

**BEFORE THE VIDYUT OMBUDSMAN**

**::Present::**

**C.Ramakrishna**

Date: 14-02-2014

Appeal No.109 of 2013

Between

Sri. T. M. Mohan Das

H. No. 10-3-282/2/A,

Humayun Nagar,

Hyderabad - 500 028.

**...Appellant**

**And**

1. The Assistant Engineer, Operation, Masab Tank, APCPDCL, Hyderabad.
2. The Assistant Divisional Engineer, Operation, Masab Tank, APCPDCL, Hyderabad.
3. The Assistant Accounts Officer, ERO, A. C. Guards, APCPDCL, Hyderabad.

**...Respondents**

The above appeal filed on 30-10-2013 has come up for final hearing before the Vidyut Ombudsman on 06-02-2014 at Hyderabad. Sri. Mohan Das, the appellant as well as respondents 1 to 3 above were present. Having considered the submissions of the appellant, the respondents and the material available on record the Vidyut Ombudsman passed / issued the following:

**AWARD**

The appeal arose out of the grievance of the appellant that his neighbours were given connection wrongly from the meters of his service connections, perhaps with the connivance or collusion of one of the line staff of the DISCOM and that because of this, he had to foot excessive bills over a period of time.

On 16.09.2013 the appellant filed a complaint before the CGRF, Greater Hyderabad Area, APCPDCL inviting its attention to a litany of grievances and ultimately requested for a revision of the bills. His basic grievance appears to be that the existence together of the meters pertaining to four of his service connections with four other connections of his neighbours and the haphazard wiring (keeping the fuses and wires of his neighbours in the pole mounted box) that was allowed to accumulate have given rise to a situation wherein his neighbours' service connection wires were connected to one of his service connections i.e., SC number A4015238. His apprehension is that this has resulted in his getting excess bills than what would otherwise have become payable. Well before the CGRF took up the hearing, it is on record that the respondent AE inspected the appellant's premises on 17.09.2013 and removed his neighbour's connections from the pole mounted box and connected them from the LT main line. The CGRF took up the complaint and disposed it on 10.10.2013 ordering the respondents to get the functioning of the meter tested if the complainant appellant herein challenges the same. Having received the CGRF's order, the appellant had filed a letter dated 18.10.2013 before the CGRF again reiterating the same grievance. It appears that the CGRF, and rightly so, chose not to interfere with the orders already passed by it.

Thereupon, on 30.10.2013, the appellant filed this appeal stating that the meters of his neighbour were shifted to his neighbour's premises from the pole mounted meter box leaving all their connections & fuses in the pole mounted box; that the supply to his neighbours was routed from these connections as before through the fuse boxes in the pole mounted box; that his meters are there in the pole mounted box and continue to be there still; that inspite of his complaints about excess billing against SC No. A4017526 as the field staff did nothing to assuage his feelings he had to approach the Lok Adalat which had ordered for a revision of the

bills; that after the Lok Adalat's verdict, a new meter was kept in place of the old one without his knowledge and notice; that he noticed excess billing thereafter in SC No. A4015238 and complained about the same; that he was informed by the officials who made a visit about the supply to his neighbours from SC No. A4015238 belonging to him and removed the wrong connections after duly checking his neighbour's connections; that the AE had advised him to shift his meters to inside of his house premises and that he politely refused the suggestion, suggesting in turn that he get all the fuse boxes, wires etc., removed from the pole mounted box; that one Mr. Reddy came and removed all the connections etc., the AE & the ADE came and took check readings of the meter and that he is satisfied with the present set up & meter and that he has no objection if the AE and the ADE want to test the working of the meter.

He concluded his appeal by raising questions about the time his neighbour's request for shifting of his meters was received in the section office, the time of approval for the shifting of his neighbour's meters, the identity of the linemen, the identity of the persons who oversaw the completion of the meter shifting work of his neighbour. He also said that the respondent AE and the ADE had never taken up the meter testing plea in the earlier cases before the Lok Adalat.

The respondents were served a notice of hearing along with copies of the appeal filed by the appellant. The appeal was posted for hearing on 06-01-2014. The appellant did not appear for that hearing; but the respondents were present and filed their written submissions in the appeal. The respondents were directed to serve their written submissions on the appellant also. As the appellant was not present, the appeal was posted for hearing again on 06-02-2014. This time both the appellant and the respondents were present and this authority was in receipt of the

rejoinder of the appellant to the written submissions served by the respondents. The same was also got served on the respondents during the hearing.

In their written submissions the respondents stated that the appellant herein filed a complaint before the CGRF on 16.09.2013; that in view of the complaint, the AAE inspected the premises on 17.09.2013 and found that the neighbour's service connections are connected from the same pole mounted box through the main cutout which is connected from the LT main line of the pole with LT cable; that as per the consumer's request, his neighbour's connections were removed from the pole mounted box, duly giving supply from the LT main line and that the consumer appellant was satisfied with the work done; that at the time of hearing before the CGRF, the consumer gave a satisfaction letter and the CGRF ordered the Respondents to test the functioning of the meter if the complainant appellant challenges the functioning of the meter; that in the month of March 2013, the billing complaint relating to SC No. A4017526 arose out of the stuck up meter and as per the practice the bills in such cases were raised by taking the previous months' average units by the spot billing machine; that on a complaint by the appellant, the Lok Adalat had ordered for a revision of the bill and the consumer was satisfied with the said revision; and that if the consumer is ready to pay the challenge testing fees, the meter would be got tested immediately.

In his written rejoinder to the reply dated 27.01.2014 furnished by the respondents, the appellant stated that some foreign students who are residing in the neighbour's premises are engaging private electricians to tap supply from his meters; that the respondent AE replaced his service connection's meter without the consumer's knowledge; that his requests to the AE to inform him of the date of receipt of request from his neighbour for shifting of his meters out of the pole box

to his premises, the date of issue of the work order, the details of the person/s who was entrusted with and the person who supervised the work of shifting his neighbour's meters, the date of completion of the work have all gone unheeded so far; that he is dismayed by the unilateral suggestion of the respondent AE that he also allow his meters to be shifted to his premises from the pole mounted box.

Finally heard the matter on 06.02.2014. At the time of hearing the written rejoinder of the appellant was got served on the respondents. At the time of hearing, other than pleading that he doesn't want to go empty handed from this authority, the appellant had nothing much to say except one Mr. Narasimha Reddy, a meter reader engaged on outsourcing basis, as the source of all trouble as he apparently behaved very high handedly in handling the issues relating to his service connections and complaints. He appears satisfied with the present set up of his meters and connections but wants that some revision of bills needs to be done. But as seen from the record produced by the respondents at the time of hearing, meter pertaining to SC A4015238 has been there from January 2007 and there is no reason to suspect the consistency of the recordings made by it. When the neighbour's meters and connections are shifted out of the pole mounted box, and only his meters and connections are now existing on the pole mounted box, what more relief can the appellant ask for is not easily fathomable. The respondent officers feel that his complaints would come down if the meters relating to his service connections are allowed to be fixed in his own premises by taking them away from the pole mounted box. But the appellant feels that when the DISCOM has been trying to shift meters away from the houses on to the pole mounted boxes, his service connections are being targeted for shifting into his own premises. However, the AE not responding to the written requests of the appellant vide his letter dated 31.10.2013 is clearly unsupportable. He ought to have given some response either furnishing

the information asked for or informing as to why the information is not being furnished. The grievance of the appellant raises some important and interesting questions and each question is discussed with relevant rule position, where applicable, as under:

1. Can a new meter be kept in the premises of the consumer without his knowledge or notice?

a. No. The DISCOM cannot replace a meter without the knowledge of the consumer. Clause 7.5.1.1 of the GTCS (General Terms and Conditions of Service) mandates that an inspection report shall be prepared in the prescribed format -- Appendix VI A in case of LT consumers -- and a copy of the inspection report shall be served on the consumer at the end of inspection. The consumer's grievance to the extent that the meter to one of his service connections was replaced without his knowledge is found reasonable and the respondents are held accountable accordingly.

2. Can the pole mounted boxes be made mandatory? Can the consumer complain if his meters are kept there? Can he complain if they are not kept there?

a. Clause 7.1 of the GTCS which deals with the installation of meters says that the installation shall be done according to the convenience of accessibility for reading and inspection at any time. It does not make pole mounted boxes mandatory at all. Neither can the consumer complain that the meter is kept in a pole mounted box. The consumer cannot also equally demand that the meter be kept in a pole mounted box. It shall be discretion of the DISCOM to take a call on the placement of the meter. The only guiding principle here

is that the location of meter should enable easy access for reading and inspection. Therefore, the appellant's grievance that he is being singled out by asking him to have his meters within in his premises cannot be taken note of. If the DISCOM feels that keeping the meter within the premises of the consumer will make it accessible more easily than a pole mounted meter, the DISCOM is free to pursue such an option.

3. Can a consumer ask that his neighbour's meters be shifted out of the pole box because he is suspecting that his connections are being given from the consumer's connections?

a. No. No consumer has a say as to when, where or how the meters relating to the neighbour's connections shall be. The GTCS is very clear that the location of the meters shall be the final call of the DISCOM concerned. Hence the appellant's grievance about the location of his neighbour's meters either on the pole mounted box or within his own premises is not worthy of being looked into.

4. Can the consumer keep asking for information which is not directly related to him / his service connections?

a. The appellant has asked the respondent AE of some information through his letter dated 31.10.2013. While it may be that an officer of the DISCOM cannot keep on corresponding with every consumer over every aspect being raised by him, nothing hurts the respondents to part with the information till so far as they feel it relates to and is relevant for the consumer asking for such information. In the instant case the queries raised by the appellant through his letter dated 21.10.2013 are found to be eliciting information about meters of his neighbours. It can hardly be understood as to how this information

is going to be of any help to the appellant. He is free to raise any grievance as long as it relates to his service connections. But he cannot ask for information relating to others' services. Perhaps even RTI Act will not allow such a facility to any consumer.

Having examined at length the grievances of the appellant with reference to the material available on record and the written and oral submissions made by the appellant and the respondents, this authority feels that the ultimate request of the consumer appellant in so far as it relates to reducing his bills cannot be complied with as no evidence whatsoever is available on record to prove that his meter has been recording excess consumption. There is nothing on record to establish that the method and manner of connecting his neighbour's services has resulted in his getting excess bills. In so far as his request for not shifting his meters out of the pole mounted box is concerned, the respondents are directed not to disturb the meter's location at the present juncture as they don't seem to be having any problem with its location. If and when at a future date, they find that the location of the meters on the pole mounted box is giving them hardship in access for reading or testing, they are free to act as deemed fit within the confines of the GTCS. The other submission of the appellant in his rejoinder that the AE and the ADE had never taken up the meter testing plea in the earlier cases before the Lok Adalat are concerned, it suffices to say that as the consumer appellant is not having a complaint about the functioning of the meter, the respondent officers cannot force him to pay a challenge fee and test the meter. However, they are free to test it as and when they feel necessary without charging anything to the consumer appellant. In fact, GTCS provides for periodical testing of all HT and LT meters. If the meter relating to the present service connection had not been tested during the last 5 years, the respondent officers are duty bound to test the meter without charging anything to



the consumer. As regards the apprehensions expressed by the appellant that the foreign students residing in his neighbour's premises, nothing can be ruled in that regard as it was not pressed during hearing and nothing on record was produced before this authority.

In so far as the information sought for by the appellant through his letter dated 31.10.2013 is concerned, the respondent AE shall furnish a reply as discussed supra i.e., a reply either giving the information asked for or explaining why the request is not being complied with. The respondent AE shall furnish a reply to the consumer within 15 days from the date of receipt of this order and submit compliance to this authority within 15 days thereafter. As the consumer appears to be having a reasonable grievance against the behaviour of one Mr. Narasimha Reddy, an outsourced meter reader employed by the DISCOM through an outsourcing agency, and during the course of the hearings also this authority could notice that quite a bit of the angst of the appellant could have arisen out of the high handed behaviour of that person, the respondents are directed to ensure that Mr. Narasimha Reddy, is surrendered by them to the SE of their circle within one week from the date of receipt of this order and submit a compliance to this authority along with the compliance expected above.

Finally, as the respondent AE had replaced the meter of the consumer without due notice as expected in the GTCS, a nominal penalty of Rs. 500/- is imposed on the respondent AE. The DISCOM shall pay this amount to the consumer by adjustment in his next bill. The DISCOM is at liberty to recover the same from the actual person responsible for such deficiency in service.

This order is corrected and signed on this 14<sup>th</sup> day of February, 2014.

**VIDYUT OMBUDSMAN**

To

1. Sri. T. M. Mohan Das, H. No. 10-3-282/2/A, Humayun Nagar, Hyderabad - 500 028.
2. The Assistant Engineer, Operation, Masab Tank, APCPDCL, Hyderabad.
3. The Assistant Divisional Engineer, Operation, Masab Tank, APCPDCL, Hyderabad.
4. The Assistant Accounts Officer, ERO, A. C. Guards, APCPDCL, Hyderabad.
5. The Superintending Engineer, Operations, Central Circle, Mint Compound, Hyderabad.
6. The SE, Operation, Central Circle, APCPDCL, Hyderabad -- with a direction to remove the outsourced employee -- Mr. Narasimha Reddy, from the subdivision of the respondent ADE and deploy him elsewhere in his circle as deemed fit and submit compliance within 21 days from the date of receipt of this order.

**Copy To:**

1. The Chairperson, CGRF (Greater Hyderabad Area), APCPDCL, Door No. 8-3-167/E/1, Central Power Training Institute (CPTI) Premises, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad.
2. The Secretary, APERC, 11-4-660, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad-04.