

**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.03/2024

Between

Petitioner: Sri. Antony Michael, Fernadez
ST.Antony's Plastic, Plot No.39
Mundakkal Industrial estate, Kollam.

And

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

(2) The Assistant Engineer,
Electrical Section, Cantonment.

ORDER

1. Grievance of the petitioner

The petitioner Sri.Antony Michael Fernandez was running an industry named as "ST. Antony's plastics" with consumer number 114580016056 under Electrical Section,Cantonment,kollam.The service connection was LT.3 phase with tariff IV A with connected load of 70KW and contract demand of 70000 VA. On 27/10/2023, the APTS, Kollam unit conducted an inspection in the aforesaid premises and served a short assessment bill of Rs.5,37,224/- for a period of four years (2019 to 2023) The short assessment bill served by the licensee is on the ground that the phase terminals of the CT meter was wrongly connected, and it ultimately resulted a revenue loss to the licensee. However the petitioner argues that the wrong connection of phase terminals is primarily the fault of licensee. Hence the petitioner is not liable to remit the aforementioned bill.

Therefore, being not satisfied by the action of the licensee, the petitioner approach the forum to set aside the short assessment bill of Rs.5,37,224/-.

2. Version of the respondent

The service Connection bearing consumer number, 1145580016056 is registered in the name of Sri. Antony Michael Fernandez, under Electrical Section Cantonment. It is a three phase service connection with sanctioned connected load of 70 KW under LT 4 A tariff.

The APTS wing of KSEB, Kollam conducted an inspection in the premises on 27.10.2023 and found that phase terminals of the CT meter was wrongly connected. In addition to this, voltage and current displayed by the energy meter in R,Y,&B phase, were 236V/1.22 Amps, 236 V/1.37 Amps and 238 V/1.49 Amps respectively. It is evident that R phase Voltage connection is connected to B Phase terminal of meter and B phase voltage connection is connected to R phase terminal of meter. Therefore owing to wrong connection 73.54% of total consumption is only recorded in the meter and 26.46% of energy consumption in the premises is left unrecorded, from 2019 onwards.

The Licensee stated that the said meter installed in the premises on 13/03/2019 as a part of meter change. The downloaded data shows that CT reversal has happened from the date of installation of meter. The new meter installed in the premises was on 03/2019 and hence the period of assessment has taken from 04/2019 to 10/2023. Accordingly, the petitioner was served with an under charged bill amounting to Rs.5,37,224/- The licensee argued that it is empowered under Section 134 (1) of Kerala Electricity Supply Code 2014 to realize the under charged amount for the energy consumed in the premises of the petitioner. Further, Regulation 152 also provides that in the event of anomalies attributable to the licensee which are detected at the premises of the consumer, the amount of electricity charges short collected by the licensee shall be realized from the consumer. Hence the conjoint reading of regulations 134,&152 as discussed above makes it clear that the petitioner

is liable to pay the short assessment bill of Rs.5,37,224/- so the licensee prays the Forum to dismiss the petition.

3. Analysis and Findings

The hearing of the case was conducted on 14/3/2024. Both the petitioner and the respondent were present & heard the matter in detail. On going through the petition and other documents in the file the Forum viewed that the case is with regard to the inspection bill amounting to Rs.5,37,224/- issued to Sri.Antony Michael Fernandez, St. Antony's plastics, Plot No.39, H&C compound, Kollam by the licensee.

The petitioner contented that the bill issued is exorbitant and illegal. They also argued that the licensee issued a bill on 3/11/2023 for Rs.5,37,244 for the under charged amount for the period from 2019 to 2023. Petitioner also argued that previously in 2019 also they remitted an amount of Rs.76,676/- The respondent argued that the reason for the assessment is based an APTS inspection. It is due to the reversal R&B phase of CT and they argued that 73.54% of the total consumption is only recorded. From the downloaded data of the Zera meter there was an under billing of 26.46% from 2019 onwards due to wrong phase connection. The licensee demanded the amount from 2019 is because of the meter changed on 13/3/2019 & downloaded data shows the CT reversal has happened from the date of installation of new meter.

Based on the analysis. The Forum reached the following conclusions.

The petitioner argues that whatever be the demand raised by the licensee on monthly basis, was remitted in time. After five years a huge amount demanded, is not due to any mistake of the consumer who has not any access to the meter. Also they argued that loading of such huge amount for previous 5 years due to the technical incompetency of licensee's official is not bound to be a burden to the consumer. The consumer being an industrial as a business entity cannot tolerate the demand raised by the licensee after a period of five years as the expenditure nature is unjustifiable, and it will also affect the existence of the firm.

It is observed that the technical incompetency of the licensee is making the consumer liable for paying huge arrear bills for long duration. The matter shall be seriously reviewed by the licensee and suitable remedial actions should be taken. Even though the licensee conduct special derived for detecting such type of anomalies for CT connected consumers ,the same is not getting implemented in the field successfully. The licensee is bound to conduct periodical inspections once in 3 years as per clause 113 (6) & (7) of Kerala Electricity supply code 2014.

It is also observed that licensee is adopting 'zera meter ' for arriving the error in energy meter recording in the CT,PT polarity reversal case. The load and power factor of the premises at the time of testing determines the error. Within 3 years from the date of installations of new meter, if the licensee have conducted inspections based on the above quoted regulation, there is possibility of detecting such types of anomalies and can be rectified then itself.

The Forum reached the conclusion that consumers should not be burdened due to the incompetency of the licensees officials.

DECISION

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

- 1) The period of assessment shall be limited to 2 years and suitable installments shall be made if the petitioner desires.
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. 03/2024/ 91 Dated :04/04/2024

Delivered to:

1. Sri. Antony Michael, Fernadez, ST. Antony's Plastic,
Plot No.39, Mundakkal Industrial estate, Kollam.
2. The Assistant Executive Engineer, Electrical Sub Division, Kollam
3. The Assistant Engineer, Electrical Section, Cantonment

Copy to:-

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