

BEFORE THE VIDYUT OMBUDSMAN

::Present::

C.Ramakrishna

Date: 15-04-2014

Appeal No. 102 of 2013

Between

M/s Worth Aqua Pvt. Ltd.

Vetapalem Village & Post

Vetapalem Mandal

Prakasham Dt

... Appellant

And

1. The Asst. Accounts Officer, ERO, Town, Vetapalem
2. The Asst. Divisional Engineer, Operation, Vetapalem
3. The Asst. Divisional Engineer, CT Meters, Ongole
4. The Divisional Engineer, M&P, Ongole

... Respondents

The above appeal filed on 16-09-2013 has come up for final hearing before the Vidyut Ombudsman on 09-04-2014 at Ongole. The authorized representative of the appellant, as well as respondents 1 to 4 above were present. Having considered the appeal, the written and oral submissions made by the appellant and the respondents, the Vidyut Ombudsman passed the following:

AWARD

2. The appeal arose out of the grievance of the appellants that the CGRF has not considered sympathetically their request for waiver of R&C penalties imposed in the billing months of 10/2012 to 02/2013.

3. The appellants in their appeal stated that vide the letter dated 05-03-2013, they were accused of violating the R&C guidelines issued by the Hon'ble APERC and were asked to pay an amount of Rs. 2,25,310/- within 15 days under threat of disconnection; that they are not at all aware of the guidelines at all; that they are not aware of the contents of the notice referred to in the said letter; that as they have not received any circular or notice from the DISCOM regarding changes in the billing pattern pursuant to the R&C guidelines issued by the Hon'ble APERC, they regret to accept that they have violated the R&C guidelines; that the DISCOM did not make any effort to make the R&C guidelines public nor did they inform the users even as the R&C guidelines were being violated; that in spite of consuming very less quantum of power, they had been paying huge electricity bills due to low power factor ranging from 0.24 to 0.68; that they have not been given the full details of the R&C penalties demanded of them; that in the above circumstances, they approached the CGRF, Tirupathi agitating about inflated power bills for the past six months with a view to get some relief from the R&C penalties; and that the CGRF had not considered their appeal favourably.

4. The appellant pleaded finally that the entire case should be reviewed and the R&C penalties imposed should be cancelled, as they are levied in

violation of principles of natural justice. The appellants further pleaded for getting a copy of the R&C guidelines to enable them to avoid future penalties.

5. The respondents were served with a notice for hearing the case on 11-02-2014, directing them to submit their written submissions, if any, duly serving copies of the same on the appellant. Respondent ADE and the AE, Operation filed written submissions during the hearing on 11.2.2014. As they have not served the copies of their written submissions on the appellants, the appellants sought time to go through them and appear for arguments. Hence posted the case for final hearing at Ongole on 09-04-2014. Heard the appeal finally at Ongole on 09-04-2014.

6. The respondents in their written submissions stated that the consumer is having a connected load of 74 HP; that the appellant approached the CGRF for revision of CC bills relating to 10/2012 to 02/2013; that the penalties were levied due to low power factor; that the appellants expressed doubt about the DTr; that the DTr was replaced on 21-03-2013; that the CGRF has held that the advancement of the kVAH is not account of the DTr but due to the presence of the capacitors and hence there is no need to revise the bills for the said months.

7. The CGRF noted in its order that on the appellant's complaint about huge difference in the kWH and kVAH led to replacement of the DTr; but that in spite of the replacement of the DTr there were no huge difference in the kWH and kVAH components; that the appellant complainants could not support their contention about defective DTr with data; that the reason for the consumer getting apparently high bills is due to their not keeping the

capacitors in 'off' mode whenever there was no three phase supply and that therefore there is no need to revise the bills already issued.

8. During the hearing on 09-04-2014, the appellants contented that the whole issue is basically about imposing heavy R&C penalties and that they would be happy if some relief is given on account of the same. The respondent officers also confirmed that the whole issue is about levy of R&C penalties and said that they would abide by the decision of the Vidyut Ombudsman in that regard.

9. The appellants are a Category III (A) consumer in Vetapalem with a connected load of 74 HP. The respondents confirmed that the feeder on which the appellants service connection is existing is an express feeder. The respondents also confirmed that the amounts in question relate to the R&C penalties that were imposed during the period in question.

10. It is pertinent to note that the appellants have been harping on their not being in the know of R&C guidelines. The respondent officers ought to have kept all the consumers informed of the R&C guidelines from time to time. Even if the respondent officers failed to do so, the appellants cannot plead total ignorance as the imposition of R&C measures by the Hon'ble Commission received wide coverage in the press and they ought to have enquired with the respondents about the same. In any case, R&C guidelines that have the authority of law backing them are in the know of the entire State and have also been put on the website of the Hon'ble Commission from time to time. Hence pleading total ignorance of the existence of R&C guidelines is not an excuse. Even the respondent officers ought to have taken extra care to keep the

affected consumers informed of the same.

11. The Hon'ble Commission in its Proceedings No. APERC/Secy/154/2013, dated 08-08-2013, waived 50% of the penalties imposed during R&C period as a one time measure. In view of the Hon'ble Commission's orders, the appellants also are entitled for this one time waiver.

12. Therefore, it is hereby ordered that:

- a. The respondents shall calculate the revised R&C penalties keeping in view the Hon'ble Commission's orders referred above for the entire period during which R&C penalties were levied;
- b. Within 15 days from the date of receipt of this order, the respondents shall carry out the revision ordered in (a) above;
- c. Within 30 days from the date of receipt of this order, the respondents shall report the compliance status of the orders issued above.

13. This order is corrected and signed on this 15th day of April, 2014.

VIDYUT OMBUDSMAN

To

1. M/s Worth Aqua Pvt. Ltd., Vetapalem Village & Post, Vetapalem Mandal,
Prakasham Dt
2. The Asst. Accounts Officer, ERO, Town, Vetapalem

3. The Asst. Divisional Engineer, Operation, Vetapalem
4. The Asst. Divisional Engineer, CT Meters, Ongole
5. The Divisional Engineer, M&P, Ongole

Copy to:

1. The Chairperson, CGRF, APSPDCL, Behind Sreenivasa Kalyana Mandapam,
Kesavayanagunta, Tirupati - 517 501.
2. The Secretary, APERC, 11-4-660, 5th Floor, Singareni Bhavan, Red Hills,
Hyderabad-04.