

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

Thursday 14th March, 2024

OP No.85/2023

Between

Petitioner: Pattom Royal Hotel
TC.3/2778 (1), Pattom Palace.P.O.,
Pattom, Thiruvananthapuram.

And

Respondents: (1) The Special Officer (Revenue), KSEBL

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

ORDER

1. Grievance of the petitioner

The petitioner is having an electric connection with consumer No.1345160017701 (LCN11/6218) in HT category under the jurisdiction of Electrical Section, Kesavadasapuram. On 09.06.2023, the TMR team inspected the premise and found that LCD display parameters at the premises are not legible to read and the software of the meter found corrupted, and TOD meter is declared faulty. Subsequently, a communication was sent to the petitioner by Deputy Chief Engineer Electrical Circle,Thiruvananthapuram to replace the defective meter by new and metering equipment one with specific standards stipulated by Kerala State Electricity Board.

Even though this letter was dated on 15.06.2023, the same was received on 19.06.2023.The petitioner alleged that testing has not been carried out at site or in any of the approved laboratory before claiming the meter as faulty.Also the licensee visited premises on 09.06.2023 and disconnected the meter from electrical system without giving any

information to the petitioner and the meter still remain in the disconnected stage.

On 13.09.2023, petitioner received a monthly bill from Special Officer (Revenue), based on an average previous consumption and also found that Rs.5,76,594/- has been included additionally to the monthly bill as penalty for meter faulty. Aggrieved by this bill, petitioner submitted letter to Special Officer (Revenue) to waive the penalty imposed. However of the latter rejected the request of the petitioner.

The petitioner argued that the demand raised for penalty is not only illegal but also the violation to the provision contained in Kerala Electricity Supply Code 2014, Hence he prays the Forum to (1) Set aside the penalty for meter fault and interest (2) initiate enquiry and disciplinary action against the Assistant Engineer, Kesavadasapuram who dismantled the meter.

2. Version of the respondent

The petitioner is a HT consumer under HT IV (A) consumer number 1345160017701 (LCN 11/6218) under Electrical Section Kesavadapuram. The HT Service Connection was effected on 18.08.2012 and present contract demand is 160 KVA and connected load is 348 KW. The service Connection was registered in the name of Sri. George Thomas.

The origin of the dispute was on 06.06.2023, then Assistant Engineer, Electrical Section Kesavadasapuram has reported that monthly meter reading was not taken since the meter was "struck" and simultaneously the matter was informed to the Meter Testing Laboratory, TMR Division, Thirumala. The Executive Engineer, TMR Division Thirumala conducted an inspection on the premises of the petitioner on 09.06.2023, and reported that LCD display parameters are not legible to read and the software of the meter is found corrupted and hence the meter was declared as faulty with an intimation to the petitioner to replace the meter of accuracy class .25, existing CTs with new CTs of accuracy class 0.2s existing CTs with new 3CTs of accuracy class 0.2s and existing PT unit with a new PT unit of accuracy class.0.2 at the earliest.

The existing CT/PT unit and energy meter was purchased and installed by consumer itself. Hence intimation as above has given to replace the same. Further, another reminder letter was issued from the office of the Deputy Chief Engineer Electrical Circle, Thiruvananthapuram on 21/07/2023 to replace the faulty meter. But no action was taken from that end too.

Subsequently, the matter was informed to the Special Officer (Revenue), where billing of HT consumers are done. The Special Officer (Revenue) issued penalty for the meter faulty period for an amount of Rs.5,76,594/- due to non replacement of the faulty meter by the consumer within the notice period.

In the mean time, the consumer submitted an application for reducing contract demand from 200 KVA to 160 KVA on 25/10/2023 at Electrical Section Kesavadasapuram. However on 22.12.2023, the petitioner requested to keep the new agreement for pending and wanted to test the existing meter in approved laboratory.

The licensee countered the arguments of the petitioner, that some officials of the licensee visited on 09.06.2023 and disconnected the meter from electrical system without giving any information to the petitioner and meter still remaining disconnected stage is entirely false and misleading. Actually the meter in the premises is connected and continuing in the faulty status.

3. Analysis and Findings

The Forum afforded an opportunity to hear the petitioner and respondent on 30/01/2024. Both the petitioner and licensee 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 observation, conclusion and decisions thereof.

The point to be considered is whether the petitioner is liable to remit the meter faulty penalty bill of Rs.5,76,594/-.

The major contention of the petitioner is Licensee has declared the meter faulty without test. Hence it is clearly a the violation of Regulation 116 (2) of Electricity Supply Code. **As per the Regulation 116 (2) "If the meter is found defective the licensee may test it site, of feasible and if not feasible, the meter shall be replaced with a correct meter**

and defective meter shall be got tested in an accredited laboratory in approved laboratory. Here the TMR team inspected the petitioner's premise on 09.06.2023 and observed that the LCD display parameters are not legible to read and software is found corrupted and on the basis of the above said findings meter is declared as faulty. Hence the action of the licensee is justifiable and adherence to the Regulation 116 (2) of the Electricity Supply Code 2014. Therefore the Forum dismissed the above said argument.

From the records submitted before the Forum, it is evidently clear that the petitioner has received a letter issued by Deputy Chief Engineer on 18.06.2023 and it contain a definite instruction to replace the meter within the specific time span. Since the consumer has not respond the notice another reminder letter was also issued from that office on 21.07.2023. Hence the Forum observed it as an intentional delay from the part of the Petitioner. On the other hand, the action taken by the licensee is in adherence to the General conditions for HT and EHT tariff order No.297(D (td)/2022/ KSERC dated 25.06.2022 issued by the Hon.Kerala State Regulatory Commission.

The General conditions for HT and EHT tariff order No.297(D (td)/2022/ KSERC dated 25.06.2022 issued by the Hon.Kerala State 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 months thereafter. In this case the licensee informed petitioner regarding the faulty condition on meter 15.06.2023, the new tested meter was installed by the licensee on 03/02/2024, resulting a seven months delay on installing a new meter. So the contentions raised by the petitioner is not justifiable and devoid of any merit. Hence the Forum dismissed the petition.

4. Decision

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

1. The petitioner is liable to remit the meter faulty penalty bill of Rs 5,76,594/-.
- 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/-	Sd/-	Sd/-
C .K.HARIKUMAR	SANJEEV KOSHY	LAILA.N.G
ADVOCATE MEMBER III	EXECUTIVE ENGINEER MEMBER II	DEPUTY CHIEF ENGINEER CHAIRPERSON

Forwarded

Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.85/2023/ 71 Dated : 18 /03/2024

Delivered to: (1) Pattom Royal Hotel ,TC.3/2778 (1),
Pattom Palace.P.O., Pattom, Thiruvananthapuram.

Copy to: (2)The Special Officer (Revenue),KSEBL Vydyuthi Bhavan,Tvpm.

- (1). The Secretary, KSERC, KPFC Bhavanam, Vellayambalam, TVPM.
- (2).The DeputyChief Engineer,ElectricalCircle,Thiruvananthapuram.
- (3) The Executive Engineer,Electrical Division,Thiruvananthapuram.