

**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

Wednesday 27th March 2024

OP No.89/2023

Petitioner: The Secretary ,
Bishop Jerome Foundation,
Catholic Centre Fathima College Road,
Pattathanam, Kollam

And

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

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

ORDER

1. Grievance of the petitioner

The petitioner is having an electric connection with consumer number,1345580013001(LCN-25/5953) in HT category under the jurisdiction of Electrical Circle, Kollam. The subject petition pertains to a meter faulty penalty bill of Rs.2,15,313/- served by the Special Officer (Revenue) The afore mentioned bill is served to the petitioner on the ground that the petitioner fails to replace the defective meter within time as stipulated by the Hon'ble KSERC. Further the Special Officer (Revenue), also instructed to remit the above said arrear on or before 04/10/2023, otherwise the service will be to disconnected without any further notice.

The petitioner stated that the abnormal reading was noticed from March 2023, onwards. Following this, a complaint was lodged in Electrical Section, Kollam. Pursuant on the grievance, an inspection was conducted on the said premises of consumer and declared meter as faulty on 30/05/2023, gave an intimation to the petitioner to replace the defective meter with in two months. Being so, the petitioner purchased the meter on 07/07/2023, and also remitted the required amount for testing the metering equipment at the section office on

13/07/2023. Further, the tested CT/PT units were received on 20/07/2023 and TOD meter on 27/07/2023.

On receipt of the same, the petitioner approached the TMR officials of Thirumala to install the metering equipments. But the authorities of TMR, informed that their office is surrounded by water and it will take another week to install the metering equipments. On realising the fact that any further delay will invoke penalties, the petitioner have approached the authorities of licensee to install the equipments at the earliest. However the TMR officials replaced the meter only on 16/08/2023. Thus the delay is attributable to the KSEB officials at Thirumala.

Further, the petition also raised some discrepancies on the average bills issued for the period from 04/2023 to 08/23. The average billing has been done by taking into account of the abnormal reading for the month of March-2023. Hence it is requested to revise the regular bills from April 2023 to September 2023.

Therefore, based on the above facts, the Petitioner prays the Forum to set aside the meter faulty bill issued on 19/04/2023.

2. Version of the respondent

M/s Bishop Jerome Foundation (LCNo-25/5953), is a school of Engineering and technology institute, Kollam under the jurisdiction of Deputy Chief Engineer, Electrical Circle, Kollam. The service connection is being under HT-11 (B) General tariff with a contract demand of 100 KVA. On 02/05/2023, an inspection has been conducted by the office of the Executive Engineer, Thirumala in the premises of the consumer. On inspection, it was noticed that the LCD display parameters of meter are not working to read and the MD reset button, the scroll buttons and the TC are not working due to the ingress of moisture inside the metering panel and hence the meter is declared faulty. Further the petitioner was served an intimation letter on 16/08/2023, to replace the faulty TOD Meter with a new 3 phase 4 wire DLMS Compatible TODMeter of accuracy Class 0.2S and existing PT unit with a new PT unit of accuracy class 0.2 . Also direct to replace the damaged Test Terminal Block (TTB) and PT fuses with a new ones and to arrest the ingress of moisture inside the metering panel.

The licensee contended that during period from 04/2023 to 08/2023, average bills was issued to the consumer. These average bills were issued as per clause 125 (1) Kerala Electricity supply code 2014, considering the average of the past three billing cycles preceding the date of the meter being found or

reported defective. Hence the billing procedure adopted by the licensee is in adherence to the law in force.

The Licensee also upholds the action of imposing meter faulty penalty to the consumer. Even though the licensee has given definite instruction to replace the meter within two months, the petitioner failed to replace the meter within time as stipulated in General condition 4 (d) under part-B of tariff order dated 25/06/2022. Hence an amount of Rs.2,15,313/- was imposed as meter faulty to the petitioner.

3. Analysis and Findings

The hearing of the case was conducted on 13/02/2024. Both the petitioner and respondent were present and heard the matter in detail.

The issue arising for consideration in the petition is whether the petitioner is liable to remit the meter faulty penalty bill. The Licensee argued that the petitioner fails to replace the metering equipments in stipulated time. The notice for replacement of metering system was received by the petitioner on 30/05/2023 and it was replaced on 16/08/2023 ie, 78 days after the intimation to the petitioner. Therefore the licensee is on the contention that 50% extra over the prevailing rate for both demand and energy for the prescribed period, raised by the Special Officer (Revenue) is strictly in adherence with the general condition for HT and EHT Tariff under para 4 (d) of part B, provides that **“ If any existing consumer, having elected to purchase and supply the meter for replacement of defective meter in his premises, fails to do with in 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. Therefore the licensee is bound to remit the meter faulty bill.**

On perusal of records the Forum found that the petitioner has purchased the new meter on 07/07/2023, and remitted the required amount for testing the equipment at the Section on 13/07/2023 itself. Further the tested CT/PT units who received on 20/07/2023 and TOD meter on 27/07/2023. Upon receiving the same, the petitioner contacted the TMR officials to install the metering equipments at an early date to avoid the possible penalties as contemplated in law. However the TMR officials replaced the meter only on 16/08/23. It is also pertinent to note that the afore mentioned provision stipulated by Honorable KSERC did not insist the installation of the meter with in two months from the date of the communication from the licensee but the

consumer has to purchase and supply the meter within two months. Any delay caused beyond the two months for testing, calibrating, scaling and installing the meter by the licensee is not liability of the consumer. In this case, the petitioner remitted the testing fee on 13/07/2023 and tested CT/PT units received on 27/07/2023 and approached the TMR for installing the meter. However the officials of the TMR team has not installed the metering equipments in stipulated time. Hence it is evidently clear that delay in installing metering equipments is not the liability of the petitioner. There is no intentional delay observed from the part of consumer. Therefore the above said bill served by the Special Officer (Revenue) is not sustainable.

Regarding the average bills issued for the period from 04/2023 to 08/2023, the Forum observed that the billing procedure adopted by the licensee is in adherence to the **Regulation 125(1) Electricity Supply Code, 2014, states that In the case of defective or damaged meter, the consumer shall be billed on the basis of average consumption of the 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. Hence the contention of the petitioner to revise the average bills are not sustainable.

4. Decision

- (1) The meter faulty arrear bill of Rs.2,15,313/- issued by the Special Officer (Revenue) are not maintainable and therefore quash the same.
- (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 KOSHY
EXECUTIVE ENGINEER
MEMBER II

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

Forwarded
Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.89/2023/96

Dated : 04 /04/2024

Delivered to: 1. The Secretary , Bishop Jerome Foundation,
Catholic Centre Fathima College Road, Pattathanam,
Kollam.
2. The Special Officer (Revenue), Vydyuthi Bhavanam,
Pattom, Thiruvananthapuram.

Copy to:

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