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Rajamma George Vs. K.S.E.B and Others

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Court : Kerala

Decided On : Feb-06-2014

Judge : Honourable Mr.Justice K.Surendra Mohan

Appellant : Rajamma George

Respondent : K.S.E.B and Others

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN WEDNESDAY, THE5H DAY OF FEBRUARY201416TH MAGHA, 1935 WP(C).No. 32816 of 2010 (B) ---------- PETITIONER: ---------- RAJAMMA GEORGE, MARUTHIKUNNEL HOUSE, ANIKAD P.O., MALLAPPALLY689585. BY ADV. SRI.JOSEPH GEORGE RESPONDENTS: ---------- 1. KERALA STATE ELECTRICITY BOARD REP.BY ITS SECRETARY, VAIDHYUDHI BHAVANAM, PATTOM P.O. THIRUVANANTHAPURAM, PIN695004.

2. THE ASSISTANT ENGINEER, KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION MALLAPPALLY, PIN689585.

3. THE ASSISTANT EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD, ELECTRICAL SUB DIVISION, MALLAPPALLY, PIN689585.

4. THE STATE ELECTRICITY OMBUDSMAN, THANATH BUILDINGS, CLUB JUNCTION, POOKATTUPADY ROAD EDAPPALLY TOLL, KOCHI, PIN682024.

5. THE CONSUMER GRIEVANCE REDRESSAL FORUM (SOUTH), VAIDHYUDHI BHAVANAM, KOTTARAKARA691506. BY ADV. SMT.P.K.RADHIKA-KSEB ADV.SMT.ALISHA MATHEW THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON0502-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: APPENDIX IN WPC328162010 PETITIONER'S EXTS: EXT.P1: PHOTOCOPY OF BILL DT.21.12.2009 ISSUED BY THE2D RESPONDENT EXT.P2: -DO- OF

ORDER
DTR.7.5.2010 ISSUED BY THE CGRF KOTTARAKKARA EXT.P3: -DO- OF APPEAL FILED BY THE PETITIONER BEFORE OMBUDSMAN EXT.P4: -DO- OF

ORDER
DT.14.10.2010 ISSUED BY THE OMBUDSMAN JJ /TRUE COPY/ P.S.TO JUDGE K. SURENDRA MOHAN,J ---------- W.P(C) NO. 32816 OF2010---------- Dated this the 6th February, 2014.

JUDGMENT
The petitioner had availed a low tension domestic connection from the KSEB Electrical Section, Mallappally. Originally the same was a single phase connection. It was later on converted to a three phase connection with effect from 22.10.2009. A new three phase energy meter was also installed. On noting a sudden spurt in the consumption, the petitioner had approached the second respondent and it is alleged that a parallel/test meter was installed on 30.10.2009 in the premises to record the consumption. The parallel/test meter was removed on 17.12.2009. According to the petitioner, as per the original meter the consumption for the period from 30.10.2009 to 17.12.2009 was 1594 units while the parallel meter recorded only 576 units. Thus, there was found to be a difference of 1018 units. However, Ext.P1 bill WPC328162010 2 was issued on the basis of a reading in the original meter. The reading in the parallel meter was totally ignored, according to the petitioner.

2. In view of the above, the petitioner approached the Consumer Grievance Redressal Forum ('CGRF' for short). As per Ext.P2 order the petitioner's complaint was dismissed. The petitioner preferred Ext.P3 appeal against Ext.P2 before the

Ombudsman. By Ext.P4 order the appeal has also been dismissed finding that Ext.P1 bill was proper and correct. This writ petition is filed challenging Exts.P1, P2 and P4.

3. Adv.P.K.Radhika appears for the respondents. No counter affidavit has been filed. The counsel on instructions submits that the complaint of the petitioner is based on an allegation that the meter installed in her premises was faulty. The meter had been tested and found to be correct and properly calibrated. The second respondent had not installed a parallel meter to counter check the consumption of the petitioner, as alleged. The same was installed by someone WPC328162010 3 else, who had no authority to do so. Therefore, no reliance could be placed on the reading in the said meter. The contentions of the petitioner have been considered by the statutory authorities in Exts.P2 and P4. Therefore, it is contended that the petitioner is not entitled to any of the reliefs sought for in this writ petition.

4. Heard. A perusal of Exts.P2 and P4 orders of the CGRF and the Ombudsman show that the petitioner's contentions have been examined by the said authorities. The petitioner had contended that, the reading recorded by the parallel/test meter that was installed being less than the reading shown by the regular meter, the lesser reading should have been accepted and she should have been billed on the basis of the said reading. However, it has been found by the CGRF as well as the Ombudsman that the parallel meter was not a properly calibrated one and that the same had been installed by an unauthorised person. It is to be noted that the parallel meter was installed by some lineman who was not WPC328162010 4 authorised to install such a meter. The reading of the parallel meter was also not recorded by any official of the KSEB or in any of the official records of the authority. The regular meter was subjected to a testing by the competent authority and the authority has testified to the accuracy of the regular meter. For the above reasons, it has been held that there were no materials to conclude that the readings of the regular meter were erroneous in any manner. In view of the above, the reading was found to be correct and the contention of the petitioner has been rejected.

5. I do not find any grounds to interfere with the findings entered and the conclusions drawn in Exts.P2 and P4. Therefore, I am not satisfied that the petitioner is entitled to any of the reliefs sought. For the above reasons this writ petition fails and is accordingly dismissed.

6. The counsel for the petitioner makes a plea for the grant of instalments for making payment of the amount that has been demanded by Ext.P1 bill. It is submitted that an WPC328162010 5 amount of Rs.5,000/- has already been paid and that the balance amount remaining to be paid comes to Rs.11,000/-. I am satisfied that the petitioner can be permitted to pay the balance amount due as per Ext.P1 in three equal monthly instalments, the first instalment to be paid on or before 28.02.2014. The subsequent instalments shall be paid on or before the 28th of each succeeding month thereafter. In the event of the petitioner committing default in any one of the instalments, the petitioner shall forfeit the benefit of the above direction and the first respondent shall be at liberty to recover the amount due in accordance with law. Sd/- K. SURENDRA MOHAN Judge jj/jm /True copy/ WPC328162010 6

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