

**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

Saturday 30th March,2024

OP No.88/2023

Between

Petitioner: Dr.Biju Ramesh,
Proprietor , Hotel Maurya International
G.H. Road, Thiruvananthapuram

And

Respondents: (1) The Special Officer (Revenue)
(2) The Deputy Chief Engineer, Electrical Circle,
Thiruvananthapuram.

ORDER

1. Grievance of the petitioner

The petitioner is an HT consumer with consumer number 1345040001663 under Electrical Section, Puthenchantha in the tariff of HT IV (B) commercial. On 10/7/2023 the licensee served the petitioner a demand notice for the month of July, wherein the licensee was imposed with a penalty for meter fault to the tune of Rs.7,08,556/- The petitioner didn't receive any prior intimation about any complaint with the meter and the necessary steps to be adopted. On 11/7/2023 the petitioner sent a letter to Deputy Chief Engineer to take further steps if the meter is faulty and revoke the decision to impose penalty. The petitioner received an Arrear/ Disconnection notice dated 20/7/2023, directing to pay the arrears of electricity charges to the tune of 7,09,592/- ie the penalty amount imposed along with an

outstanding balance amount of Rs.1036/- on or before 4/8/2023 failing which would be disconnected without prior notice.

Same day the petitioner submitted a letter to The Deputy Chief Engineer informing that the meter is still in working condition and is not faulty to knowledge of the petitioner and the licensee is duty-bound to inspect the meter and convince, the petitioner. The petitioner had also informed about his willingness to take the necessary steps in the event of any fault being found with the meter. Irrespective of the said request on the part of the petitioner, no steps were taken on the side of the Deputy Chief Engineer and thus the petitioner was compelled to approach the Hon'ble High Court of Kerala as WP © no.26809/2023 and the Hon'ble High Court vide order dated 7/9/2023 directed the Deputy Chief Engineer to consider the petitioner's letter dated 21/7/2023 and to pass appropriate orders, after affording an opportunity of hearing to the petitioner as expeditiously as possible and at any rate, within a period of one month. Pursuant to the above order of the Hon'ble High Court, the Deputy Chief Engineer had conducted a hearing wherein the petitioner had submitted his hearing notes and the Deputy Chief Engineer has passed the impugned order dated 9/10/2023 directing the petitioner to pay the bill. Being aggrieved by the said order, the petitioner is approaching the Forum seeking to set aside the said order.

2. Version of the respondent

The petitioner's firm has been provided with an HT service connection (LCN:29/4204) bearing Consumer No.1345040001663, which comes within the jurisdiction of Electrical Section Puthenchantha. On 11.05.2018 the officials of TMR Division Thirumala inspected the metering equipments installed at the petitioner's premises. During inspection it was noticed that the meter was of old and obsolete version having accuracy class of 0.5 in which reactive and apparent energy zone wise readings were not available. On the basis of the inspection report the petitioner was requested to replace the existing meter with a new 3 phase, 4 wire DLMS compatible TOD meter with accuracy class 0.2s within two months. The petitioner's premises was again inspected on 29/09/2021 and found that the meter was not replaced as per the report of TMR officials. Deputy Chief Engineer again intimated the petitioner to replace the TOD meter. The HT metering equipments installed at the premises were once again inspected by the TMR officials on 08/03/2023. In the inspection it was revealed that the LED display energy

parameters were not sufficient ie Zone wise parameters were not recording. It was further noticed that the existing TOD meter was of 3 phase, 3 wire with accuracy class 0.5s. In the light of the above findings, the consumer was asked to replace the existing defective meter with a new 3 phase 4 wire DLMS compatible TOD meter of accuracy class 0.2s, the existing PT unit with a new PT unit of accuracy class 0.2s and existing CT units with new 3 CTs of ratio 15/5A accuracy Class 0.2s within 15 days. On the same date the petitioner was intimated that the meter/metering equipment installed in the premises was faulty since 01/04/2023 and as per clause 4 (d) of the part B contained in the schedule of Tariff and terms and conditions for retail supply of Electricity,

“ If the defective meter in the premises is not replaced within the stipulated period of 2 months, such consumer will be charged 50% extra over the prevailing rates applicable for both demand and energy for the said 2 months and one month thereafter “.

Hence the consumer was requested to initiate urgent steps to replace the faulty meter/metering equipments within the stipulated period otherwise penal charges as stated above will be imposed without further intimation. Owing to the inaction on the part of the consumer, penalty for Rs.7,08,556/- was imposed by the Special Officer Revenue. The petitioner challenged the penal bill before Special Officer Revenue and Deputy Chief Engineer. The defective meter was replaced by the petitioner on 25/07/23.

In the meantime the consumer filed WP © No.26809/2023 before the Honorable High Court of Kerala challenging the validity of the penal bill issued by the Special Officer (Revenue). The said writ petition was disposed off by the Honorable High Court directing Deputy Chief Engineer to consider the representation from the petitioner and to pass appropriate orders after affording an opportunity of hearing to the petitioner. Accordingly the petitioner was heard on 29/09/2023 and Deputy Chief Engineer issued proceedings dated 9/10/2023 stating that the penal bill issued by the Special Officer (Revenue) for non-replacement of defective meter is in order and the consumer is liable to pay the bill. Thus the judgment was fully complied with. The penalty for meter fault amounting to Rs.7,08,556/- figured in the monthly demand of July 2023 was

remitted by the petitioner on 25/10/2023. That means the petitioner has no surviving grievance and he had accepted the proceedings issued in adherence to the judgment of the Honorable High Court. Yet the petitioner filed a representation requesting to review the proceedings and to set aside the penalty imposed and to refund the amount remitted. The penalty for defective meter was imposed in observance of due procedure and as per Clause 4 (d) of the General Conditions for HT and EHT tariff of the Tariff order dated 25/6/2022. Considering the facts, the present petition lacks merit and is not legally sustainable.

3. Analysis and Findings

The hearing of the case was conducted on 29/02/2024. Both the petitioner and respondent were present and the Forum heard the matter in detail. On going through the petition and other documents in the file, the Forum viewed that the grievance is with regard to a demand notice issued to the petitioner by the licensee wherein the petitioner was imposed with a penalty for meter fault to the tune of Rs.7,08,556/- After hearing the grievance of the petitioner and version of the respondent the Forum views that, as per Clause 4 (d) of the General Conditions of HT and EHT tariff of the Tariff order dated 25/06/2022, as per which.

“If any existing 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 “.

and as per clause 4 (d) of part B contained in the schedule of Tariff and terms and conditions for retail supply of Electricity,

“ If the defective meter in the premises is not replaced within the stipulated period for 2 months, such consumer will be charged 50% extra over the prevailing rates applicable for both demand and energy for the said 2 months and one month thereafter “.

It is to be noted that the petitioner remitted the bill accepting the proceedings issued by the licensee in compliance of the judgment of the Hon'ble High Court of Kerala .Since the matter already heard before the Hon'ble High Court CGRF is not bound to comment on the merit of the case.

4. Decision

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

1. The penalty bill amounting to Rs.7,08,556/- issued to the petitioner by the licensee is legal and sustainable.
- 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.88/2023/98

Dated :06/04/2024

Delivered to: 1. Sri.Dr.Biju Ramesh, Proprietor , Hotel Maurya International
G.H. Road, Thiruvananthapuram.

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

Copy to:

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam,TVPM.
2. The Deputy Chief Engineer, Electrical Circle,Thiruvananthapuram.