

Before the Ombudsman
KPFC BHAVAN, C.V.Raman Pillai Road , Vellayambalam,
Thiruvananthapuram-695 010.

Order Dated 2nd May 2007.

Present: M.Sivathanu Pillai, Ombudsman-in Charge.

Appeal petition No 7 of 2007.

CGRF order. No.CGRF-CR/Comp.119/2006-07/359 dated 12-02-2007.

Sri. Shaji Sebastian
c/o.Essjay Electrolinks(P) Ltd,
Kallingaparambil, Nochima, NAD.P.O,
Aluva,Ernakulam

Appellant

Vs

Assistant Engineer
Electrical Section, KSEB,
Aluva North, Ernakulam

Respondent

Date of hearing 20th April 2007.

a. Appellant disposed of as follows:

1. Bill dated 14-11-06 issued by Board is invalid because date of reading is the same as the date given in the previous bill. As per clause 2(G) of Supply Code 2005, bill date shall not be later than 4 days from meter reading date.
2. Board has framed all their claims on a faulty meter reading which is illegal because of the following:
 - a. A bill cannot be prepared without quantifying the commodity consumed. Measurement of consumption should be based on a sound meter reading.
 - b. As per Supply Code 2005 clause 19(2), if a meter is faulty, bill should be issued based on previous six months average. Also, meter shall be replaced within one month. If average consumption for previous six months cannot be taken, consumption should be based on succeeding 3 months. This is as per clause 32(2) of Conditions of Supply of Electrical Energy.
- b. Date of meter readings are one and the same.

3. As per clause 55.1 of Electricity Act 2003, electricity should be supplied only after installation of a correct meter as specified in the regulation issued by Central electricity Authority. Hence billing based on faulty meter reading is punishable.
4. Section 56 A and B of Electricity Act 2003 prevents disconnection if consumer deposits under protest electricity charges calculated on the basis of average charge for electricity paid by him during preceding six months, pending disposal of any dispute.
5. CGRF's contention that appellant has not paid any electricity charges from date of connection is not correct.
6. Respondent's claim that bills were dropped in a box is false.
7. The connected load is only 2.25 KW. But assessment is based on 4 KW.
8. Meter rent collected is Rs 40/-, which is applicable for three phase meters whereas meter provided is only a single-phase meter.
9. Exhibit No.8 and 9 are in the same handwriting. But the arrear amounts indicated are Rs 6764/- and Rs 13351/-, which shows that there was bad intention while revising the calculations.

b. Respondent in the written reply has not given reply to the points raised by the petitioner. During hearing, respondent disposed as follows:

1. No record is available regarding the arrears up to 11/2000.
2. Office copy of bills for 2004 and 2005 are available.
3. Old bills do not have arrear column.
4. Computerisation was done from 9/2006. but up-to-date arrears were not entered.
5. Connection was three phase but meter installed was single phase.
6. The fact that meter was faulty was noted only when the same was reported by consumer on 02-01-07.
7. The connected load is now only 3HP.
8. Disconnection was not effected earlier because agricultural connections were not treated as other consumers are treated. Only after a decision was taken by Deputy Chief Engineer, disconnection of defaulting agricultural connections were done.

c. Details of arrears were called for from the respondent. As per the details received, the energy metered is 140 from 5/2003. Also energy metered is zero for the period from 1/2002 to 9/2002. Thus it seems

that the meter has become faulty from 1/2002. But it is noted that the average consumption for six months before 1/2002 is not 140.

In bill dated 16-09-2006, it is mentioned that available reading is 13-07-06. It is also noted against present reading that the meter is faulty. In the bill dated 12-01-06 it is noted as DC against the readings. Thus billing is totally confusing. Respondent has not replied to the points raised by the appellant. Respondent has not pointed out whether consumer is responsible for verification as to whether Krishibhavan is paying the bills. Also the procedure of billing in the case of an agricultural consumer when the electricity charges are paid by Krishibhavan has not been explained during the hearing or in the written statement. No reasonable stand has been put forward by the respondent for not disconnecting the connection at the first instance of non-payment. As such it is not possible to fix any responsibility on the consumer for non-payment even in the light of clause 18.6 of Supply Code.

As arrears are noted in the bill dated 14-11-2006, consumer cannot avoid payment for the consumption for the period from November 2004. This as per Section 56.2 of the Electricity Act 2003. Respondent should correctly assess the average consumption for the period during which the meter was working. Also when only a single-phase meter is installed, rental charges for three-phase meter cannot be collected. As for as connected load is concerned, consumer should get it regularized. Till then no claim on reduced connected load can be made. The petition is disposed off.

Sd/-
OMBUDSMAN

P5/2007.....Dated
Forwarded to

Sri. Shaji Sebastian
c/o.Essjay Electrolinks(P) Ltd,
Kallingaparambil, Nochima, NAD.P.O,
Aluva,Ernakulam

The Chief Engineer(Electrical) Distribution Central,
KSEB, Vytilla Ernakulam,

Assistant Engineer
Electrical Section, KSEB,
Aluva North, Ernakulam

Officer(Engg).