 of the Act or of Section 135 of the Act.

(2) : In such cases, the amount of electricity charges short collected by the licensee, if any, shall only be realized from the consumer under normal tariff applicable to the period during which such anomalies persisted.

(3) : The amount of electricity charges short collected for the entire period during which such anomalies persisted, may be realized by the licensee without any interest:

Provided that, if the period of such short collection due to the

anomalies is not known or cannot be reliably assessed, the period of assessment of such short collection of electricity charges shall be limited to twelve months:

Provided further that while assessing the period of such short collection the factors as specified in sub regulation (8) of regulation 155 shall be considered:

The short assessed bill as per the regulation quoted above and hence in order.

Para wise reply to the contentions raised by the consumer are as follows:

- 1. No comments.**
- 2. No comments.**
- 3. True**
- 4. True**
- 5. True**
- 6. In this situation, Regulation 125(2) may not be applicable as the meter is functioning correctly. The absence of current in one phase does not fulfill the conditions for declaring the meter as faulty. If the issue is specific to one phase current and the meter is otherwise operating properly, it falls outside the scope of Regulation 125(2).**
- 7. True.**

8. The bill issued is in order and is in accordance with Regulation 152(1), 152(2) and 152(3) of Kerala Electricity Supply Code 2014. The grounds presented by the petitioner in this complaint are deemed to be absurd and appear to be a tactic aimed at delaying the payment process. The nature of the arguments or justifications raised by the petitioner is considered unreasonable or frivolous, suggesting an intention to prolong the resolution of the matter rather than addressing it in a straightforward manner.

For addressing this type of anomalies only, Hon'ble Kerala State Electricity Regulatory Commission has formulated Regulations 152(1),152(2) and 152(3) of Kerala Electricity Supply Code 2014 and allowed to recover the losses occurring to the licensees.

If the metering system is entirely damaged, the arguments made by the petitioner can be considered. Here it is not such a situation. Hence, Regulation quoted by the petitioner 125 of Kerala Electricity Supply Code 2014 will not attract this particular case and will not stand supportive to set aside the short assessed bill issued by the Assistant Engineer, Electrical Section, Karaparamba.

Hence the Respondent requests the Hon'ble Consumer Grievance Redressal Forum may kindly dispose the case and direct the consumer to remit the short assessed electricity charges.

3. Additional Statement filed by Petitioner:

The Reliance Projects & Property Management Services Ltd would like to humbly submit certain statement of facts in addition to those raised in the petition. This additional statement of facts is filed as new facts have come into light that would support the cause of the petitioner.

- The Tamper Report submitted by the Respondent shows only Sequential Storage for Events OFF.
- As per the parameters of L & T Meter, download details persisting failure will be recorded as Sequential Storage for Events ON. Here in tamper report not seen Events ON means it is not a continuous failure. Whereas an intermittent failure will be recorded as Sequential Storage for Events OFF. It is clearly seen that intermittent presence of current in Y phase means metering system is not faulty but load in Y phase is intermittently using (zero current is not due to fault but due to zero load here).
- It is further submitted that $1/3^{\text{rd}}$ of energy charge calculation is not mentioned anywhere in the Kerala Electricity Supply Code 2014. Furthermore though the petitioner has a 3 phase connection the load using are single-phase load only (mainly air conditioner and other single phase accessories that are not being used regularly). The acts of the respondent calculating the $1/3^{\text{rd}}$ of energy charges is void **ab intio** and is a severe injustice against the petitioner.

- Under the above circumstances the contention of respondents to enforce demand cum disconnection notice dated 13/12/2023 and letter issued by Respondent dated 27/12/2023 are illegal and any such decision will cause Reliance Projects & Property Management Services Ltd huge monetary loss and irreparable injury.

In the above circumstances, the petitioner again humbly prayed that the Hon'ble Forum may be pleased to set aside the demand cum disconnection notice dated 13/12/2023 and letter issued by Respondent dated 27/12/2023 .

Analysis & Findings:

The hearing of the case was conducted on 14/02/2024 & 17/04/2024 at CGRF, Vidyuthi Bhavanam, Kozhikode. The hearings was attended by the Petitioner and the respondent

Having examined the petition in detail and the statement of facts of the respondent, considering all the documents submitted and deliberations during the hearing, the Forum has come to the following observations and conclusions leading to the decision.

- ❖ The petitioner is a LT VIIA consumer under Electrical Section Karaparamba having consumer number 1165989018805 with a connected load of 78856 Watts. The meter in the premises is a Low Tension Current Transformer operated one.
- ❖ The Anti Power Theft Squad Kozhikode unit has conducted an inspection at the consumer's premises on 11/12/2023 and found

that Y phase current is missing in the meter due to the fault in the Y phase CT. Even after activating all loads in the premises, the Y phase CT secondary current is seen as zero. No input current to the meter from Y phase.

- ❖ Tamper report was downloaded from the meter by the Anti Power Theft Squad. In the site mahazar it is recorded that on analyzing the downloaded data from the meter, the current in the Y phase has been missing from 31/10/2016 6:35:44 hrs.
- ❖ The Respondent stated that as per the site mahazar a short assessment bill for Rs.21,33,913/- has been issued to the petitioner as per Regulation 152 of Kerala Electricity Supply Code 2014, in order to recover the loss sustained to the licensee.
- ❖ The petitioner stated that the faulty CT was replaced without carrying out the test and it is against the Regulation 112(4) of Kerala Electricity Supply Code 2014. Moreover checking of meter is the responsibility of the licensee as per regulation 113(2) of Kerala Electricity Supply Code 2014 which mandates that the licensee shall conduct periodical inspection or testing or both and calibration the meters once in every 3 years. Also argues that the said assessment has to be made as per section 125(2). The petitioner also stated that the respondent is realized on the downloaded memory data for assessment but as per the downloaded date there were intermittent reading of the Y phase current.

- ❖ Here only one CT (ie in the Y phase) became faulty and the same is replaced with a good one and the petitioner has been remitting current charge based on the same metering equipment since then without challenging the accuracy. Hence Forum finds that the petitioner's argument for assessment under 125 of Kerala Electricity Supply Code couldn't be considered as per regulation.
- ❖ Forum finds that the assessment made by the respondent based on Regulation 152(1) (2) and (3) of Kerala Electricity Supply Code is as per law.
- ❖ While going through the meter downloaded data it has been found that there was recorded current reading in the Y phase on 07/06/2022 and 22/06/2022. In order to get more clarification the respondent was asked to get the meter tested from TMR unit Kannur.
- ❖ The respondent submitted the detailed test report from the TMR unit Kannur and the down loaded data. In the test report from the TMR it is mentioned that Y phase current is seen recorded as zero from 31/10/2016 in the "events off" report. But the Y phase current is seen restored on 07/06/2022 at 22.43 hrs and then became zero at 23.51 hrs on the same day. Again Y phase current is seen restored on 22/06/2022 at 7.38 hrs. On going through the "events off" tamper report it is seen that;

- (1) “Current by pass” anomaly is seen only after 22/06/2022.**
- (2) From 31/10/2016 to 23/05/2022 current in all the phases were seen as zero in the events OFF report (in between the anomaly occurrence and recovery period).**
- (3) There is not a single “current by pass” anomaly up to 22/06/2022.**

In the site mahazar there is no recording of any loose contact at Y phase CT secondary terminal. The respondent also agrees that no loose contact is seen while replacing the faulty CT.

Only single phase loads are connected at this premises. So there is every chance of zero load in any phase while functioning this office. Mere a zero current reading in any phase during the occurrence of an anomaly for a short duration couldn't be taken as the missing of current from that date. More over there is intermittent current reading in Y phase in the downloaded data after 31/10/2016. While comparing the consumption pattern of the consumer before and after the inspection it has been found out that there is not much dip in the units. Considering all the above facts Forum finds that the period taken for assessment (ie., from 31/10/2016 to 12/12/2023) by the respondent is not correct as per the downloaded tamper report from the meter. There is no “events ON” or “tamper duration” report available from the meter. The correct period for short assessment as per the downloaded data is from 22/06/2022 to 12/12/2023. It is true that

1/3rd consumption shortage is correct in the case of one phase missing in a balanced 3 phase load circuit. In the site mahazar more load is seen in the Y phase when all the loads were activated. So there is every chance that the missing may be more than 33.33%. So the Forum has of the findings that 1/3rd missing calculation take by the respondent is genuine.

DECISION:

- The Short assessment bill for Rs. 21,33,913/- is hereby quashed.
- The Respondent has to issue a short assessment bill for 1/3rd consumption for the period from 22/06/2022 to 12/12/2023.

Dated this the 24th day of April, 2024.

Sd/-	Sd/-	Sd/-
Sajamma .J. Punnoor	Ancy Paul.C	Francis . A .C
Chairperson.	Member	Member

Endt.on CGRF-NR/OP 87/2023-24/35 / 24. 04.2024.

M/s. Reliance Projects & Property,
Management Services Ltd.,
Sri.Arul Kumar Puthukkudi,
(Power of Attorney Holder),
Pukkalakkattu Kariyattu Tower,
Palarivattom – P.O., Kochin

If the petitioner is not satisfied with the above order of this Forum, he is at liberty to prefer appeal before the State Electricity Ombudsman,D.H. Road, Offshore Road Junction Gandhi Square, Eranakulam, Kerala- 682016.(Ph: 0484 2346488) within 30 days from date of receipt of this order.

2) The Assistant Executive Engineer,
Electrical Sub DivisionNadakkavu,
KSEB Ltd, Kozhikode District.

Copy Submitted to:
Chief Engineer (Distribution – North), Kozhikode.

Copy to:

The Secretary, KSEB Ltd, Vidyuthi Bhavanam, Thiruvananthapuram.

**2) The Deputy Chief Engineer,
Electrical Circle, Kozhikode,
Kozhikode District.**

**3) The Executive Engineer
Electrical Division, Kozhikode,
K.S.E.B.L Kozhikode.**

**4) The Assistant Engineer,
Electrical Section, Karaparamba,
K.S.E.B.L., Kozhikode.**

Forwarded

**Sd/-
Chairperson**