

**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

Tuesday 11th June ,2024

OP No.14/2024

Between

Petitioner: Sri. Biji Sony
Aerath Business Corporation
Ramapuram.P.O, Kottayam (Dist.)

And

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

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

ORDER

1. Grievance of the petitioner

The petitioner is a consumer under Electrical Section Ramapuram under LT IV-A tariff with consumer number 1156292019111 with connected load 83 KW and a contract demand of 93 kVA with the name Aerath Business corporation. On 11/12/2023 the APTS wing conducted a surprise inspection and subsequently a site mahazar was prepared. According to the above mentioned site mahazar, 1st phase of the energy meter is not recording the energy consumed , the second and third phases are recording the current properly without any defect.The inspection team also connected a portable reference meter and ascertained that the error factor as 29.73%. It is also recorded in the Mahazar, that on further inspection it is found that the 29.73% missing in

the 1st Phase is due to the defect in the current Transformer. The current Transformer in the 1st phase is not working properly and the energy meter is not recording the energy consumed. That is the learnt finding of the inspection team . In another words there is no fault with the energy meter, but the defect is all about the CT connected to the 1st phase. Based on the inspection, the petitioner was served with a short assessment bill dated 12/12/2023 for the period 1/2023 to 12/2023 for Rs.68261/- Later on 25/01/2024 another bill based on the above inspection for Rs.1,74,423 with date 25/01/2024 was also served to the petitioner for the period 12/2019 to 12/2022. Thus the Petitioner was saddled with the huge disability to pay Rs.2,42,684 all of a sudden alleging that the energy meter was not recording consumption in 1st phase from 12/2019 to 12/2023 for 4 years due to the alleged defect in the CT. The petitioner verified the consumption from 12/2019 onwards and noticed that there is no variation with respect to the alleged missing of 29.73% in the consumption. Several periodic inspections were conducted by the Assistant Executive Engineers in the subject premises from time to time since 12/2019. The licensee intimated that on detailed verification of meter downloaded data by APTS wing it was ascertained that R phase current was missing from 28/09/19 to 11/12/2023. This clearly indicates energy meter installed in the premises on 2/12/2019 with inherent defects and meter downloaded data is not reliable. Thus the findings of the inspection based on the downloaded data cannot be relied upon and short assessment also fails. The energy meter installed in the premises at the time of inspection was hastily replaced on 13/12/2023 without adhering to any protocol by the licensee. No mahazar was prepared and energy meter was not kept in safe custody under proper sealing. The officers of the licensee acted in haste to deliberately destroy the possibility of detailed testing of the energy meter by the accredited meter testing laboratory as required by the statutes. The petitioner

conducted enquirers with the manufactures of the energy meter and according to them only detailed testing of the energy meter under Lab conditions can be used reliably for arriving at conclusions. No inspection conducted on the Current Transformer on 11/12/2023 and mere assumption is made that there is defect in the wiring of the CT. The petitioner prays the Forum to set aside the bill dated 12.12.2023 and 25.01.2024 for Rs.68,261/- and 1,74,423/- issued by the licensee.

2. Version of the respondent

The petitioner is an individual consumer under Electrical Section, Ramapuram bearing consumer number 1156292019111 in LT -IV tariff, with three phase LT CT meter connection effected on 8/8/2016. Registered contract demand is 93 kVA and connected load of 83 KW. On 11/12/2023 APTS, Kottayam conducted an inspection in the premises. Energy meter installed in the premises was 3 phase LT CT type TOD meter and was being used there since 2/12/2029. On inspection it was seen that no current was seen on R phase of the energy meter. But when checked with Tong tester, values of current on R,Y and B phases were shown as 19.8A, 11.4A, 17.5A respectively, which means that actual consumption in R phase was not being recorded in meter but consumption was showed on other two phases. This was because CT connected in R phase had failed due to its internal fault and energy consumed in ' R" phase was not being recorded in the energy meter. The correctness of the meter was checked with a NABL accredited MTE make 2.3 GenX Model portable slandered reference meter by the APTS inspection team and found an error of 29.75%. This means that the meter was recording 29.75% less than the actual consumption. The fact was stated in the site mahazar, a copy of which was served to the consumer. As per regulation 152 (3) of Kerala Electricity supply Code 2014, If the period of such short collection due to anomalies is not known the period of assessment of such short collection of electricity charges shall be limited to twelve months. Therefore a short assessment bill dated 12/12/23 amounting to Rs.68,261/- for the period of

1 year from 1-2023 to 12-2023 was issued. But later based on the data downloaded from memory card of the meter, APTS intimated that the tamper current unbalance had occurred on 28/09/2019. Hence to confirm the commencement of missing R phase current, meter was replaced with another meter and the dismantled meter was taken up with TMR, Pallom which is the authorized NABL accredited testing counter of KSEBL for detailed verification of downloaded data and ensuring the correctness of affected period. After verification of downloaded data from the meter at TMR, Pallom it was observed that missing of current in R phase was happening from the period 28/9/2019 onwards, that is data given by APTS wing was confirmed by the TMR wing too. Since it had caused huge revenue loss to the licensee another short assessment bill for the balance period from 12/2019 to 12/2022 for an amount of Rs.1,74,423/- was also issued by the licensee totaling to an amount of RS.2,42,684/-

The regulation 113 (6) stipulates that the licensee shall test the three phase meter once in 3 years. Periodic inspections done in this premises randomly, showed missing of current in 2 phases. But this might be when premises was not operational and light loads were set in one phase which is normal in due course. APTS Kottayam is a wing of KSEBL who is authorized with testing equipments to conduct such inspections. Using their facilities KSEBL has tried to retrieve the uncollected portion of current charges which is acceptable as per mentioned regulations and in no way aimed at penalizing the consumer. When an allegation that 'energy meter installed in the premises of petitioner with an inherent defect' was received, the meter got tested at TMR Pallom for fault checking which proved that meter is working fine conforming with IS standards. As per available records the meter was used for first time in the premises of petitioner and it is proved as working fine too. Hence there is no meaning in saying that downloaded data is not reliable. Meter was replaced with another one on 13/12/2023 without a mahazar, since the same was part of the already recorded APTS inspection activity.

Detailed Testing of meter in presence of consumer is impossible. However the test result of meter obtained from the NABL accredited lab can be made available if so required by the petitioner for reference.

3 Analysis and Findings

The hearing of the case was conducted on 9/05/2024. Both petitioner and respondent were present and the Forum heard the matter in detail. On perusal of the documents in the file, the Forum viewed that the case pertains to a short assessment bill of Rs.2,42,684/- issued by the licensee. The petitioner contented that the bill issued is exorbitant and illegal. According to the petitioner the energy meter installed in the premises on 02/12/2019 with inherent defects and meter downloaded data is not reliable. The respondent stated that the licensee issued the undercharged amount as per regulation 134 of Kerala Electricity Supply code 2014 for the period from 12/2019 to 12/2023 based on an APTS inspection. The respondent also argued that the reason for the assessment is due to the missing of the R phase current in CT meter when downloaded by the APTS wing. ie the actual consumption in R phase was not being recorded in meter but consumption was showed on other two phases. This means that the meter was recording 29.75% less then the actual consumption. The respondent stated that the downloaded details from meter checked by different wings of the licensee and showed same results and correctness of value of meter should not be doubted. The Forum viewed that the meter under dispute was installed at the premises on 02/12/2019. The licensee is bound to conduct periodical inspections once in 3 years as per clause 113 (6) and (7) of Kerala Electricity supply Code 2014. Even though the licensee conduct special drive for detecting such type of anomalies for CT connected consumer, the same is not getting implemented in the field successfully. 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. Even though as per Regulation 134 of Kerala Supply Code 2014, the licensee can recover the amount so under charged from the consumer by issuing a bill, the Forum reached the conclusion that consumer should not be burdened due to the lack of periodical inspections. The licensee can send the meter to Electrical Inspectorate and re-testing of the meter can be done in presence of the petitioner.

DECISION

Considering the facts and circumstances, of the case mentioned above the Forum ordered as follows:-

1. Since the petitioner raised question about the transparency of meter testing , the licensee can send the meter to Electrical Inspectorate and re-testing of the meter can be done in the presence of the petitioner if the petitioner desires so.
2. Based on the report of meter testing, the revision of demand bill can be arrived and suitable installments can also be provided if the petitioner desires so.
- 3.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.14/2024/175

Dated : 11/06/2024

Delivered to:

1. Sri. Biji Sony, Aerath Business Corporation Ramapuram.P.O, Kottayam (Dist.)686576
2. The Assistant Executive Engineer, Electrical Sub Division, Ramapuram.
3. The Assistant Engineer, Electrical Section, Ramapuram.

Copy to:-

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

Office: CGRF(S), Vidyuthi Bhavanam, Kottarakkara, Pin - 691 506
Web site: cgrf.kseb.in E- mail: Cgrf.ktra@kseb.in, Phone: 0474 - 2451300