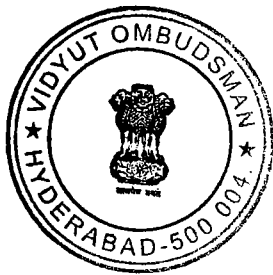


BEFORE THE VIDYUT OMBUDSMAN



:: Present ::

C. Ramakrishna

Date: 04-01-2014

Appeal No.97 of 2013

Between

Sri. K. Ramasathaiah,

H.No.4-12-78/11, Sushma Sai Nagar,

Vanasthalipuram,

Hyderabad - 500 070.

... Appellant

And

1. Assistant Engineer, Allapur, APCPDCL, Hyderabad.

2. Assistant Divisional Engineer, Operations, Gachibowli, APCPDCL, Hyderabad.

3. Assistant Accounts Officer, ERO, KPHB, APCPDCL, Hyderabad.

... Respondents

The above appeal filed on 02-09-2013 came up for final hearing on 02-01-2014 at Hyderabad. Sri. K. Ramasathaiah the appellant was present. Respondents 1st and 3rd 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 gist of the appeal is that the appellant has been served with a huge demand for Rs.1,66,170/- out of the blue and the unreasonable demand needs to be withdrawn, and a demand based on the average consumption as recorded in the meter during the testing that was done can be raised.

1. The facts of the case are: The Appellant's daughter (Ms. K. Naga Jyothi) is having an electricity service connection bearing No. 12001 05412 for her Flat No. 609, RR Residency, Ayyappa Society, Madhapur, Hyderabad. The electricity meter was connected on 03.06.2011. The flat remained unoccupied till 12.12.2011 i.e., for a period of slightly more than 6 months. The Appellant submits that he did not receive a bill from the licensee till June 2013, despite pursuing the issue with the Licensee's field officials. During his follow up with the field staff of the Licensee, he was informed that the meter has not been entered in the database and hence no bill is being generated. And that the moment he received the bill in the form of a cash memo for Rs. 1,66,170/-, he was shocked. Appellant says that his average consumption is not more than 300 to 500 units per month and that the same is confirmed by the meter testing results also. He further suspects that the meter was left intentionally out of the database (by the field staff) of the Licensee only with a view to misuse the supply. He approached the Consumer Grievances Redressal Forum of APCPDCL (Greater Hyderabad Area), (hereinafter referred to as "CGRF" for short) for relief; but that the CGRF has not done justice to him and hence his appeal before the Vidyut Ombudsman.



2. The respondents 1&3 who appeared for the hearing confirmed that the meter somehow missed being entered in the database and that hence the bill was not generated periodically. The moment the issue came to light, they acted pronto by sending the meter to testing and raised a demand by taking into account the average consumption. They further submitted that the consumer is bound to pay the entire demand raised on him as it is arrived at based on the check reading of the meter.

3. Perused the record. The negligence of the field officials of the Licensee is very much apparent from the fact that the service which is energized went on unbilled for not just a month or two, but for years. Though clause 14.6.1 of the GTCS does enjoin the consumer to raise a written complaint about non-receipt of bills, it does by no means absolve the field officials of their failure to know, identify and take appropriate action about service connections that are remaining unbilled. The claims of the consumer appellant that he did pursue with the field officials of the Licensee about non-receipt of the bill cannot be ignored just because there is nothing in writing from him. The very response of the respondent officers in not even bothering to submit their written submissions before this authority bear testimony to their lackadaisical functioning. The carelessness with which the respondent officers are functioning can be gauged from the fact that the cash memo in question does not even have a date on it. But for a bland figure of Rs. 1,66,170/- towards C.C. Charges, the impugned cash memo does not bear any reason/calculations for which the amount is being demanded. Clause 4.2 of the

Electricity Supply Code lays down a host of details that a bill to be served on consumer should have. It's very surprising as to how the Licensee can raise such a bill on a consumer and expect him to pay the amount. From the record that is available, even the letter that is dated 11.06.2013 containing a working sheet as to how the huge demand is arrived apparently is not served on the consumer. There is no acknowledgment of the consumer on the letter. The consumer denies knowledge of the working sheet, though he is admitting that the huge demand is raised.

4. The findings of the CGRF are confirmed to the extent that there are lapses on the both the parties. As per the clause 4.1.4 of Regulation 5 of 2004 the Licensee ought to have issued the first bill for this service during the relevant billing cycle. This was not done by the Licensee and hence the respondents are at fault. As per the clause 14.6.1 of GTCS the consumer ought to have raised a complaint in regard to non receipt of electricity bill in writing on the licensee. This was not done by the consumer. Because of these lapses on both sides, some other person -- the tenant in this case -- walked away free without bearing the full charges for the consumption of electricity. While holding that there are lapses on both sides, leaving the negligent officers of the Licensee without even as much of a wrap on the knuckles, is not equitable.

5. The meter of the consumer apparently was taken out for testing on 04/06/2013 and the test report dated 05/06/2013 reveals that the meter was showing a reading of 26478 by the time the test was commenced. Going by the last six months' data that was found recorded in the meter, it is seen that the average

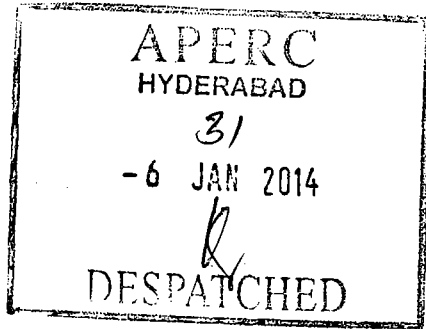
consumption for that period of six months can be somewhere near the claim being made by the consumer -- that is anywhere between 300 to 500 units per month. By the submissions made by the appellant, he is willing to pay if the consumption is treated as being within this range. As held by the CGRF rightly, there is lapse on both sides -- the consumer as well as the respondent officers. Hence this authority is inclined to order that the consumer shall pay the amount relating to 500 units per month without murmur. In respect of the remaining 582 units that remain unexplained / unaccounted for during the entire period in question, the ends of justice would be more than adequately met if the burden of the units is equally distributed between the consumer and the Licensee. The consumer shall bear the monetary equivalent of 291 units per month for the entire period in dispute while the Licensee bears the monetary equivalent of 291 units per month by foregoing its revenue on those many units. However, it is made clear that the Licensee is free to recover it from the negligent officers who have miserably failed in their duty during the period in question.

6. If the consumer is willing to accept this award, he shall inform the Licensee of his acceptance in writing to the Licensee, duly marking a copy to this authority, within 30 days from the date of receipt of this award. If the consumer's acceptance is so received, the Licensee shall raise a fresh demand in lieu of the existing demand for the period in question keeping this award in view (and giving clear calculations in the demand so raised), within seven days from the date of receipt of the acceptance of this award by the appellant, under intimation to this authority. If however, the consumer doesn't furnish his acceptance as above, the Licensee is free to proceed

with collection of the arrears outstanding as per the existing procedure.

7. Under these circumstances there shall be no order as to costs and the appeal is disposed of accordingly.

This order is corrected and signed on this 04th day of January, 2014.



VIDYUT OMBUDSMAN

To

1. Sri. K. Ramasathaiah, H.No.4-12-78/11, Sushma Sai Nagar, Vanasthalipuram, Hyderabad - 500 070.
2. The Assistant Engineer, Allapur, APCPDCL, Hyderabad.
3. The Assistant Divisional Engineer, Operations, Gachibowli, APCPDCL, Hyderabad.
4. The Assistant Accounts Officer, ERO, KPHB, APCPDCL, Hyderabad.

Copy to:

1. The CGRF, APCPDCL, (Greater Hyderabad Area), Door No.8-3-167/E/1, Central Power Training Institute Premises, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad - 45.
2. The Secretary, APERC, 5th Floor, 11-4-660, Red Hills, Hyderabad - 500 004.