



Before the Electricity Ombudsman

9/2, 6th Floor, Mahalakshmi Chambers, M.G Road,
Bangalore.

Present: B.R.Jayaramaraje Urs, IAS (Rtd)

Electricity Ombudsman

Case No.OMB/B/G-207/2015

Dated the 29th May, 2015

Smt. K.P Nair,
240, Defence Colony,
80 ft. Road, Indiranagar,
Bangalore-560038.

.. Appellant

V/S

1. The Assistant Executive Engineer (EI)
East, 6th Sub-Division, BESCOM
16th, 'C' Main
H.A.L. 2nd Stage,
Bangalore-560 038

2. The Chairperson,
Consumer Grievance Redressal Forum,
Office of the Superintending Engineer,
BESCOM, West Circle,
CA Site No. 05, 3rd Stage,
Bhimajyothi HBCS Layout,
Basaveshwaranagar
Bangalore-560079

.. Respondents

1. This is an appeal under Clause 22.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the orders passed by the CGRF, Bangalore District, Bangalore (here in after referred to as the 2nd Respondent) vide its order No. CGRF/Chairman/WC/5107-12 dated 19.12.2014 in regard to the complaint filed by the appellant regarding the excess billing issued by the 1st Respondent for the period from 01st April 13 to 06th December 2013. The CGRF declined to interfere in the orders passed by the 1st Respondent. Aggrieved by the order passed by the CGRF, the appellant has submitted her case as under:

2. The appellant is a registered domestic electricity consumer of BESCO. She resides at 240, Defence Colony, 80 ft. Road, Indiranagar, Bangalore-560038. The installation bearing R.R. No.3236 stands in the name of the appellant. The installation was serviced on 04.05.1971 with a sanctioned load of 4.90 kW (AEH). The appellant was paying the bills levied on the basis of record of units consumed every month by BESCO through E.C.S. There was no problem till April, 2013. However, in the month of April, 2013 a bill for Rs.173/- was issued followed by a bill for Rs.179/-, for the month of May, 2013. On enquiry, it was learnt that the above mentioned amounts were not deducted through ECS. When appellant's son approached O&M Sub division regarding non-deduction of electricity bills through ECS and low billing, the staff informed the appellant that since a new software had been incorporated, the appellant had to make a fresh application for E.C.S. payment and make cash payment, for the months of April & May, 2013. Again a bill for Rs.352/- was issued for the month of April, 2013 and May 2013 which was paid in cash. Later, a fresh application was made for payment of bills through E.C.S. The Accountant working in BESCO office advised the appellant's son that the meter appeared faulty and hence, it was advisable to

report the matter to AEE (EI). Accordingly, the appellant filed a complaint regarding non-functioning of the meter in June, 2013. Despite telephonic complaints and reminders neither the meter was rectified nor bills raised by BESCOM for the months of June 2013, July 2013 and August 2013 was set right. In September, 2013, a bill for Rs.2,641/- was raised for the period from 01st June, 2013 to 01st September, 2013. This bill showed consumption of 134 units and also a remark 'Meter Not Recording'. This bill was also not collected through ECS. When appellant's son enquired about this anomaly, the staff informed that this had been due to the mal-functioning of the meter. Therefore, this amount was paid by cash on 11th September, 2013.

3. Further, for the month of September, 2013 a bill for Rs.2,343/- was issued for consumption of 411 units with a remark 'Meter Not Recording'. Again complaints were filed but no action was taken. For the months of October, 2013 and November, 2013 bills for Rs.4,766/- and Rs. 7,109/-, respectively were issued and these bills also carried 'Meter Not Recording' remark. Both the bills showed consumption as 411 units. Thereafter, no bills were issued by BESCOM. At this stage, a written complaint was lodged on 4th December, 2013 with the AEE (EL), 6-Sub-Division, BESCOM. Following this complaint, arrangements were made for inspection of the meter by MT Rating Division. MT Rating Division during inspection found the meter not functioning. Later, M.T. Rating Division replaced the mechanical meter with an ETV meter.

4. After installation of new ETV meter, a consolidated bill was issued for Rs.33,138/- on 1st February, 2014 for the period from 01st March, 2013 to 01st February, 2014. On verification of the bill, it was found that the consumption of electricity for 9 months from 01st April, 2013 to 06th

December, 2013 was shown as 5315. Average of this worked out to 591 units (9 months). For the balance period of two months i.e. 06th December, 2013 to 01st February, 2014, consumption was shown as 636 units which averaged out to 318 units. Consumption details show that there is variation in consumption of electricity for the two periods. This variation was due to the malfunctioning of the meter for the period from 01st of April, 2013 to 06th December, 2013. This fact was brought to the notice of AEE (EI) and the AEE (EI) informed that the mechanical meter had been in good condition and based on the meter reading, the consolidated bill had been issued for 4700.02 units which was in order. Since BESCOM failed to address her concerns, the appellant filed a complaint before the CGRF and CGRF, after hearing the matter, dismissed the complaint of the appellant and hence, filed this appeal.

5. The 1st Respondent's response was called vide this office letter No. OMB/B/G-207/2015/484 dated 25.03.2015.

6. The 1st Respondent in his replies submitted that installation bearing RR No. AEH 3236 stands in the name of Smt. K.P Nair and serviced on 04.05.1971 with a sanctioned load of 4.90 kW under LT-5 tariff.

7. Further, the appellant had been paying the electricity bills regularly without any dispute till 01.03.2013. The Meter Reader had not brought reading on 01.04.2013. Thereafter, no bill had been issued to the consumer in April, 2013. Thereafter, when Meter Reader had gone to take the meter reading on 01.5.2013, as rotation had completed in that month, the Meter Reader could not understand how to take the meter reading and so, he had given the same reading issued on 01.03.2013 saying that there is 9385 reading on 01.05.2013.

For this reason, bill for Rs.352/- had been issued for the months on April, 2013 & May, 2013 towards the fixed charges on 01.05.2013 and the consumer paid the amount on 03.05.2013. Thereafter, when Meter Reader taken the Meter reading on 01.06.2013, there was 1829 reading and he informed that rotation had become complete. Hence, issued bill for Rs.14,948/- for total of 2444 units

consumed in that month. The appellant objected to this bill and contended that for the month of April, 2013 alone hefty bill of Rs.14,948/- could not possibly come as she had not consumed 2444 units. Therefore, no bill had been issued for the month of June, 2013. Again, Meter Reader had been advised to bring the reading. The Meter Reader had again brought the reading which showed 9519. Hence, a bill had been prepared for Rs.694/- towards consumption of 134 units of power. However, the appellant refused to pay the bill for the month of June, 2013.

8. Later, as the Meter Reader had not brought the reading on 01.07.2013 & 01.08.2013, no bill had been issued for two months. The Meter Reader on 01.09.2013 reported that the meter was defective (MRI) and therefore, issued bill for Rs.2,851/- which included Rs.2,065/- energy charges, arrears of Rs.649/- and interest on the arrears. Accordingly, the consumer had made payment on 11.09.2013.

9. The 1st Respondent added that the Meter Reader again had not brought the reading on 01.10.2013 and 01.11.2013 and hence, no bills were generated from the computer. However, the appellant had filed a complaint dated 04.12.2013 to the AEE (EL) stating that the meter had not been functioning from 01.04.2013 to 01.12.2013 and further she had received excess bill in the

month of November, 2013 for Rs.4,766/- and Rs.7,109/- for the month of December, 2013. However, the consumer had not paid the bills from October, 2013 to February, 2014.

10. The 1st Respondent in his written replies further submitted that BESCO at the request of the appellant got the meter verified through M.T. Rating Division on 06.12.2013 which reported that there had been no defect in the mechanical meter. On the request of the consumer, the old mechanical meter had been removed and installed new electronic digital meter. M.T. Rating Division in their report informed that the final reading of the removed meter on 06.12.2013 was having 4700.02 units and the opening reading of new meter at 000001. But the Operation & Maintenance Unit of Indira Nagar had furnished reading during December 2013 which showed a reading of 636. The replaced old mechanical meter showed 5181 units and new ETV meter showed 636 reading totalling 5817 units and hence, all bills issued from April 2013 had been cancelled and consolidated bill for Rs.34,306/- had been issued for total units of 5951 plus interest of Rs.35/- on the balance amount. A bill for Rs.34,341/- had been prepared. Out of this, Rs.352/- paid in May 2013 and Rs.2,641/- paid in the month of September 2013 had been deducted and net bill for Rs.31,138/- had been issued. The consumer had not paid the amount. Thereafter, the Meter Reader had brought 907 reading on 01.03.2014. Bill for Rs.32,746/- had been issued, which included the arrears for the previous months and Rs.1,608/- for the month. The consumer had paid Rs.32,476/-. Therefore, no excess bill had been issued to the consumer and hence, prayed this authority to dismiss the appeal.

11. Both parties were informed vide letter No. OMB/B/G-207/2015/498 dated 29.04.2015 regarding availability of Sub-regulation 1 of Regulation 20 of KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2004 which provides for settlement through conciliation & mediation. However, both parties have not availed this opportunity. Hence, I am proceeding to pass an order in this matter.

12. Case was taken up for hearing on 12.05.2015 and during the hearing the authorised representative of the appellant argued that average monthly consumption for nine months from 01st April, 2013 to 06th December, 2013 was 591 units and whereas, average monthly consumption for the period from 06th December, 2013 to 01st February, 2014 was 318 units. There is a wide variation in the consumption of electricity for the two periods i.e. a) April, 2013 to 06 December, 2013 and b) 06th December, 2013 to 1st February, 2014 and hence, the appellant suspects that the mechanical meter which was in operation during April, 2013 to 06th December, 2013 was not functioning and hence, resulted in erratic billing.

13. The 1st Respondent submitted that the M.T. Rating Division at the time of replacing mechanical meter certified that it had functioned well during the relevant period and hence, apprehension of the appellant that the mechanical meter had become non-functional for the period from April, 2013 to December, 2013 was unfounded and without basis .

14. Since the appellant expressed doubts regarding the functioning of the mechanical meter for the period from April, 2013 to December, 2013, this authority sought to know from the 1st Respondent whether the subject meter

was in his possession and the 1st Respondent submitted that the meter was not in his possession but would find out whether the meter had been sent to the store room and available for inspection. Time was granted to the 1st Respondent. Hence, case was adjourned to 18.05.2015. On the next date of hearing, the 1st Respondent produced the subject meter before this authority.

15. Since the appellant expressed doubts regarding the accuracy of the meter, this authority sought to know from the parties whether they had any objections to referring the subject meter to a third party agency for testing. Both parties submitted that they were agreeable to the suggestion and also abide by the findings of the third party agency. Hence, the appellant was directed to give an application to the 1st Respondent for meter testing by a third party agency along with the necessary fees and the 1st Respondent to refer the meter which is in his possession to the third party agency for testing i.e. regarding the accuracy of the meter for the period from April, 2013 to December, 2013.

In view of the above, the following order is passed:

ORDER

- a) The appellant is directed to make an application to the 1st Respondent for meter testing (subject meter) by a third party agency within 10 days from the date of passing of this order.
- b) The 1st Respondent is directed to refer the subject meter to a third party agency for testing when the appellant makes application.

c) Parties to abide by the decision of the third party agency and act accordingly.

Case stands disposed in terms of the above.



(B.R. Jayaramaraje Urs)
Electricity Ombudsman

1. Smt.K.P. Nair, 240, Defence Colony, 80 ft. Road, Indiranagar, Bangalore-560 038.
2. Asst. Executive Engineer (EI) East, 6th Sub-Division, BESCOM, 16th 'C' Main Road, H.A.L. 2nd Stage, Bangalore-560 038.
3. The Chairperson, CGRF, Office of the Superintending Engineer, BESCOM, West Circle, CA Site No.05, 3rd Stage, Bhimajyothi HBCS Layout, Basaveshwaranagar, Bangalore-560 079.
4. Managing Directors of all ESCOMs
5. PS to Hon. Chairman, KERC
6. PS to Hon. Member (A), KERC
7. PS to Hon. Member (M), KERC
8. Secretary, KERC.