

**Before the Electricity Ombudsman**  
**9/2, 6<sup>th</sup> Floor, Mahalakshmi Chambers, M.G.Road,**  
**Bangalore**

**Present: B.R.Jayaramaraje Urs, IAS (Retd.)**  
**Electricity Ombudsman**  
**Case No.OMB/G/G-119/2011/622**  
**Dated 18.04.2012**

Smt. Saraswathi Bai,  
H.No.132/3009, Manik Nagar,  
Behind L.V.D.College,  
RAICHUR-584102  
**(by her Son, Sri Deepak, Authorised**  
**Representative)**

**Appellant**

**Vs**

1. Executive Engineer (Ele),  
O & M Division,  
CSC, GESCOM  
**RAICHUR**

2. Consumer Grievance Redressal Forum, (CGRF)  
GESCOM Corporate Office,  
Opp Hotel Parivar, Main Road,  
**GULBARGA-585102**

**Respondents**

1. This is an appeal under the provisions of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004 against the orders passed by the Consumer Grievance Redressal Forum, Gulbarga (hereinafter referred to as the 2<sup>nd</sup> Respondent) vide case No. 3/2010 dated 02.09.2011 in respect of the Appellant's grievance relating to back billing by the Executive Engineer, GESCOM, Raichur (hereinafter referred to as the 1<sup>st</sup> Respondent) for Rs.21,458/- and refusal of the 2<sup>nd</sup> Respondent to interfere in the matter. Being aggrieved by the 2<sup>nd</sup> Respondent's order (the impugned order), the Appellant has submitted her case as under:

2. The Appellant is an electrical consumer of GESCOM and electrical installation bearing RR No. 23206 stands in the name of the Appellant. The installation was serviced in 1990 with a connected load of 0.4 Kilowatts.

3. The Appellant has rented out her residential house in Raichur and lives in Bangalore and the house under reference was under door lock from August 2005 to August 2008 and during this period no power was used. In spite of this, the 1<sup>st</sup> Respondent issued a bill for Rs.21,458/- during the month of August, 2008. The Appellant contested this demand and wrote to GESCOM to look into the matter and to render justice. Further, the L.T Rating staff rated the meter and found the meter had a fast recording by 20%. No notice was given to the Appellant to be present during meter test. However, the 1<sup>st</sup> Respondent gave a revised bill after giving allowance for 20% fast recording of the meter. Since the Appellant failed to remit the balance amount, the 1<sup>st</sup> Respondent disconnected power supply to the Appellant.

4. The meter fixed in the premises of the Appellant was 25 years old and was not working properly and request for change of old meter with Electro Mechanical Meter was not considered by the 1<sup>st</sup> Respondent. The meter under reference was installed inside the house and no one could gain entry without the permission of the Appellant. The 1<sup>st</sup> Respondent reconnected power supply and sought some time to sort out the issue. Later, again, power supply was cut and the Appellant approached the 1<sup>st</sup> Respondent several times and also contacted the officials from Bangalore for resumption of power supply which was not considered. After a lapse of time, the 1<sup>st</sup> Respondent advised the Appellant to approach the 2<sup>nd</sup> Respondent for settlement of her grievance.

5. The meter reader has not informed senior officials of the company regarding door locking of the house nor has the Appellant informed the 1<sup>st</sup> Respondent about this. No action has been initiated against the Section Officer

for failing to take action when the house was under door lock. In the electricity bill, there is no mention that the Consumer should give complaint to the Licensee regarding door lock. On the other hand, there is a provision to disconnect power supply if charges are not paid for three months or house is under door lock for more than three months. The L.T Rating staff, after rating the meter, concluded that meter had 20% fast recording. In spite of this, no rectification of meter was done by the 1<sup>st</sup> Respondent nor meter was replaced. Hence, the Appellant prayed this Authority to set aside the orders of the 2<sup>nd</sup> Respondent and to issue direction to the 1<sup>st</sup> Respondent not to collect the balance amount of Rs.16,806/-.

6. The 1<sup>st</sup> Respondent's comments were called vide letter No OMB/G/G-119/2011/10988 dated 26.09.2011 and the 1<sup>st</sup> Respondent furnished his comments vide letter No. ಕಾನಿಲ(ವಿ)ಗ್ರಾಸೇಕೇಂ/ರಾ/ಸಲ(ತಾಂ/ಸಲಿಲ/2011-12/5649-54 dated 10<sup>th</sup> October, 2011.

7. In his comments, the 1<sup>st</sup> Respondent submitted that as per Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka, there is a stipulation that the Consumer has to install the meter outside the house so as to facilitate reading and, hence, the arguments of the Appellant that the house had been under door lock could not be considered. The 2<sup>nd</sup> Respondent in its order had observed that action had to be taken against the erring staff for their inaction and, as per the directions, action would be initiated against the concerned officials. The Appellant had contended that she had not been informed about the door lock. It was because, as admitted by the Appellant, she had been living in Bangalore. The 1<sup>st</sup> Respondent had not been aware of her address and, hence, could not be contacted. Further, the 1<sup>st</sup> Respondent countered how the meter reader could take the meter reading and reach the bills to the Appellant when the meter had been installed inside the house and when the Appellant's address had not been made known. As per Clause 26.01 of

Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka, non-receipt of bill was not an excuse for non-payment of bills and the Consumer has the option to provide the meter reading to the 1<sup>st</sup> Respondent for such months and the 1<sup>st</sup> Respondent has to issue bill to the Consumer. To the Appellant's poser that the 1<sup>st</sup> Respondent should have disconnected power supply when it had not received payment for more than 3 months, the 1<sup>st</sup> Respondent replied that the installation had not been disconnected in spite of door lock because of work pressure. The contention of the Appellant that her house had been under door lock from August 2005 to August 2008 and had been vacant could not be accepted in the absence of sufficient evidence and there was a possibility that the house could have been given for rent. Therefore, the final meter reading disclosure of 2674 units and initial reading of 5999 units was correct and in order. The installation had a 4- digit meter and the meter had completed one cycle and, hence, consumption of 6675 units was in order . Hence, he prayed this Authority to confirm the orders passed by the 2<sup>nd</sup> Respondent and to dismiss the appeal.

8. The matter was taken up for hearing on 29.03.2012 and on that day the Appellant and her Son (Authorised Representative) put forth their appearance and concluded their arguments and, for the 1<sup>st</sup> Respondent, the Executive Engineer, C.S.C Division, Raichur GESCOM appeared and concluded his arguments.

9. During the arguments, the Appellant and the 1<sup>st</sup> Respondent reiterated their submissions made earlier in the appeal memo and the replies respectively.

10. Both parties were informed vide letter No.OMB/G/G-119/2011/394 dated 06.03.2012 regarding availability of Sub-Regulation 1 of Regulation 20 of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004 which provides for settlement by agreement through conciliation and mediation.

However, both parties have not availed this opportunity. Hence, I am proceeding to pass an order in this matter.

11. Having regard to the contending positions of the parties, the issue that emerges for our consideration is:

***Whether the demand raised by the 1<sup>st</sup> Respondent for Rs.21,458/- is in conformity with the K.E.R.C Regulations?***

12. The main contention of the Appellant in the present case is that she was not residing in her house in Raichur from August 2005 to August 2008 and it was under door lock and, hence, the 1<sup>st</sup> Respondent could not have raised bill for Rs.21,458/-. Since the meter was installed inside the Appellant's house, the 1<sup>st</sup> Respondent obviously could not read the meter. It is practically not possible to take the meter reading when the meter is installed inside the house. It is true that the meter reader has not reported the door locking of the house for a period of three years to his superiors and took the meter reading in the month of August 2008 after the door lock had been lifted. The M.R.I showed consumption of 2,674 units. Since the meter had maximum digits up to 1000<sup>th</sup> place, it was concluded that the meter had completed one cycle of the readings and started its movement once again from `0` and reached 2,674 units. Considering initial reading of 5,999 units, the difference was worked out to 6,675 units. Based on this differential consumption, the 1<sup>st</sup> Respondent issued a bill for Rs.21,458/-. The Appellant protested against the issue of bill for back period and gave a complaint that the meter had been defective. The 1<sup>st</sup> Respondent, at the request of the Appellant, arranged for meter testing. The meter testing staff conducted test and found that the meter had a fast recording by 20%. The 1<sup>st</sup> Respondent, based on these findings, issued a revised bill for Rs.16,806/- and Rs.4,652/- was withdrawn from the original bill.

13. The Appellant has produced a ledger extract before this Authority to prove that there had not been any consumption during the disputed period but still the licensee has issued a bill for Rs.21,450/-. The ledger has shown 0 units from August 2005 to August 2008 because the consumption had not been recorded due to door locking of the house. However, the 1<sup>st</sup> Respondent gained access to the meter in August 2008 and collected data which showed cumulative consumption of 6,675 units for the disputed period. Since the Appellant complained regarding the faulty meter, the 1<sup>st</sup> Respondent referred the meter to M.T Division and the M.T.Division reported that the meter had a fast recording by 20%. Based on M.T Division's report, relief was extended to an extent of Rs.4,652/ in favour of the Appellant.

14. From the above, it can be safely concluded (a) that the meter had functioned during the disputed period, (2) the 1<sup>st</sup> Respondent, after gaining entry into the Appellant's house, took the meter reading and issued a demand for Rs.21,458/-, (3) based on the Appellant's complaint regarding faulty meter, the 1<sup>st</sup> Respondent arranged for meter testing and found the meter to be fast recording by 20% and (4) bill for excess units of 1,045 amounting to Rs.4,652/- was withdrawn vide order dated 16.7.2009.

15. Demand raised for 6,675 units for the disputed period i.e. August 2005 to August 2008 is on the basis of meter reading and on the basis of actual consumption and, hence, demand is just and correct. However, the Appellant raised objections regarding faulty meter and, after subjecting the meter to test, it was found out that meter had a fast recording by 20%. Based on this, the 1<sup>st</sup> Respondent has given a concession of Rs.4,652/-. Adjusting Rs.4,652/- as the excess amount collected is not in conformity with Clause 27.03 (ii) of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. Clause 27.03 (ii) of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka reads as ***"When the meter is found to be fast***

***beyond the permissible limits, the licensee shall adjust the excess amount collected based on the percentage error for a period not more than 6 months prior to the date of test.*** The 1<sup>st</sup> Respondent has not calculated the amount as laid down under Clause 27.03 (ii) of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka.

16. Total consumption for the disputed period as per the meter reading is 6,675 units and has been billed for Rs.21,458/-. For adjustment of the excess amount collected, the 1<sup>st</sup> Respondent should have taken average consumption of power for the disputed period i.e. 36 months. The average consumption per month comes to 185.4 units. 20% of 185.4 units is 37.02 units (Fast recording of the meter). At the rate of 37.02 units per month, for 6 months, total units come to 222.492. The 1<sup>st</sup> Respondent has to adjust the excess amount collected based on percentage error for a period not more than 6 months prior to the date of test i.e. 30.08.2008.

17. As per Tariff Order 2008, consumption above 200 units attracted Rs.4.20 towards energy charges and Rs.0.05 as Electricity Tax per unit. Hence, tariff per unit including Electricity Tax comes to Rs.4.25. Excess amount collected against 222.492 units at Rs.4.25 per unit comes to Rs.945.591. Whereas the 1<sup>st</sup> Respondent has adjusted Rs.4,652.00 by way of excess collected, which is incorrect as per Clause 27.03 (ii) of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. Thus, the 1<sup>st</sup> Respondent has to adjust Rs.945.591 as excess amount collected based on percentage error for a period not more than 6 months prior to the date of test. Hence, Rs.3,706.41 adjusted as excess amount collected should have been recovered from the Appellant by the 1<sup>st</sup> Respondent. This has not been done so far.

18. From the discussion made above, it emerges that the 1<sup>st</sup> Respondent has given more concession than what is allowed under Clause 27.03 (ii) of Conditions

of Supply of Electricity of Distribution Licensees in the State of Karnataka as regards fast recording of the meter.

19. Regarding the grievance that bill for Rs.21,458/- has been raised in an unjust manner has no basis as the same is prepared on the basis of meter reading and actual consumption. Hence, there are no good grounds to interfere with the impugned order passed by the 2<sup>nd</sup> Respondent.

20. In view of the above, this Authority proceeds to pass the following order:

## **ORDER**

21. For the foregoing reasons, **the Appeal is dismissed.**

(B.R.Jayaramaraje Urs)  
Electricity Ombudsman

1. Smt.Saraswathi Bai, H.No.132,/3009, Manik Nagar, Behind L.V.D College, Raichur-584102.(Camp Address: C/o Sri Deepak, No.27, "Shri Venkateshwara Nilaya", II Floor, 4<sup>th</sup> Main, Kuvempunagara, Doddakallasandra, Bangalore-560062.)
2. Executive Engineer, O & M Division, CSC, GESCOM, Raichur.
3. Consumer Grievance Redressal Forum, GESCOM Corporate Office, Opp Hotel Parivar, Main Road, Gulbarga-585102
4. Managing Directors of all ESCOMs.
5. PS to Hon. Chairman, KERC
6. PS to Hon. Member (H), KERC
7. PS to Hon. Member (S), KERC
8. PS to Secretary, KERC
9. OCA