

**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

Saturday 29th,March 2025

OP No.71/2024

Between

Petitioner: Sri. Benny Thomas
Thottathil House
Neendoor.P.O., Kottayam.
PIN-686601.

And

Respondents: (1) Assistant Executive Engineer,
Electrical Sub Division, Ponkunnam

(2) Assistant Engineer,
Electrical Section,Kooroppada

ORDER

1. Grievance of the petitioner

The petitioner is a consumer having electricity connection under Electrical Section Kooroppada with Consumer No.1157495006926 under LT IV A tariff for manufacturing Rubber Matts in the name and style "Aiswarya Rubbers ". While so, he is aggrieved by a short assessment bill amounting Rs.12,48,292/-.due to incorrect multiplication factor billed by the licensee. Due to covid pandemic and increased competition the petitioners manufacturing unit is passing through an unprecedented crisis and losses. On 22.10.2024, APTS Kottayam inspected the premises of the petitioner and found anomalies in his premises. During the inspection, the current Transformer is of the Ratio 200/5 but the billing process was under taken with the ratio 100/5A with multiplication factor 20 instead of 40. The licensee has suffered a financial loss in terms of electricity charges

due to multiplication factor, being billed as 20. Accordingly, a site mahazar was prepared and a short assessment bill amounting to Rs.12,48,292/- was served to the licensee. The above bill was said to be raised for the period from 02/2019 to 26/10/2024 for 5 years and 8 months. In response, the petitioner filed complaint dated 01/11/2024 before the Assistant Executive Engineer Ponkunnam which was disposed of vide order No.DB No.64/ESD-PNK/2024-25/100 dated 18/11/2024 on affirming the bill. Subsequently representation was also submitted to the Deputy Chief Engineer, Electrical Circle, Pala which was also disposed of vide order No.IGRC/ECP/orders/2024-25 dated 05/12/2024. The petitioner is on the bonafide belief that the current transformer was replaced with multiplication factor 20 on 14/01/2019 and also replaced with multiplication factor of 40 recently on a near by date. There is no solid proof to believe that the current transformer was not changed on 14/01/2019 and also on any other dates. In the absence of any such evidence the licensee cannot proceed with short assessment bill especially in the backdrop of huge lapses committed in conducting and proper documenting of statutory inspections. So the petitioner approached the Hon'ble CGRF stating that the bill issued was illegal and unjustifiable and hence it is liable to be quashed.

2. Version of the respondent

The LT single phase service connection under the Electrical Section, Kooropada, with consumer Number 1157495006926, is registered in the name of Mr. Vincent.M.K (Major), Mattapalli, Lakkattor.P.O., under the LT IV A tariff, with a connected load of 53 KW. The purpose of this electrical connection is for " Industrial Manufacturing Units". Currently, the industry is primarily for the production of rubber mats is being operated by Mr. Benny Thomas under the name Aiswarya Rubbers, located at Lakkattor Thottathil House Neendoor.P.O., Pin 686601, Kottayam, This information has been documented in the site mahazar. It is admitted that on 22/10/2024 at 1.15 pm a surprise inspection was carried out at the above premises (Consumer No.1157495006926) of the Electrical Section, Kooroppada, by the Sub Engineer of the Electrical Section,

Kooropada, along with the APTS, Kottayam Unit. During the inspection, a short assessment of energy charges was detected due to the incorrect application of multiplication factor of 20 instead of 40 for the period from 02/2019 to 10/2024. A detailed site mahazar was prepared at the time of the inspection by the Sub Engineer of the Electrical Section, Koorapada, and was acknowledged by the consumer. For detailed examination of the performance of the energy meter and energy recorded, loads connected by the consumer were isolated and a load of approximately 5 KW capacity of single- phase heater load was connected and noted currents in the meter and the current recorded in tong tester were as follows.

Phasse	Voltage (A)	Current (A)	Load(W)	Current recorded in Tong Tester
R(1)	239.8V	0.51xCT Ratio	0.135xCT Ratio	20.2A (ie.0.51x40)
Y (2)	241.5V	0.512 x CT Ratio	0.132xCT Ratio	20.7A (ie.0.512x40)
B (3)	240.1V	0.52xCT Ratio	0.131xCT Ratio	20.6A (ie.0.52x40)

The above reports reveal that the current transformer (CT) installed at the premises is rated at 200/5 ampers. However in the regular energy charge bills issued to the consumer, the multiplication fact (MF) was recorded as “20” instead of “40”. As a result of this error, only 50% of the actual usage was billed.

As per Regulation 134 of the Kerala Electricity Supply Code 2014, a short assessment bill dated 29/10/2024 for Rs.12,48,292/- was issued to the consumer. This bill was assessed for the period from 02/2019 to 26/10/2024 for 5 years and 8 months.

The petitioner filed a complaint dated 01/11/2024 before the IGRC at the Sub Division level, which was disposed of vide order No.DB No.64/ESD PNK/2024-25/100 dated 18/11/2024 subsequently, a complaint was also submitted to IGRC at the circle level, Pala, and was disposed of vide order No.IGRC/ECP orders/2024-25 dated 05/12/2024.

The respondent argued that the assessment was made for the escaped amount due to the incorrect application of the multiplication factor as per Regulation 134 of the Kerala Electricity Supply Code 2014. This is further supported by the judgement of the Hon'ble supreme Court in civil Appeal No.1672/2020, 7235/2009, in prem Cottex v/s Uttar Hariyana Biji Vitram Nigam Ltd and others. When the meter was changed at the premises, the licensee followed all the procedures as per Regulation 109 of the Kerala State Electricity Supply Code 2014. The consumer has paid only half of the electricity charges for his consumption. The licensee has demanded the short collected current charges for the actual consumption, without any interest or penal charges, in accordance with the prevailing rules and regulations. The CT at the premises has remained unchanged since 15/02/2016. According to the Oruma Net report, the serial number of the CT connected at the premises since 15/02/2016 is 15284 and unfortunately, the multiplication factor was mistakenly recorded as 20 instead of 40. The demand for recovery is in accordance with the legal provisions and precedents set by the Hon'ble supreme court. So the respondent prays the Forum to direct the petitioner to pay the short assessed amount.

3 Analysis and Findings

The hearing was conducted on 04/03/2025 both the petitioner and the 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 a short assessment bill of Rs.12,48,292/- issued to Sri.Benny Thomas by the licensee. The petitioner contented that the bill issued was illegal and unjustifiable. He has made several complaints about the diminishing bills received during the year 2019 that is at the time of first meter change. But the licensee did not take into consideration his grievance at that time. But only after a long period of 5 years and 8 months the licensee could detect the fact simply stating that the multiplication factor was incorrectly entered as 20 instead of 40 in the Oruma Net software. As a result of this error, only 50% of the actual usage was billed. The Forum observed that there is serious lapses from the part

of licensee and the officials held are responsible. Also as per Regulation The kerala State Electricity Supply Code 2014, Regulation 113 (6) states that the licensee shall conduct periodic inspection or testing or both of the meters of LT 3 phase once in every three years. Further it is also stipulated that in the case demand based consumers the above inspection have to be conducted annually. The KSEBL had given frequent directions to the field Officers for the inspection of all current transformer connected meter premises for detecting discrepancies in metering circuit or multiplication factors for realising the revenue intime. There is serious lapses from the part of the licensee in conducting statutory inspections. Usually an official not below the rank of a Sub Engineer used take reading and issue bills in every month. Then also the licensee could not detect the defect. As per Regulation 134 of the the Kerala Electricity Supply Code 2014, a short assessment bill dated 29.10.2024 for Rs.12,48,292/- was issued to the consumer. This bill was assessed for the period from 02/2019 to 26/10/2024 for 5 years and 8 months. However the Forum views that the licensee is eligible to collect the short assessed amount as per Regulation 134 (1) of Kerala Electricity Supply Code 2014 which stipulates that a " If the licensee establishes, either by review or otherwise, that it has under charged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill. In such cases, at least 30 days shall be given to the consumer for making payment of the bill". Also Regulation 152 (1), (3) of the Kerala Electricity Supply Code 2014 which stipulates that " Anomalies attributable to the licensee which are detected on inspection at the premises of the consumer, such as wrong application of multiplication factor, incorrect application of tariff by the licensee even while even while there is no change in the purpose of use of electricity by the consumer and inaccuracies in metering shall not attract provision of section 126 of the Act or of section 135 of the Act ". " provided also that realization of electricity charges short collected shall be limited for a maximum period of twenty four months. Even if the period during which such anomaly persisted is found to be more than twenty four months." So the petitioner is liable to pay the bill for twenty four months.

DECISION

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

1. The impugned bill of Rs.12,48,292/- is quashed.
2. The bill shall be revised for 24 months prior to the date of inspection and twelve interest free instalment shall be sanctioned for making payments 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.71/2024/ 767

Dated :15/04/2025

Delivered to:

1. Sri. Benny Thomas, Thottathil House Neendoor.P.O., Kottayam. PIN-686601.
2. The Assistant Executive Engineer, Electrical Sub Division, Ponkunnam.
3. The Assistant Engineer, Electrical Section, Kooroppada.

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.

Forwarded

Sd/-
CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.71/2024/ Dated : /04/2025

Delivered to:

1. Sri. Benny Thomas, Thottathil House Neendoor.P.O., Kottayam.
PIN-686601.
4. The Assistant Executive Engineer, Electrical Sub Division,
Ponkunnam.
5. The Assistant Engineer, Electrical Section, Kooroppada.

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.

Web site: cgrf.kseb.in E- mail: Cgrf.ktra@kseb.in, Phone: 0474 - 2451300