**BEFORE THE VIDYUT OMBUDSMAN**

:: Present ::

**C.Ramakrishna**

Dated: 07-01-2014

Appeal No.112 of 2013

Between

Sri.Musunuri Suresh Kumar,
C/o. Musunuri Janardhana Rao,
Poranki Village & Post,
Penamaluru Mandal,
Krishna Dist.

**... Appellant**

**And**

1. Assistant Accounts Officer, ERO, Machilipatnam
2. Assistant Engineer, Operation, Rural, Machilipatnam
3. Assistant Divisional Engineer, Operation, Town, Machilipatnam
4. Divisional Engineer, M & P, Vijayawada
5. Divisional Engineer, Operation, Machilipatnam

**… Respondents**

The above appeal filed on 04-11-2013 has come up for final hearing before the Vidyut Ombudsman on 04-01-2014 at Hyderabad. Sri.Musunuri Suresh Kumar, the appellant as well as respondents 1 to 5 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 dismissal of the complaint before the CGRF, APCPDCL, Tirupathi in C.G. No:362/2012-13/Vijayawada Circle dtd: 13-06-2013. THe basic grievance of the appellant is that his meter readings have been inexplicably high and hence he was served with exorbitant bills.

2. The facts of the case are: the appellant purchased a property that was having the service connection bearing No:6222358000191, in the month of February, 2012. At that time the service was under Category III(A) with a contracted load of 3.5HP. Before he purchased, the property was having a fish tank. He purchased the property with a view to convert it into residential plots. The said Category was changed to Category II in the month of April, 2012 in view of the commercial nature of the activity of the appellant. Having noticed that the meter is showing exorbitant readings in the months of May and June 2012, the appellant lodged a complaint with the respondents. The respondent AE and the ADE inspected the connection and came to the conclusion that the meter was 'creeping'. Hence they revised the bills of the appellant for the months of May & June 2012 and ordered for a revised demand to be issued. The appellant, being not satisfied with the revised demand also, kept on complaining about the exorbitant bill. Respondent AE & ADE got the meter replaced on 17/08/2012 and asked the appellant to pay up the existing demand. Being not satisfied with the demand, the appellant paid a challenge fee and had the meter tested. The meter was tested on 30/08/2012. In the test results found out by the AE, LT Meters Lab, Gunadala no abnormalities were noticed and the meter was declared to be showing correct readings. In spite of the report, the appellant refused to pay the outstanding arrears suspecting something

seriously wrong with the meter and this nonpayment resulted in disconnection of the service in September, 2012. The Appellant complained before the CGRF, APSPDCL, Tirupati on 12/03/2013 claiming among other things that his request for getting the meter re-tested was turned down by the respondent D E /Operations saying that the meter cannot be tested since it was already "sent to the company". The CGRF in turn, having examined the matter in detail, including that of resting the meter on 30/05/2013 in the presence of the consumer, finally disposed of the complaint on 13/06/2013 holding that the consumer has to pay up for the entire units found recorded in the meter. Challenging this decision of the CGRF, the appellant filed the present appeal.

3. Among the various contentions, including some which are obviously borne out of the feeling of having been meted out injustice, raised in the appeal the notable ones are that:

- the CGRF, APSPDCL, Tirupathi erred in following the due process as laid down in Regulation 1 of 2004;
- the written responses of the respondent officers were not furnished to the appellant by the CGRF to enable him to present his counter arguments;
- the CGRF failed to consider its own findings that the consumption with the connected load of 2800 Watts would be about 537 units in accordance with the GTCS;
- the respondent officers erred in recording the meter readings and in raising the bills while still holding that the meter is showing correct readings; and
- that a host of documents are required for him to present his case effectively.

4. All the respondent officers have filed a combined written response and also made oral representation before this authority on 19/12/2013. Their stand is that the moment the consumer complained about abnormal bills, the respondent AE and ADE took corrective action

by considering a downward revision of the bill because they suspected some 'creeping' of the meter. But that when the appellant preferred to challenge the meter functioning, as it was found that the meter is not at all defective, he is bound to pay up for the entire consumption as recorded in the meter.

5. Having gone through the written submissions made by the appellant, the respondent officers, the impugned order of the CGRF, APSPDCL, Tirupati and the oral submissions of the appellants and the respondents at the time of hearing on 19/12/2013, it is found that:

- There is something seriously wrong with the way the field officers have been functioning-- especially with reference to this service connection. It's not clear as to how the field officers can order a downward revision of the bills based on their mere suspicion that the meter might be "creeping." The GTCS and the Electricity Supply Code clearly lay down as to what has to be done when creeping is suspected in a meter. Clause 7.3.2 of the GTCS clearly gives the power of getting a meter tested on mere suspicion that it is not showing correct readings. Clause 7.5.1 of the GTCS deals with what has to be done in case of defective meters, as in cases like the present one. Clause 4.1.3 of the Electricity Supply Code casts an obligation on the part of the Licensee to read meter on the prescribed date. When the field officers found that the meter is showing perplexing readings, they ought to have suspected a defect in the meter and acted in accordance with Clause 7.3.2 of the GTCS. When the consumer himself has been repeatedly complaining about meter showing higher consumption and they did not have any material to prove the higher consumption-- which is on an average in the range of 9000 to 10000 units per month for a service which changed hands a few months ago by that time -- they

ought to have got the service connection's consumption assessed in accordance with Clause 7.5.1 of the GTCS. Ignoring such an obligation and resorting to some adhoc assessment of the consumption by the respondent ADE & AE was not called for. Instead of following what is laid down, the field officers went about ordering a downward revision in an adhoc manner at the very first instance. Afterwards they kept on harping on the meter test results.

- The field officers have been very lax in their conduct in so far as not even recording what is being shown-- howsoever incorrectly-- by the meter during the period in contest viz., from May 2012 to August 2012. This is a clear violation of Clause 4.1.2 of the Electricity Supply Code.
- Their behaviour with regard to a consumer who has been vociferously contesting the meter recording ought to have been more prudent and whatever they have done ought to have been done in a properly recorded manner. Their adhoc solutions only complicated meters and kept up the suspicions of the appellant rising.
- There are inexplicable twists and turns in what the respondent officers have stated during the course of the complaint before the CGRF and in the appeal here. At one point the respondents (D/E on 06/03/2013) claimed that the meter is no longer available as it is 'sent to the company' and after their saying so, the CGRF gets the meter testing done again (on 30/05/2013) in the presence of the consumer. If the meter had been 'sent to the company', how is it that it has become available for testing by the CGRF? Again during the course of the hearings when asked whether the meter is still available, the response from the respondents was that it is in a disassembled state and that it cannot be got tested again.

- During the course of the arguments and in his written submissions before this authority, the appellant has been vehemently saying that the respondent officers have not been furnishing the information -- what all they have been submitting to this authority -- that he is asking for to present his case. The inexplicable behaviour of the respondent officers in presenting him with all the material furnished to this authority, till this authority has forced them to do so, has certainly not endeared their cause of being transparent.
- The CGRF has not considered and acted on its own findings properly while disposing of the complaint of the appellant in fo far as the estimate of consumed units is concerned according to GTCS.
- The CGRF held that the average consumption as recorded by the meter is 1857 units. The CGRF arrived at this figure based on the life of the meter from 2008 to 2012. Clause 7.5.1.4.4 of the GTCS specifies a maximum time limit of six months for assessment in case of defective meters. Making an assessment totally ignoring the time limit mentioned in the GTCS was only helping the demeanor of the field officers in assuming the role of 'state' with reference to a consumer.
- For a meter to record about 9000 to 10000 units (this is what is stated by the stated by the respondents in their written submissions) per month with the stated load (14 tubelights and one 1.5 ton AC, totalling to about 2.95kW), the load should have been put on the service connection for about 102 to 113 hours per day -- a thing which is not at all possible under any circumstances.

6. Having thus seen the chaotic state in which the respondent field officers have been functioning and the perplexing readings noted by the meter, this authority gave an

opportunity, on 19/12/2013 to both the parties to sort out the issue among themselves under the Chairmanship and guidance of the SE, Operations, Vijayawada. Because of the peculiarities in the behaviours noticed on both the sides, this authority felt it prudent to give a change for the appellant and the respondents to come to some agreement by mutual consent. It was made clear to both the sides that if they can't come to an agreement mutually, this authority would have to give whatever judgement is felt best in the circumstances. The appeal was taken up for hearing on 04/01/2014. By this time both the appellant and the respondent officers were able to arrive at a mutual understanding about the whole issue and have given in writing to this authority on 04/01/2014 that they have identified and agreed upon the outstanding amount as Rs.65,804/- plus the ACG amount of Rs.25,600/- for the year 2012-13. With the promotion of this agreement by mutual consent between the two parties, this appeal stands disposed of accordingly.

7. The appellant shall pay the outstanding amount so identified and a**greed upon before the end of January, 2014**. If the appellant fails to pay the amount so mutually agreed upon, the respondent officers are free to proceed ahead with collection of outstanding amounts as per rules in vogue and / or proceed ahead with disconnection to enforce collection as per rules. The respondent officers shall report whether or not the appellant has shown compliance to this order before February 15, 2014.

This order is corrected and signed on this **7th day of January, 2014.**

**VIDYUT OMBUDSMAN**

To

1. Sri.Musunuri Suresh Kumar,
C/o. Musunuri Janardhana Rao,
Poranki Village & Post,
Penamaluru Mandal,
Krishna Dist.

2. Assistant Accounts Officer, ERO, Machilipatnam
3. Assistant Engineer, Operation, Rural, Machilipatnam
4. Assistant Divisional Engineer, Operation, Town, Machilipatnam
5. Divisional Engineer, M & P, Vijayawada
6. Divisional Engineer, Operation, Machilipatnam

Copy to:

1. The Chairperson, CGRF, APSPDCL, 19-13-65A, Kesavayanagunta, Tirupati.
2. The Secretary, APERC, 11-4-660, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad-04.