

IN THE CONSUMER GRIEVANCE REDRESSAL FORUM (CGRF)
NORTHERN REGION AT KOZHIKODE
(CONSTITUTED AS PER SECTION 42 (5) OF THE I E ACT 2003 AND KSERC REGULATION 2005)

PRESENT

Hon'ble Mr. T.R. Murukesan, B.Sc. Engg. (Ele.) M.E., LL.B., FIE, Chairperson
Hon'ble Mr. K.V. Ahamad Kutty, B.Sc. Engg. (Ele.), Member (Tech)
Hon'ble Mr. K.P. Radhakrishnan, BA (Sociology), Member (KSERC-N)

MONDAY The 23rd day of June 2008
The 2nd day of Ashadha 1930 S.E

OP NO.3 of 2008

Petitioner: - Kiran Raj Ail, Manager, Shilpa Colour Lab, Fort Road, Kannur
(By Advocate, E. Muhammad Shafi (Roll No. K/1037/93),
M.K.Associates, KVR Tower, Kannur)

Respondent: - 1.The Assistant Executive Engineer, KSE Board, Electrical
Sub-division, Kannur.

2. The Assistant Engineer, Electrical Section, Burnassery,
Kannur.

This original petition having been finally heard on 23-06-2008 and the Forum on the same day delivered the following:

ORDER

This petition has been filed under Section 42(5) of the Indian Electricity Act 2003 praying that this honorable Forum may be pleased to pass an order to set aside and quash the bill dated 26-02-2008 for Rs. 1,44,565/- issued by the Respondent Electricity Board.

1. The Petitioner's averments are as follows.

The Petitioner contends that he had received Ext. A1 bill dated 26-2-2008 for a sum of Rs. 1,44,565/- from the Respondent. The reason for issuing the bill is Stated as back arrears for the period from 08/2007 to 01/2008. The Energy Meter has shown changed as per the remarks column in the bill on 31-01-2008 though it was changed only on 05-02-2008. The Petitioner averred that if the meter is faulty it is the duty of the authority to set it right. Further monthly bills are issued based on inspection. There was no tampering of the meter. Therefore without referring the meter to the Electrical Inspector to find a cause of fault and the period it relates, the bill issued is arbitrary and unjust. The Petitioner further averred that he made a complaint on 13-03-2008 with the Assistant Executive Engineer and Executive Engineer, Electrical Section, Burnassery, Kannur. However there was no response. Therefore the Petitioner approached the Hon'ble High Court of Kerala in WP (C) No. 9862/2008 and the Hon'ble High Court of Kerala has directed the petitioner to approach the authority under Section 42 (5) of the Indian Electricity Act and hence this petition. The Petitioner prays to set aside and quash the bill dated 26-02-2008 for Rs. 1,44,565/-.

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2. The Respondent filed written statement contending as follows:

That a bill for Rs. 1,44,565/- has been issued to the consumer No.5922 in favour of M/s Shilpa Colour Lab, Kannur, an industrial connection having a power load of 22,000 watts and a light load of 15,660 watts. The consumption recorded in the light meter of the consumer was drastically dropped for the period from 08/2007 to 01/2008. So the light meter was changed on 11-02-2008. The reading was taken on 13-02-2008. The consumption recorded in the new meter was 402 units for two days. Therefore a short assessment bill for Rs. 1,44,565/- for the period from 08/2007 to 01/2008 was issued to the consumer. The bill was prepared based on the average consumption recorded in the new meter for two days. The Petitioner has approached the Respondent No.2 requesting three installments for remitting the bill and the same was sanctioned to the Petitioner on 26-02-2008. But instead of remitting the dues, the Petitioner moved a petition before the Hon'ble High Court of Kerala.

The Respondent averred that the back assessment bill was prepared taking average consumption for one month as 6030 units based on the reading in the new meter for two days. If the consumption for the last six months previous to meter faulty is taken, the average will be 6019 units. The Respondent further averred that they are ready to revise the bill with the consent of the honorable forum taking the average consumption in the old meter for the previous six months prior to meter faulty.

The final hearing of the petition was held at Kannur on 23-06-2008. During the pleadings, the following points arise for consideration of the Forum.

1. Whether the bill issued by the respondent is arbitrary and unjust?
2. Whether the respondent is duty bound to replace the energy meter if the meter is found faulty and to set it right without referring the meter to the Electrical Inspector to find a cause of fault and the period it relates?
3. Whether the Petitioner is entitled to get the relief as sought for, i.e., to set aside and quash the bill dated 26-02-2008 for Rs. 1,44,565/-?

The evidence in this case consists of the oral evidence of the Petitioner Witness (PW 1) and Exhibits A1 to A3 of the Petitioner and the oral evidence RW 1 and RW 2 and Exhibits B1 to B3 of the Respondent.

On points 1 to 3 the Forum examined the oral evidence and the Exhibits of both the parties.

During the examination, the Petitioner contended that the meter reader takes the meter reading in the presence of the consumer and there is no dispute in it and they have not submitted any application to the section authorities complaining the dispute regarding the meter reading or for conducting challenge test or referring the meter to the Electrical Inspectorate's lab before issuing the arrear bill and changing the faulty meter. The power meter is working satisfactorily. The Petitioner's only dispute is the method adopted for calculating the arrears payable

by him for the period from 08/2007 to 01/2008 in which the light meter was showing low reading. The Petitioner contended that the mathematical calculations are wrong even according to the Respondent's calculation. The detailed calculation furnished by the Respondent in response to the complaints to the Forum is correct but the average consumption taken in the bill is not correct.

The Respondent stated that the light meter was changed on 11-02-2008. The Respondent further contends that as per clause 42 of the KSE Board Terms and Conditions of Supply, 2005 Accuracy of Meter (Para 3), the reassessment when a meter become faulty shall be done based on the average consumption for the previous six months prior to the meter become faulty and is according to rule and that the Light Meter of the Petitioner was actually replaced on 11-02-2008 but wrongly recorded as 31-01-2008 in the consumer bill by the meter reader.

On examining the Exhibits produced by the petitioner as well as the Respondents, i.e. the detailed readings of the Power and Light Meter and the arrear bill calculation statements, bill issued to the Petitioner etc., it has come to the notice of the Forum that the Light Meter was showing very low reading during the period from 08/2007 to 01/2008 whereas the Power Meter reading is steady. This implies the Light Meter was faulty during that time. However the bills issued to the consumer is not in accordance with clause 42 of the Terms and Conditions of Supply. When Light Meter is faulty and Power Meter is working satisfactorily, the average meter reading shall be applied only on the Light Meter. The respondent would have taken the average consumption for six months prior to the meter become faulty in the case of Light Meter and actual meter reading of the Power Meter for calculating the arrear bill payable by the consumer on account of the Light Meter become faulty.

In the result, the Original Petition is allowed and the Respondents are directed to revise the bill in accordance with Section 42 of the Terms and Conditions of Supply of the KSE Board and the revised bill shall be issued to the consumer within 15 days from the date of order. A copy of the revised bill shall be forwarded to the Forum for records.

Pronounced in the open court on this the 23rd day of June 2008.

Sd/-	Sd/-	Sd/-
MEMBER (KSERC-N)	MEMBER (TECH)	CHAIRPERSON (CGRF)

APPENDIX

Petitioner's Exhibits:-

A1 - 26-02-2008	:	KSEB bill dated 26-02-2008 for Rs. 1,44,565/-
A2 - 17-03-2008	:	Complaints lodged with Assistant Executive Engineer and others
A3 - 23-03-2008	:	Judgment in WP (C) 9862 of 2008 of the Hon'ble High Court of Kerala

Petitioner's Witness:-

PW1 - 23-06-2008	:	E.Muhammed Shafi, Advocate (Roll No. K
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Respondent's Exhibits:-

- B1 - 23-06-2008 : Calculation statement of arrear bill.
B2 - 23-06-2008 : Average consumption details.
B3 - 23-06-2008 : Installment plan.

Respondents Witness:-

- RW1 - 23-06-2008 : Asokan, Assistant Executive Engineer.
RW2 - 23-06-2008 : Mohammed Ashraf

Sd/-
Chairperson