

CONSUMER GRIEVANCE REDRESSAL FORUM NORTHERN REGION, KOZHIKODE.

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

Vydyuthibhavan, Gandhi Road, Kozhikode -673011

Telephone Number -0495 2367820 Email.cgrfkzd@kseb.in

PRESENT

SAJAMMA . J. PUNNOOR : CHAIRPERSON

ANCY PAUL .C : MEMBER

FRANCIS A.C : MEMBER

OP NO. 09/2023-24

PETITIONER :-

1. Sri. Moideen Haji, Trust Medical Centre, Randathani – P.O., Malappuram – 676 510.

RESPONDENTS :-

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

ORDER

Complaint:

The petitioner has a service connection in LT VIG tariff with consumer number 1165711041204 under Electrical Section, Puthanathani for running his private hospital named Trust Medical Centre, Randathani, Malappuram Distirict. Registered connected load of this connection is 37000 watts and this is a LT CT connected meter with CT ratio 200/5. On 18/01/2023 an inspection was conducted in the said premises by the Assistant Executive Engineer, Electrical Sub Division, Puthanathani and identified that the voltages are connected to the meter in RYB phase sequence and current terminals are connected to the meter in RBY phase sequence. Again the premises was inspected by the respondent on 21/01/2023 and a parallel meter was installed for comparing the recording of consumption in the two meters. It was found that the original meter at the premises recorded 40% less energy compared to the actual consumption. Hence a short assessment bill for an amount of 4,19,189/- was served to the petitioner.

The petitioner claims that the order passed by the respondent for remitting Rs.4,11,008/- is legally unsustainable, baseless and illegal. Petitioner prays to set aside the order dt. 07/03/2023 passed by the Assessing officer.

1.Version of the Petitioner :

The Petitioner, Sri. Moideen Haji, Trust Medical Centre, Randathani, Malappuram District is a registered consumer bearing consumer number 1165711041204 under Electrical Section,

Puthanathani, Malappuram District. The K S E B officers of the licensee including the Puthanathani Electrical Section Sub Engineer, Assistant Engineer and others had inspected the premises of the consumer on 18/01/2023. And they inspected the meter board. After the said inspection the officials again inspected the site on 27/01/2023 and prepared a site mehazar. The details of the site mehazar are as shown below;

“ടി കണക്ഷന്റെ വൈദ്യുതിമീറ്റം അനുബന്ധ CT connection കളും പരിശോധിച്ചതിൽ R ഫേസിൽ സ്ഥാപിച്ചിട്ടുള്ള CTയുടെ S_1, S_2 ടെർമിനലുകൾ യഥാക്രമം energy മീറ്ററിന്റെ 1S 1L എന്നീ ടെർമിനലുകളിലേക്കും R ഫേസിൽ കണക്ട് ചെയ്തിട്ടുള്ള ചുവപ്പ് വയർ energy മീറ്ററിന്റെ R എന്ന ടെർമിനലിലേക്കും Y ഫേസിൽ സ്ഥാപിച്ചിട്ടുള്ള CT യുടെ S_1, S_2 ടെർമിനലുകൾ യഥാക്രമം energy മീറ്ററിന്റെ S_1, S_2 എന്നീ ടെർമിനലുകളിലേക്കും Y ഫേസിൽ കണക്ട് ചെയ്തിട്ടുള്ള മഞ്ഞ വയർ energy മീറ്ററിന്റെ Y എന്ന ടെർമിനലിലേക്കും B ഫേസിൽ സ്ഥാപിച്ചിട്ടുള്ള CTയുടെ S_1, S_2 ടെർമിനലുകൾ യഥാക്രമം energy മീറ്ററിന്റെ 2S, 2L എന്നീ ടെർമിനലുകളിലേക്കും B ഫേസിൽ കണക്ട് ചെയ്തിട്ടും നീല വയർ energy മീറ്ററിന്റെ B എന്ന ടെർമിനലിലേക്കും ന്യൂട്രലിൽ സ്ഥാപിച്ചിട്ടുള്ള CTയുടെ S_1, S_2 ടെർമിനലുകൾ യഥാക്രമം energy മീറ്ററിന്റെ NS NL എന്നീ ടെർമിനലുകളിലേക്കും ന്യൂട്രലിൽ കണക്ട് ചെയ്തിട്ടുള്ള ബ്ലാക്ക് വയർ energy മീറ്ററിന്റെ N എന്ന ടെർമിനലിലേക്കും കണക്ട് ചെയ്തിട്ടുള്ളതായി കാണപ്പെട്ടു എന്നും മറ്റും എഴുതി കാണുന്നുണ്ടെന്നും ഈ സംഗതി എന്താണെന്ന് പരാതിക്കാരന്/ കൺസ്യൂമർക്ക് മനസ്സിലായിട്ടില്ലയെന്നും, ആയത് മനസ്സിലാക്കി നൽകിയിട്ടില്ലയെന്നും, കൂടാതെ മഹസ്റ്ററിൽ പറയുന്ന കാര്യങ്ങൾ കൊണ്ട് എന്താണ് കൺസ്യൂമറുടെ ഭാഗത്ത് നിന്ന് ഉണ്ടായിട്ടുള്ള അപാകത എന്ന്

പറയുന്നതില്ല. പിന്നീട് ചെയ്തതായി പറയുന്ന എല്ലാ നടപടികളും നിയമ വിരുദ്ധമാണെന്നാണ് പരാതിക്കാരൻ ഉന്നയിക്കുന്നത്.

After that the board had issued a temporary order along with a Calculation sheet of short assessment to the consumer. On receipt of the same the consumer had filed a detailed objection on the same. The explanation given by the Licensee on the said objection dated 09/03/2023 are also not correct and clear. After that no proper opportunity was given to the consumer to submit their case. And one day morning they passed a final order dated 17/03/2023 on the very same date the consumer had met the officials in their office for a clarification on the objections filed. Apart from that no enquiry is conducted properly. The order passed on 17/03/2023 according to them as the final order under R-152 of the Kerala Electricity Supply Code. The said order itself is illegal and unsustainable. The findings recorded by the Assistant Engineer in the said order is not reasonable and without having any proper reasoning, The only finding recorded by the Assistant Engineer in the said order is ഉപഭോക്താവിന്റെ വൈദ്യുതി ഉപഭോഗ വിശദാംശങ്ങൾ പരിശോധിച്ചതിൽ നിന്നും ലൈസൻസിയുടെ ഭാഗത്തുണ്ടായ വീഴ്ച കാരണം CT മീറ്ററിൽ രണ്ട് ഫെയ്സിൽ കണക്ട് ചെയ്തിരിക്കുന്ന CT കണക്ടറുകളിലെ S_1, S_2 ടെർമിനലുകൾ പരസ്പരം മാറി കണക്ട് ചെയ്തതായി കണ്ടെത്തി. ആയതിനാൽ ഇലക്ട്രിസിറ്റി സപ്ലൈക്കോഡ് 2014 (152) പ്രകാരം ഉപഭോക്താവിന്റെ പ്രിമൈസസിൽ ലൈസൻസിയുടെ ഭാഗത്തെ ക്രമക്കേട് അനുസരിച്ചു കൊണ്ട് ബിൽ 4,11,008/- രൂപയായി നിജപ്പെടുത്തി നൽകാവുന്നതാണ് എന്ന് കാണുന്നു.

A part from that no other explanations or reasoning are seen in the order. The order is illegal and liable to be set aside.

NATURE OF RELIEF SOUGHT:

1. The order passed by the assessing authority dated 07/03/2023 in the above matter is totally illegal, baseless and are liable to be set aside.
2. The reasoning contained in the order of the assessing officer does not contain any proper reasoning for the dictum that he is arrived at.
3. The order does not disclose any proper reasoning for the charges framed in the above matter.
4. The assessing officer conducted the enquiry without complying the Act and Regulations in this matter. That has vitiated the entire trial.
5. The negligence attributed in the above matter are solemnly from the side of the officers of the board. The said alleged act done from the side of the officers and workers of the board are not taken in to consideration by the assessing officer. The connections to the Y phase and B phase to the CT meter are connected in an irregular manner was not detected by the Sub Engineer who had inspected the premises of the consumer in every month for assessing the consumption of the electricity and issuing bill. That much of gross negligence are committed by the Sub Engineer in this matter, as alleged from the side of the assessing officer.
6. There are no proper reasons shown in the order with respect to the negligence committed by the Sub Engineer in the above matter.
7. There are no proper reason shown in the order that why a CT meter is installed in the consumers premises if the connected load is below 40 kW.

8. As per the inspection report and mehar no anomaly's or tampering are seen by the inspection wing. The connections to the Y phase connected to B and B to Y are connected not properly are the only allegation made in the mehar. No other irregularities or other damages are seen.
9. The reasoning in the order and mehar may cause the consumption of electricity shown in the energy meter may reduce is one without having any scientific and legal backing. Even in the procedure done by the authorities in checking the same by installing another energy meter is also not done in the proper manner.
10. The additional energy meter was seen installed in the premises of consumer without having any proper certification from the proper authority. The objections raised with respect to the same are also not seen positively considered.
11. The period calculated for assessing the shortage of electricity shown in the energy meter due to the above said reason is also wrong and illegal and it is without having any legal backing.
12. The short assessment made in the above matter is liable to be set aside only on the reason that the inspections conducted for the very same purpose was not complying the proper regulations. Before installing the additional meter in the premises of the consumer to verify the working condition of the existing meter, a proper calibration certificate is not produced or taken as a part of the proceedings or order and not even shown to the consumer before the installation of the same.
13. The meter changed from the premises of the consumer and the CT

meter installed are not seen sent for inspection and no reports are called for. That shows the negligence and irregularities committed from the side of the respondents in the above matter.

14.The Sub Regulation No. 3 of Regulation No.152 and Sub Regulation No.8 of Regulation No.155 are not seen properly considered in the above matter by the assessing officer. The period calculated for the assessment is not correct and clear.

കൺസ്യൂമറുടെ premises ൽ കെ എസ് ഇ ബി ജീവനക്കാർ സ്ഥാപിച്ചിരുന്ന CT മീറ്ററിലെ വൈദ്യുതി കണക്ഷനുകളിൽ വരുത്തി എന്ന് പറയുന്ന 2 ഫേസുകളുടെ CT കണക്ഷനുകളിൽ S_1, S_2 ടെർമിനലുകൾ പരസ്പരം മാറി എന്നാണ് ഉത്തരവ് കൊണ്ട് കാണുന്നത്. എന്നാൽ അതു സംബന്ധമായി തയ്യാറാക്കി കാണുന്ന സൈറ്റ് മഹസറിൽ S_1, S_2 ടെർമിനലുകൾ പരസ്പരം മാറ്റം ഉള്ളതായി പറഞ്ഞിട്ടില്ല. ആയതിൽ നിന്ന് തന്നെ സൈറ്റ് മഹസറിലെ വസ്തുതകൾക്ക് വിരുദ്ധമായാണ് അസസ്സ്മെന്റ് ഉള്ളത് എന്ന് കാണുന്നതുമാണ്.

So that in any view of the matter the order passed in the above matter is untenable and are liable to be set aside.

15.CT മീറ്ററിന്റെ പ്രവർത്തനം അനുസരിച്ച് കൺസ്യൂമറുടെ പ്രിമൈസസ്സിൽ സ്ഥാപിച്ചിരുന്ന മീറ്ററിൽ നിലവിലുണ്ടായിരുന്ന കണക്ഷൻ രീതി സൈറ്റ് മഹസറിൽ രേഖപ്പെടുത്തിയ പ്രകാരം ആകുമ്പോൾ റിക്കാർഡ് ചെയ്യപ്പെടുന്ന റീഡിംഗിൽ കുറവുണ്ടാകുമെന്ന് എവിടേയും പറയുന്നില്ല. ആകയാൽ അസ്സസ്സിംഗ് ഓഫീസറുടെ അനുമതി ശരിയല്ല. CT മീറ്ററിൽ കണക്ട് ചെയ്യുന്നതിൽ ഒരു ഫേസ് തിരിഞ്ഞു എന്ന് സൈറ്റ് മഹസറിൽ പറഞ്ഞിട്ടില്ല. മാത്രമല്ല CT മീറ്റർ പ്രവർത്തന തത്വം അനുസരിച്ച് CT മീറ്റർ

ഒരു ഫേസ് തിരിച്ച് കണക്ട് ചെയ്താൽ $1+1-1 = 1$ എന്ന കണക്കിൽ $1/3$ ഒന്ന് റീഡിംഗ് ആയിരിക്കും രേഖപ്പെടുത്തുക എന്നാണ് പറയുന്നത്. അതു തന്നെ മൂന്ന് ഫേസ്സിലും, മുഴുവൻ സമയവും ഒരേ പോലെ തുല്യ കറണ്ട് ഒഴുകുന്ന അവസ്ഥയിലുമാണ്. ആകയാൽ - CT മീറ്ററിന്റെ പ്രവർത്തന തത്വം കൺസ്യൂമറുടെ പോലുള്ള ഒരു സ്ഥാപനത്തിലെ വൈദ്യുതി ഉപയോഗത്തിന്റെ കാര്യത്തിൽ പൂർണ്ണമായും ആശ്രയിക്കാവുന്നതല്ല. So that in any view of the matter the order passed in the above matter is untenable and are liable to be set aside.

16. The CT meter changed from the consumers' premises and the earlier meter changed and the additional meter installed should have been sent to a recognized lab or testing authority and a calibration certificate should have been occurred. And on the basis of the same a parallel meter should be installed and check the consumption of electricity actually consumed. Such a method is not seen adopted in this matter. So that the entire procedure done in the above matter are not proper and legal.

17. The temporary order passed in the above matter and the calculation statement shows that CT മീറ്ററിൽ രണ്ട് ഫേസ്സിൽ കണക്ട് ചെയ്തിരിക്കുന്ന CT കണക്ടറുകളിലെ S_1, S_2 ടെർമിനലുകൾ പരസ്പരം മാറി കണക്ട് ചെയ്തത് കാരണം കെ എസ് ഇ ബിക്ക് സാമ്പത്തിക നഷ്ടം ഉണ്ടായിട്ടുണ്ട്:

In that aspect the site mehzar is not in such a way, the calculation shown is also not correct. The final order based on the

same assessment is also not correct and is liable to be set aside. In this matter the Assessing Officer does not consider the correct legal principles applicable in this matter.

18. On receipt of the temporary assessment order and details, the consumer had filed a detailed objection on the same. After filing the objection no opportunity was given to the consumer to adduce evidence on the said aspect as contemplated under the Act and Regulations.

19. The reasoning contained in different paragraphs of the order is also incorrect and baseless.

20. The order passed by the assessing officer putting the consumer for a liability of paying the electricity charge which was already paid by them earlier itself through the payment of normal consumption charges again, in this aspect the order passed by the assessing officer is baseless, illegal and are liable to be set aside on that ground itself.

21. The non examination and denying the chance of the consumer to adduce evidence and cross examine the witnesses, who are participated in the preparation of Mehazar, the consumer lost the chance to cross examine them. This has vitiated the entire trial in the above matter.

22. The Assessing Officer should have been taken proper steps to get the presence of the officers and witnesses present at that time of inspection of the consumers' premises.

23. The report given by the Anti Power Theft Squad wing who inspected the premises of the consumer after the inspection and mehar by the assessing authority, not seen considered and not even seen the light. Not even a whisper is made in the order. Instead of that he had simply copied the earlier order again in the order portion. No reasoning is given for any of the findings so that the order passed by the Assessing Officer is not at all legally sustainable and are liable to be set aside also.

24. The mehar in the above matter does not disclose any of the above matter, that the gravity of the negligence from the part of the officers of the board.

25. Considering the entire facts in the above matter there is a flagrant violation of the rules and procedure in the above matter. The authorities are not issued any proper notice for hearing and no opportunity was given to the consumer to adduce evidence of the objections raised.

Therefore the consumer respectfully prayed that the Hon'ble CGRF may be pleased to set aside:

Set aside the order passed by the Assessing Officer in the above matter dated 07/03/2023, as baseless, unsustainable and illegal and the consumer may be set at free from the liability of making the payment as per the order.

2. Version of the Respondent:

The petitioner is a consumer with KSEBL and having Electricity

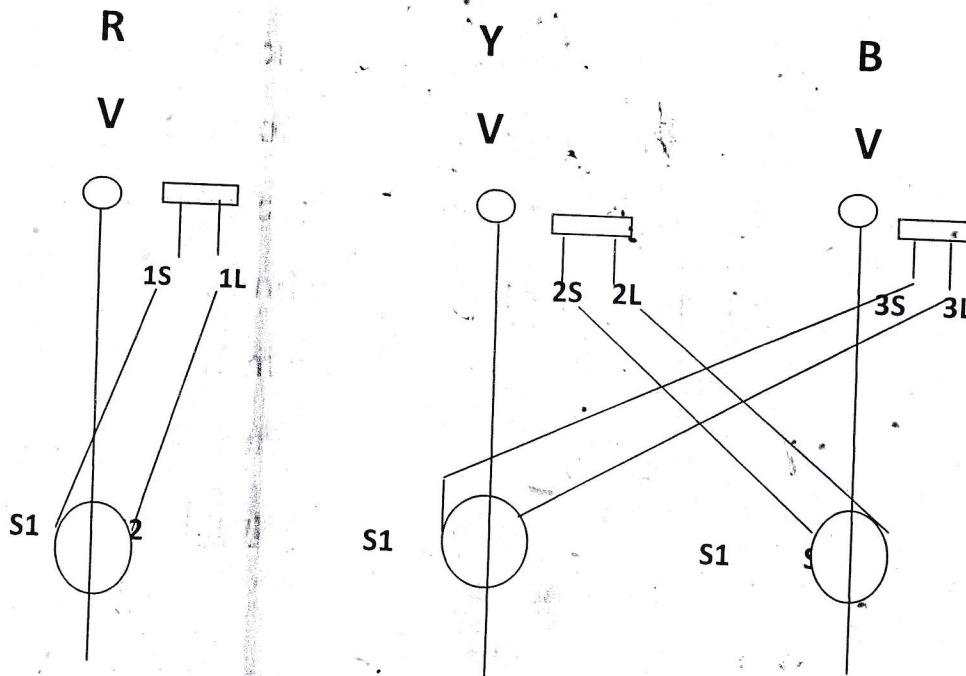
Connection consumer number 1165711041204 under electrical section Puthanathani. The disputed bill is issued under Regulation 134,152 of Kerala Electricity Supply Code, 2014 against under charged bills. In the CT meter connection of the premises Y phase and B phase current coil interchanged, hence consumption is wrongly recorded in the meter. A short assessment bill for Rs.550810/- was issued. The contentions against the bill of the consumer was heard by the Assistant Engineer and finalized by revising the same to Rs.4,11,008/- (Rupees Four lakhs Eleven thousand and Eight only). Hence the consumer filed petition before the Hon'ble Forum. In meanwhile, there find one mistake in the calculation statement as for the consumption recorded in the last reading, the date of inspection and the unit recorded were wrongly included. The date of inspection in which the unit recorded on 27/01/2023 (in the calculation statement, it was written as 18/01/2023) was 2234.10 and the unit recorded in the last reading date of 02/01/2023 was 2178.50. Hence the difference was 55.6, hence the unit consumption recorded was $55.6 \times 40 = 2224$. Instead of taking this unit as recorded, there included 644 units wrongly, which is the unit recorded in the parallel meter for the days it included in the system. Hence the same has been corrected and rectified bill for Rs.4,19,189/- has been issued on the consumer on 02/06/2023.

Synopsis:

The consumer, Sri. Moideen Haji is the registered consumer under the jurisdiction of the Electrical Section Puthanathani having consumer

number 1165711041204 under LT VIG tariff working as private hospital named Trust Medical Centre, Randathani. The registered connected load of the premises is 37000 watts having three phase CT connection (CT ratio 200/5). On 18/01/2023, an inspection was conducted in the premises under the supervision of the Assistant Executive Engineer of Electrical Sub Division, Puthanathani and identified certain anomalies in the CT connection of the CT meter as follows. The connections from secondary terminals of Y phase CT connected wrongly with B phase terminal of meter and secondary terminal of B phase CT connected to Y phase terminal of meter, instead of connecting vice versa. Hence the meter recorded wrongly.

Diagrammatic representation:



The said inspection was conducted in the presence of the petitioner, the consumer Sri. Moideen Haji and duly acknowledged copy of the site inspection mehzar was handed over to him at the site itself. Further

Inspection was also suggested to verify and convince the matter to consumer (to find the error percent in metering due to wrong connection).

Subsequently on 27/01/2023, again inspection was conducted by the section squad in the premises of the consumer, in the presence of Assistant Engineer. Further inspection on CT connection reveals the following.

S₁,S₂ terminals of R phase of CT, are seen connected to 1S,1L terminals of energy meter – correct.

- The voltage connection (red wire) from R phase of CT connected to the R terminal of energy meter – Correct.
- S₁,S₂ terminals of Y phase of CT, are connected to 3S,3L terminals of energy meter – interchanged wrongly. But voltage connection in Y phase is correctly connected to Y terminals of energy meter.
- S₁,S₂ terminals of B phase of CT are connected to 2S,2L terminals of energy meter – interchanged wrongly. But voltage connection in B phase is correctly connected to B terminal of energy meter.

Since, interchanged CT connections of Y phase and B phase, will result less recording in the reading of energy meter. In order to verify the quantity of the loss of recorded consumption in the energy meter, a parallel meter was connected to the CT meter on 23/01/2023.

The details of Parallel meter/Existing CT meter record on 23/01/2023.

- CT Meter reading – C kwh -2224.5 kwh[t₁ = 1258.6kwh,t₂=421.4kwh, t₃ = 544.5kwh].

- Parallel Meter reading-Ckwh-360kwh[t1=216kwh,t2=55kwh,t3=89kwh]

The details of parallel meter/Existing CT meter record on 27/01/2023.

- CT Meter reading – C kwh -2234.1 kwh[t1 = 1263.8kwh,t2=423.3kwh, t3 = 547kwh].
- Parallel Meter reading-C kwh -1004kwh[t1=565kwh, t2=191kwh,t3=248kwh]

The difference of consumption recorded in parallel meter and existing CT meter:

- CT meter reading - 384 unit (89364 – 88980)
- Parallel Meter reading – 644 unit (1004-360)

The above comparison reveals that, the existing CT meter recorded 40% less consumption in compared to the test parallel meter. (Due to interchanged phase connections of Y and B).

The mistake happened in the metering were clearly explained to Sri. Moideen Haji, the owner of the Trust Hospital, while preparing site mehazar.

Hence it is understood that there occurred less recording of the consumption of energy in the CT meter of the premises in the above tune due to the interchanging of phase connections with effect from the date of installation of CT meter in the consumer's premises. The date of CT meter installed in the consumer's premises is 11/2020. The less recorded 40% of the consumption was tabulated and arrived short assessment bill for Rs.5,50,810/- (Rupees Five lakhs fifty thousand eight hundred and ten only), accordingly served on the consumer as short assessment bill under Regulation 134 & 152 of Kerala Electricity Supply

Code 2014 for the period of 12/2020 to 01/2023 ie., from the date of recording the CT meter to the inspection date on 09/02/2023. The consumer challenged the bill vide application dated 14/02/2023.

The Assistant Engineer, heard the consumer. Accordingly revised the bill to Rs. 4,11,008/- (Rupees Four lakhs Eleven thousand and Eight only) and served on the basis of standard loss calculation of such cases as such interchanged phase CT meter will only record $\frac{2}{3}$ rd of the consumption, accordingly tabulated the short assessment bill.

The Energy used by the consumer for the succeeding months are as follows: (Whole current meter installed instead of CT meter in the premises on 27/01/2023).

Month	IR	FR	Unit consumption	Remarks
02/2023	1004(27.01.2023)	2018(01.02.2023)	1014	
03/2023	2018(01.02.2023)	6894(01.03.2023)	4876	
04/2023	6894(01.03.2023)	12389(01.04.2023)	5495	
05/2023	12389(01.04.2023)	17636(02.05.2023)	5247	

This clearly indicates that the CT meter of the premises was not recording the actual consumption.

AGAINST THE GROUNDS OF APPEAL:

1. Regarding the averments of the consumer, it is hereby stated that the said bill was issued under Regulation 134,152 of Kerala Electricity Supply Code 2014 for realizing the under charged bill, hence it is legal in nature.

2. The Assistant Engineer initially billed in accordance with the findings of parallel meter connected records by taking 40% as loss, but later revised the bill by incorporating standard loss calculation as in such cases the meter will only be recorded $2/3^{\text{rd}}$ of the total consumption, hence the loss to 33.33% ($1/3^{\text{rd}}$ of total, which is not billed).
3. The Assistant Engineer considered the facts and findings.
4. Here the bill is not issued as final assessment under section 126 of Act 2003, hence the averment of the petitioner is void an initio.
- 5 & 6. The averments of the consumer is not true. The Sub Engineer, who was taking monthly reading of the premises was doing his regular recording of the unit consumption of the premises along with other consumers. Regular recording of the meter reading is not a part of inspection of the CT and CT meter. It is true that there occurred a mistake in phase connections of CT, but it could only be identified in a complete inspection. Such inspections of the CT meter premises is being scheduled as once in every three years of LT three phase meters by the respective Assistant Executive Engineers (Regulation 113(6) of Kerala Electricity Supply Code 2014). The anomalies noted here in the consumer's premises was upon such a periodical inspection that was conducted by the respective Assistant Executive Engineer of the respective Electrical Sub Division.

7. Earlier for consumers having connected load above 20 kw, only CT meters can be installed as per software in ORUMANET. Hence for this consumer since the connected load is 37 kw, a CT meter was installed.

8. The averment is not true. The bill is issued not against any irregularities/tampering/anomalies that were committed by the consumer as said by the petitioner. Hence no such penalization made against the consumer in this regard. Here the bill is issued for the undercharged amount which is established as per the inspection conducted by the licensee under Regulation 134,152 of Kerala Electricity Supply Code 2014 without penalizing the matter. It has been established in the mahazar that the phase connections were interchanged in the CT meter, hence only the meter recorded $2/3^{\text{rd}}$ of the total consumption, accordingly consumer has remitted only $2/3^{\text{rd}}$ of total consumption (ie 66.66% of total consumption). Since the consumer had used 100% of the unit consumption, he shall be liable to remit the remaining $1/3^{\text{rd}}$ (33.33%). The bill is issued for such undercharged consumption.

9. The under recorded consumption is arrived on technical ground which is explained in the initial part of these statements and the same be explained to the consumer. The interchanged connection will technically make wrong recording of the total consumption. The same had been convinced to the consumer by incorporating a parallel test meter in the circuit. The unit recorded in the test

meter and the wrongly connected CT meter shows standard deviation. Hence the standard error factor be taken to arrive the short assessment bill.

10. The test meter used here is one which is received after proper testing. Nevertheless, the consumer never challenged the accuracy of either the CT meter or the test meter during the process period.

11. The period of short assessment was taken as with effect from the date of CT meter connected in the premises to the date of inspection. The period of limitation has been recently decided by the Hon'ble Supreme Court as the date of issuance of the first bill from where the mistake found. The Hon'ble Supreme Court has also re-iterated in the same decision that the section 56(2) of Act 2003 does not preclude the licensee from raising an additional or supplementary demand after the expiry of the period of limitation in the case of a mistake or bonafide error" (Civil Appeal No.7235 of 2009, M/s. Prem Cottex Vs Utter Haryana Bijili Nigam Ltd and others).

12. The entire inspection and the other process was carried out in the presence of the consumer and proper acknowledgment in such me hazars had been ensured from him. The details had been narrated to him with proper explanations. The consumer never challenged the accuracy of the meters and asked for testing the same.

13. Both CT and CT meter replaced in the premises in the presence

of the consumer as stipulated in Regulation 109 of Kerala Electricity Supply Code 2014 and there is no need for checking the CT meter and CT's as they were not faulty.

14. The averment of the consumer is totally incorrect. The Regulation 134, 152(3) says " 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 12 months.

Here the short assessment bill issued on the established period of under-charged bill as per Regulation 134, 152 of Kerala Electricity Supply Code 2014 with effect from the date of CT meter connected in the consumer's premises (wrongly) as interchanged phases by way recorded less consumption.

As per the judgment of Hon'ble Supreme Court of India vide Appeal No. 7235 of M/s. Prem Cotton Vs Utter Haryana Bijlee Vithram Nigam Ltd & Others the limitation period of such bills is narrated as – Para 11 and 12 of the said order clearly spelt that the electricity charges would become 'first due' only after the bill is issued, even though the liability would have arisen on consumption. Then the period of limitation of 2 years would commence from the date on which the electricity charges become first due under section 56(2).

The Hon'ble Supreme Court also held that section 56(2) does not preclude the licensee from raising an additional or supplementary demand after the expiry of period of limitation in the case of a mistake or bonafide error".

Here the bill is issued upon an error occurred in recording the actual consumption, hence the period was arrived as per the prevailing rule and direction.

Regulation 155 is purely related the bills issued under Section 126 of Act 2003, as here the bill is not issued under section 126, the contentions of the petitioner in this regard has no ground at all.

The site mahazar prepared in the presence of the consumer and the same had been handed over to the consumer with proper acknowledgement in which the entire aspect of the site inspection had been properly recorded and been narrated accordingly, all other allegations of the consumer is denied.

15. The site mahazar is the record in which the site inspection details contained. The bill is prepared on the basis of the site inspection mahazar after analyzing all technical aspects including the parallel meter records and the standard error calculation.

The interchanging of the phase connections were recorded in this site mahazar and the same have been convinced to the consumer at site. Such an interchanging of the phase will result in

recording only $\frac{2}{3}^{\text{rd}}$ of the total consumption, by way not recording the consumption of $\frac{1}{3}^{\text{rd}}$. Hence the less recorded $\frac{1}{3}^{\text{rd}}$ portion was being billed as short assessment.

16. Since the CT and CT meter of the site and the test meter concerned had been received the office after proper testing from the meter testing unit, in normal cases no further checking will be carried out in such periodical inspections and incorporation of test meter or changing the existing one as per Regulation 109 of Kerala Electricity Supply Code 2014. But if the consumer demanded the same by remitting the required fee, such testing shall be then initiated. Here the consumer never, requested for the same by remitting such fee, hence the allegation is totally incorrect. Either the CT meter or CT's was not faulty in this premises, hence the argument of the consumer is not true.

17. Site mahazar and final bill is not one and the same as narrated by the consumer. The site mahazar is the base for assessing the loss. The technical analysis of the site inspection report would be done by the officer concerned and the same shall be narrated in the bill.

18. The bill issued is a short assessment bill as per Section 134, 152 of Supply Code 2014. Due to wrong CT connection the monthly bill already paid by the consumer was only for the $\frac{2}{3}^{\text{rd}}$ portion of the actual consumption as the meter was recording only $\frac{2}{3}^{\text{rd}}$ of the

actual energy used by the consumer. Hence this bill is issued as the current charges for the non-recorded portion of the energy already used by the consumer.

19. All the relevant details about wrong CT connection had been clearly explained to the consumer while preparing the mahazar. Also on receiving appeal from the consumer the Assistant Engineer has conducted a hearing and not a trial.

20. The details had been narrated to the consumer properly;

The bill issued is for the non billed portion of the unit consumed by the consumer, hence the argument of remitted the same before through normal bill is incorrect. The already remitted normal bill is only $2/3^{\text{rd}}$ portion of the actual consumed energy by way of wrong recording happened in the meter following the phase change connection.

The entire argument of the consumer is related to the hearing of the assessment under section 126 of Act 2003, here it has no ground as it is a short assessment bill, not issued as penal bill. However, the consumer's contentions were considered favorably.

21. The consumer's argument regarding Anti Power Theft Squad inspection is wrong. The inspections conducted in the premises were properly being recorded through site mahazar and the same had been handed over to the consumer with proper acknowledgement. The findings of site mehazar were properly being considered.

22. The mistake occurred in CT meter connection is another matter which shall be considered under departmental enquiry upon which the responsibility will be then fixed on respective one. But the matter here, is the less billed against unit consumed by the consumer. The billing is against the non billed part of the actual consumption of the consumer that shall be the consumer's liability to remit against the unit he consumed.

23. The averments are not true. The consumer's contention was properly met and issued bills then. All other arguments of the consumer is related to the bills issued upon section 126 of Act 2003, here it is not such a bill.

Being considered the aforementioned facts, the respondent most humbly prayed the Hon'ble Forum to dismiss the petition and also request that necessary orders may kindly be issued to realize the above short assessment amount from the consumer.

3. Additional Statement filed by Respondent:

The Respondent filed an Additional Statement dated 18/11/2023 as follows:

Over the contentions raised by the petitioner, Sri. Moideen Haji, Trust Medical Centre, Randathani during the hearing conducted on 31/10/2023 in OP No. 09/2023-24, the following further clarification with evidences are furnished below for kind consideration and favorable decision.

- 1) Technical explanation to the reduced consumption occurred due to wrong connection of CT coil had been clearly described in the already submitted statement of facts.
- 2) Regarding the CT meter connection and allied matters, during the inspection, the details were explained to the consumer who was present in site and the consumer had acknowledged the respective site mahazar.
- 3) Regarding the contention raised by the petitioner during the hearing against the parallel meter used for testing the consumption (whole current meter), it is stated hereby that all meters used in such tests are tested Energy meters. The Energy meter installed in the premises of Consumer No. 1165711041204 is working properly, which was used for checking purpose also and the consumer hadn't raised any argument till now regarding its working. If the consumer requires further testing upon the same in standard laboratory concerned, he can apply for the same by submitting proper application, the respondent has no objection for conducting such test.

As per the Interim Order dt.24/02/2024 in this original petition the Respondent has submitted the test report from TMR Unit, Shornur after serving the same to the petitioner.

Additional Statements by the Petitioner:

1. The petitioner submits the following against the test report of meter from TMR unit, Shornur.
2. The petitioner states that the meter test report from the TMR unit, Shornur is not believable as the TMR is under the control of KSEBL.
3. The CTs were not tested. The respondents has no such complaint that meter or CTs are either faulty or tampered. So the testing of the meter alone is not correct.
4. The report from TMR units, Shornur is not complete. The same is an incomplete report for justifying the arguments from the part of respondents.
5. In the report no proof for the reduction in the consumption due to interchanging of CT connection between Y phase and B phase is included.
6. The meter at the consumer premises is a ToD meter with Anti Theft Mechanism. These meters have the feature of reading correctly in the anomalies such as shortage of CT, connection breakage of neutral, anti tampering features for reverse current. The argument that there is reduction in the recorded consumption of meter due to the interchange of CT connection at Y phase and B phase is not correct. The technology of meter is such that the meter will record consumption correctly even in the case of interchange of CT connection in Y and B phases. The respondent hasn't supplied any data to prove otherwise.

7. The respondent hasn't raised any anomaly such as tampering in the meter, misuse of electricity or nonpayment of bills.

Hence the argument of the petitioner which is supported by scientific and technical background has to be admitted by the respondent. Otherwise respondent or Forum has to produce expert evidence for proving the contrary.

(i) The agreement between the licensee and supplier of the said meter has to be examined for the anti tampering features included in the purchase order.

(ii) If any clarity is needed in the above referred examination, an expert opinion has to be obtained from the supplier.

(iii) The meter has to be tested in an independent lab and obtain a report from an independent expert.

8. A fair judgment is not possible, without taking the actions as said above.

9. The meter tamper count details were not seen recorded in the site mehar. The staff of respondent inspected the premises many times and in order to make additional financial burden to the petitioner they themselves reversed the CT phase sequence. The reading at petitioner's premises has been taken by a Sub Engineer. The Sub Engineer didn't notice any anomaly at the premises. This is a lapse from the part of the KSEBL officials. Moreover they mislead the consumer by advising them to approach the Appellate Authority. 26

10. Petitioner has submitted a detailed report on the working principle and features provided in ToD CT meters.

11. The laps from the part of KSEB officials resulted in the recording of reduction in the consumption at petitioner's premises. For that the responsibility should be with board officials. Additional financial burden on the consumer is wrong, illegal and not maintainable. So the petitioner therefore requests the Hon'ble Forum may issue orders favorable to the petitioner.

Analysis & Findings:

The hearing of the case was conducted on 07/06/2023, 22/08/2023, 14/09/2023, 31/10/2023, 22/11/2023, 24/02/2024, 20/03/2024, & 17/04/2024 at CGRF, Vydyuthi Bhavanam, Kozhikode. The hearings were attended by the Representative of both 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.

- ❖ Petitioner has a LT CT operated service connection with consumer number 1165711041204 for running his private hospital named Trust Medical Centre, Randathani, Malappuram District. CT connection of the said premises is inspected by the Assistant Executive Engineer, Electrical Sub Division Puthanathani on

18/01/2023. During the inspection it was found that phase voltages were connected to the meter in RYB sequence but that of current terminals were connected to the meter in RBY sequence.

- ❖ A parallel meter was connected at the premises on 23/01/2008 for finding out the error if any in the recorded consumption of the original meter due to wrong connection. Again the site was inspected on 27/01/2023 and a detailed site mahazar was seen prepared. In the mehazar it is recorded that 40% reduction in recording of consumption was occurred in the original meter due to the wrong connection.
- ❖ During the first hearing the petitioner requested more clarity on the $1/3^{\text{rd}}$ consumption reduction due to the wrong connection in the CT meter. The details of the effect of wrong connection were explained to the petitioner with the help of phasor diagram and detailed statement also was served to the petitioner.
- ❖ The petitioner also raised the objection that the parallel meter installed in the premises is not a tested one. Again he challenged the accuracy of the CT meter installed at his premises. Respondent stated that all the meters which are used for testing purposes are tested meters. The energy meter installed in the premises of the petitioner is working properly and petitioner has been remitting the current charge based on the recording of that meter without raising any objection.
- ❖ The petitioner argues that the interchanging of current terminals

as stated in this case will not make any reduction in the consumption recording of the meter. In order to obtain more clarification on the same it is decided to obtain a detailed technical report from the accredited lab. Hence an interim order was passed on 24/02/2024 by the Forum for obtaining a report as above.

- ❖ The original meter at the premises was then handed over to TMR unit Shornur by the respondent for testing and obtaining the report. The report from TMR unit dated 12/03/2024 was submitted after serving the same to the petitioner. The said report says that the phase sequence change of current terminals alone will result in 33.37% reduction in the consumption recording of the meter in balanced load condition. The energy meter will recorded only 66.67% of the actual energy due to the above said wrong connection in the CT meter.
- ❖ The petitioner stated that the test report from the TMR unit is not believable. With the consent of both the parties, the decision for meter testing at the TMR unit, Shornur was taken. TMR Shornur under KSEBL is an accredited Lab. Hence Forum finds that the test report is acceptable as the same has been from an accredited Lab.
- ❖ Petitioner argues that based on the anti tamper features provided in the ToD electronic meters, there will not be any reduction in the recording in the meter due to the phase interchange at the current terminal of the meter. Also stated that the technology provided in

these type of ToD meters are in such a way that the correct consumption will be recorded by the meter even in the case of phase interchange as in the said premises. In order to establish the same a detailed working of an electronic meter with diagram is submitted.

- ❖ In the said meter cover it is recorded that this meter was purchased vide purchase order No.SCM/1/2018-19/49/dt.04-04-2018 of Chief Engineer (SCM). The same purchase order has been verified and found that the Anti tamper features included in the purchase order are;

1) The meter shall detect and register the active and reactive energy correctly only in forward direction under any one or combination of following tamper conditions.

a) Change of phase sequence when that of voltage and current are changed simultaneously.

b) Reversal of CT terminals.

2) The meter should work accurately without earth.

3) The meter should work accurately even without neutral.

4) The meter should work in the absence of any one or two phases. It should show the readings accurately for the phases having connection.

5) All the above tampers will be verified at basic current at reference voltage.

6) The potential link shall not be provided on terminal block outside the main meter cover.

- 7) Visual indication shall be provided to show tamper conditions stated above.
- 8) The meter shall comply all the test for external AC/DC magnetic field as per CBIP PUB No. 325 with latest amendments. Moreover the magnetic influence test for permanent magnet of 0.5T for minimum period of 15 minutes shall be carried out, by putting the magnet on the meter body. After removal of magnet meter shall be subjected to accuracy test as per IS 14697/1999(amended up to date).
- 9) In the event the meter is forcibly opened even by 2mm displacement of the meter cover same should be recorded as tamper even with date & time stamping and the meter should continuously display that the cover has been tampered. This display shall toggle with the normal display parameter.
- 10) The meter should be capable of recording the occurrences of a missing potential and its restoration with date & time of first such occurrence and last restoration along with total number and duration of such occurrences during the above period for all phases.
- 11) The meter should detect CT polarity reversal and record the same with date and time of first such occurrence and last restoration along with total number and duration of such occurrences during the above period for all phases.

12) A general visual indication for any tamper should be provided for easy identification whether any tamper is present or not.

The Anti tamper feature provided in the meter relevant in this case is 1 (a) & (b) above. The condition provided is meter shall detect the active & reactive energy correctly, when phase sequences of voltage and current are changed simultaneously and also in the case of reversal of CT terminals;

Case I : Cases of correct reading are:

Phase sequence of voltage terminal RYB

Phase sequence of current terminal RYB

Case II:

Phase sequence of voltage terminal RBY

Phase sequence of current terminal RBY

For the correct recording in the meter the phase sequence of voltage and current are to be changed simultaneously. In this case phase sequence of voltage is RYB and that of current is RBY. The phase sequence of current and voltage are different.

This is not included in the Anti tamper features. Simultaneous change of phase sequence of current and voltage only will provide correct reading in the meter.

In the said case:

Phase sequence of voltage terminal RYB

Phase sequence of current terminal RBY

The above combination will not provide correct meter

reading. For getting the correct meter reading simultaneous changing of phase sequence to be occurred ie., current and voltage both should be either RYB or RBY. Here no reversal of CT terminal occurred. S_1 & S_2 of Y phase connected to 3S & 3L of B phase and S_1 & S_2 of B phase connected to 2s & 2L of Y phase. ie., 'S' connected to 'S' and ' S_2 ' connected to 'L'. Reversal of CT terminal occurs when S_1 is connected to 'L' and S_2 is connected to 'S'.

On going through all the analysis above Forum finds the following:

- The site inspections were conducted in the presence of the petitioner and the petitioner has acknowledged the same.
- The recording of the meter was tested with a parallel meter in the original condition and found that the energy recorded in the original meter in the premises is 40% less than that recorded in the parallel meter. But here the respondent made the assessment based on the theoretical value of 33.33% loss.
- The test report of the meter from the TMR says that the meter will record only 66.67% of actual energy consumption when the voltage phase sequence is RYB and that of current is RBY.
- Comparison of consumption during the last 3 years at this premises for March to May are as follows:

<u>Month</u>	<u>Year</u>		
	2023	2022	2021
March	4876	3680	2520
April	5495	4200	3600
May	5247	3360	4160
	<u>5206</u>	<u>3747</u>	<u>3427</u>

The consumption during 2022 & 2021 (from March to May) are nearly 1/3rd less than that of 2023 . Consumption during 2023 is after rectifying the error in the connection. ie., after making both the voltage and current phase sequence same as RYB.

- The short assessment bill for Rs.4,19,189/- was issued to the petitioner by the respondent as per section 134 & 152 of Kerala Electricity Supply Code 2014. Respondent stated that the Judgment dated 05/10/2021 of the Hon'ble Supreme Court of India in Civil Appeal No. 7235 of 2009 in M/s. Prem Cottex Vs Uttar Haryana Bijili Vitran Nigam Ltd., permitted the respondents to issue short assessment bill without limitation of 2 years in the case of mistake or bonafide error and also observed that this doesn't comes under the purview of deficiency in service.
- Based on the above findings it is found that the short assessment bill for Rs.4,19,189/- issued to the petitioner by the respondent is legally correct and as per prevailing regulations. The petitioner is liable to pay the same.

DECISION:

The Petitions is dismissed.

Dated this the 15th day of May, 2024.

Sd/-

**Sajamma .J. Punnoor
Chairperson.**

Sd/-

**Ancy Paul.C
Member**

Sd/-

**Francis . A .C
Member**

Sri. Moideen Haji,
Trust Medical Centre,
Randathani – P.O.,
Malappuram – 676 510.

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 Division Puthanathani,
KSEB Ltd Malappuram District.

Copy Submitted to:

Chief Engineer (Distribution – North), Kozhikode

Copy to:

The Secretary, KSEB Ltd, Vydyuthi Bhavanam, Thiruvananthapuram.

- 2) The Deputy Chief Engineer,
Electrical Circle, Tirur,
Malappuram District.

- 3) The Executive Engineer
Electrical Division, Tirur,
K.S.E.B.L Malappuram.

- 4) The Assistant Engineer,
Electrical Section, Puthanathani,
K.S.E.B.L., Malappuram.

Forwarded


Chairperson

