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

Friday 8th November,2024

OP No.48/2024

Between

Petitioner: Sri. Swapnaraj Ravikumar ,
Regional Manager,
State Bank of India
Regional Business Office, Thiruvalla.

And

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

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

ORDER

1. Grievance of the petitioner

The petitioner is a consumer under Electrical Section Thiruvalla bearing consumer number 1146179025563 with VIC tariff having a connected load of 53380 watts. The petitioner is aggrieved by a short assessment bill of Rs.5,72,709/- subsequent to an APTS inspection conducted on 21-12-2023 at the premises. A short assessment bill dated 17.02.2023 along with the copy of the site mahazar was handed over to the petitioner. The short assessment period was from 6/2021 to 12/2023. On perusing the mahazar dated 21.12.2023 it was alleged that one of the phase of three phase meter is

not functioning . It is pertinent to note that on every month, the meterreader from KSEBL use to visit the premises and take reading without fault. Based on the consumption of electricity, the Bank used to pay the bill in time. The said short assessment and details narrated in the alleged mahazar are against prevailing law. As such the bill dated 17.02.2024 is illegal. Against the said assessment, petitioner had given a representation to the Assistant Engineer, KSEB Thiruvalla dated 15.03.2024 and against the order of the Assistant Engineer, another representation was given to the Assistant Executive Engineer, Electrical Sub Division, Thiruvalla both the representation was not considered properly based on facts and law and the same was rejected and directing to remit the bill amount within specified time. The average calculation stated in the said bill is not correct and by the said averaging of consumption by the licensee itself, shows that the said bill is net based on actual facts. The allegation of the licensee is that the meter was defective and for that the Bank has to pay an amount for short assessment amounting to Rs.5,72,709/- Even if the allegation is true/not admitting/then the provision 125 of the Kerala Electricity Supply Code, 2014 will apply the provisions says 125 procedure for billing in case of defective or damaged meter. The provision of section 116 of the Kerala Electricity Supply Code 2014 clearly speaks the procedure to be adopted for a defective meter by the licensee. The provision 110 of the Kerala Electricity Supply Code 2014, speaks clearly how to be dealt with an occasion when the reading is unable to record. The said provisions was not also complied by the licensee. Against the order passed by the Assistant Engineer Electrical Section, Thiruvalla, the Bank preferred a representation to the Assistant Executive Engineer, Electrical Sub Division, Thiruvalla on 20.07.2024 and by the order dated 27.07.2024.

dismissed the Bank's representation of reconsidering the assessed bill and direct the Bank to pay the bill amounting to Rs.4,60,378/- and the copy of the said order was provided to the Bank on 29.07.2024. By the provisions averred above, it is crystal clear that the claim raised in the alleged bill dated 17-02-2024, 24-06-2024 are illegal and against the provisions of prevailing law. By providing bill for different amount by the alleged bill dated 17.02.2024, 24-06-2024 and 27-07-2024, it is evident that he licensee is having a different opinion regarding assessment and acting illegally. So the petitioner prays the Forum to setaside the short assessment bills.

2. <u>Version of the respondent</u>

The 3 phase service connection bearing consumer No.1146179025563, effected from 30.03.2019 under Electrical Section, Thiruvalla, having a connected load to the tune of 53380 W under LT VIC tariff registered to the name of Stephen Chacko, Pandiyalil, Ani Villa, Thukalassery, Thiruvalla, is used for the functioning of regional office of the State Bank of India. Current Transformer (CT)connected meter is used to record energy consumption at the premises. A surprise site inspection jointly by the Anti power Theft squad (APTS) unit Thiruvalla and Section Squad of Electrical Section, Thiruvalla, at the aforementioned premises on 12.12.2023 wherein it was found and recorded that current is not being recorded in the y phase of the CT.

At the time of inspection the voltage and current recorded in the three phase were as below .

Phase	Voltage Volts	Current Amps	Remarks
R	228.16	1.09	Recording
Y	227.75	0.00	Not Recording
B	226.86	0.31	Recording.

The current passing through the cable was then measured using clamp on meter which recorded currents respectively as.

Phase	Current Amps
R	18.0
Y	17.6
B	6.1

R,Y and B phase readings matched with the Multiplication factor (MF-20)

The above data reveals that Zero current was recorded in y phase of CT when there actually was . As Zero current was recorded on y phase CT, corresponding consumption recorded in the CT energy meter at the premises therefore was Zero. That is the CT energy meter at the premises recorded the consumption corresponding to only two phases (ie 'R' and "B' phases) out of three and thereby the respective metering equipment reflects only the 2/3rd of the actual energy consumed at the premises causing huge loss to this licensee. The CT on the 'Y' phase was replaced the very next day and it was found that the consumption recorded in the succeeding month was more. There was a proportionate rise in the successive monthly consumption's records at the premises. It is therefore inferred that 1/3rd portion of the actual energy consumption at the premises was left unrecorded in the metering equipment. The consumption patterns convincingly evidenced that the consumer was billed and was paying only for the 2/3rd of the actual consumption at the premises from 06/2021 to 12/2023. On the basis of the aforementioned facts and inferences, invoking Regulations 134 as well as 152 of Kerala Electricity Supply Code 2014, a short assessment amounting to Rs.460378/- was assessed in view to make good the loss sustained by KSEB Ltd on account of non recording of the actual consumption through the 'Y' phase in the energy meter at the premises. But in the facing

paragraph of the assessment the amount wrongly entered as 5,72,709/-. So the respondent prays the Forum to direct the petitioner to remit the short assessed amount.

3 Analysis and Findings

The hearing was conducted on 15/10/2024 both the petitioner and respondent were present and 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 issuance of short assessment bill of Rs.4,60,378/- to M/s SBI Thiruvalla by the licensee. The petitioner contended that even if the alleged bill is true if should be as per Regulation 125 (2) of Kerala Electricity Supply Code 2014 that is the bill has to be levied only for two billing cycles after replacement of the meter. The respondent argued that the accuracy of the energy meter is tested at TMR Division Pallom and found to be working in good condition. Thus the contention of the petitioner that the meter is faulty is baseless. But only the 'Y' phase of the CT to the meter is missing. But from the down loaded data it is evident that 1/3rd portion of the energy consumption is lost due to this missing face. Thus a short assessment bill for 31 months. That is from 06/2021 to 12/2023 is prepared for Rs.4,60,378/- and served to the petitioner. The Forum viewed that the date of connection is on 30/03/2019 and date of inspection at the premises is on 21/12/2023. As per Regulation 113 (6) (7) of Kerala Electricity Supply Code 2014, it is the duty of licensee to inspect the premises and test the 3 phase meter once in every three years. If such periodical inspection was conducted the petitioner might not have been liable to pay the huge amount. This is a serious lapse from the part of the licensee. The Forum directed to the respondent to furnish a detailed report to justify there arguments. An error report based on the test conducted by APTS team at the premises was furnished by the respondent, By using a calibrated energy meter the error recorded was -33% which is in close proximity with theoritical value.

That is 1/3 rd portion of the energy consumption is lost due to 'Y' phase missing. Also the energy consumption for the succeeding months after the replacement of CT shows about two times hike in consumption. Hence the licensee is eligible to collect the under charged amount. As per Regulation 134 (1) of the Kerala Electricity Supply Code 2014 which stipulates that ***" If the licensee established either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill".*** So the petitioner is liable to pay the bill . The Forum analysed that while calculating the bill the licensee has considered all liberty in the Covid period.

DECISION

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

1. The Petitioner is liable to remit the bill amount. Suitable installments may be sanctioned 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/-	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. 48/2024/602 Dated :13 /11/2024

Delivered to:

1. Sri. Swapnaraj Ravikumar , Regional Manager, State Bank of India , Regional Business Office, Thiruvalla.

2. The Assistant Executive Engineer, Electrical Sub Division, Thiruvalla.
3. The Assistant Engineer, Electrical Section, Thiruvalla.

Copy to:-

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam, TVPM.
2. The Deputy Chief Engineer, Electrical Circle, Kottayam
3. The Executive Engineer, Electrical Division, Thiruvalla.