



**BEFORE THE VIDYUT OMBUDSMAN
Andhra Pradesh & Telangana**

:: Present ::

C. Ramakrishna

Date: 03-09-2014

Appeal No. 111 of 2014

Between

Sri. Racha Bikshapati, M/s. Shiva Ganga Water Plant, Aroor Village, Valigonda
Mandal, Nalgonda Dt.

... Appellant

And

1. The AAE/Operation/TSSPDCL, Valigonda, Nalonda Dt.
2. The ADE/Operation/Bhongir, TSSPDCL, Nalgonda Dt.
3. The AAO/ERO/Bhongir, TSSPDCL, Nalonda Dt.
4. The DE/Operation/Bhongir, TSSPDCL, Naldonda Dt.
5. The SE/Operation/ TSSPDCL, Nalgonda

... Respondents

The above appeal filed on 01-11-2013 has come up for final hearing before the Vidyut Ombudsman on 01-09-2014 at Nalgonda. The appellant, as well as respondents 1 to 5 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 appellant that he has been charged excess bill for the period July, 2010 to December, 2010.

3. The appellant stated in his appeal that he was given electricity supply but that the respondents forgot to issue the bill regularly; that they have issued the bill for one go and asked him to pay up the amounts due; that as he did not pay it up, they disconnected the supply; that the respondent officers had not implemented the CGRF's orders properly and are demanding that he pay an amount of Rs. 20,454/- towards the dues; that according to Government orders, consumers should not be charged any additional surcharges, interest etc.; that as per the High Court orders, additional charges have all been struck down; that he is willing to pay for that he has consumed; and that therefore, any amount in excess of Rs. 1078=25/- should be struck down as not payable by him. The appellant did not enclose any copies of the Government Orders or the order of the High Court that he was referring to in his appeal. But he enclosed a copy of the letter demanding payment of Rs. 20,454/- from the AAO/ERO, Bhongir.

4. A notice was issued for hearing the matter. The respondent AAO filed his written submissions stating that the bill dated 10-12-2010 issued by them for an amount of Rs. 8,394/- was given erroneously due to a software problem and that the actual amounts due from the appellant then were Rs. 37,300/- as he had consumed 6877 units for the bill period July, 2010 to December, 2010 in question; that the meter has not been changed between December, 2010 and June, 2013 and that the initial reading of 5 units and

final reading of 6882 shown in the meter is correct and hence the consumer has to pay the charges for the electricity consumed; that the service has been converted from U.D.C to Bill Stop on 19-07-2013; that vide the letter dated 20-07-2013, the consumer was asked to pay the outstanding amount of Rs. 59,770/- on or before 31-07-2013 for dismantlement of the service; that the consumer was informed at the time of demand of the bill due amounts itself that additional charges (delayed payment surcharges) would be attracted if payment is not made in time; that in view of the CGRF's order they have duly revised the demand down from Rs. 37,300/- to Rs. 13,013/-; and that therefore, the contention of the appellant that they have not implemented the CGRF's orders is not correct. He further submitted that the amount of Rs. 20,454/- is arrived at as per the CGRF's orders and that the appellant is liable to pay the same along with delayed payment surcharges that are accruing on it. Along with his written submission he had submitted lot of additional material from his records to prove his submissions.

5. The appeal was heard at length on 01-09-2014 at Nalgonda. The only question that arose in the appeal is whether or not the appellant is entitled for any relief in the amount due for the period July, 2010 to December, 2010 as claimed by him.

6. The appellant reiterated incoherently -- both in his written appeal and in his oral submissions, that he needs to pay a lower amount contradicting the evidence that is piled up against him. Other than blind contradictions, the appellant has not been able to prove as to how the meter readings were not correct. He failed to question the veracity of the meter readings and without challenging the meter itself, he cannot now say that the readings were on

high side. He had also failed to follow the due process of payment and appeal while preferring appeals of this nature. Having been benefited out of the generosity of the CGRF which has ordered for a downward revision of the bill already issued, the appellant cannot keep on harping on further downward revisions by falsely claiming that the respondents have not implemented the CGRF's orders. As seen from the material produced in response to the appeal of the appellant, it is clear that the respondents have implemented the orders of the CGRF in toto. The contention of the appellant that the respondents have raised bills 18 months at one go is found to be incorrect. The respondents clarified that due to a software problem, they could not issue bills for 5 months and that a single bill for the 5 months of July, 2010 to December, 2010 was issued initially erroneously and was corrected immediately with a correct bill. The appellant did not counter this submission. Hence his claim about raising a bill for 18 months at one go, is not backed by any evidence. Further, the appellant did not press this particular claim during the hearings.

7. The next contention of the appellant that the bill had many mistakes also is found to be without any basis. As seen, the respondents had issued a bill incorrectly initially and corrected it immediately by issuing a correct bill. It is this correct bill that the appellant is questioning. The questioning also is done without any proper basis. His contention that he needs to pay only for 1135 units also is not backed by any reason. Hence the appellants claims regarding this cannot be accepted.

8. The contention of the appellant about there being court orders and Government Orders about striking down the additional charges also is made

without any basis. The appellant could not produce any orders to this effect. Therefore, this authority finds that the appellant's grievance is unfounded and without basis. In view of the already generous view that is taken by the CGRF, this authority feels that there is no need to interfere with the order.

9. During the course of the hearing, as it became clear to him that he has no case whatsoever in his favour, the appellant pleaded that he be given some interest free instalments to pay up the dues that are against him. Looking at the genuineness of the plea, this authority is inclined to order that the appellant can be allowed to pay the arrears in instalments.

10. Therefore, it is hereby ordered that:

- the appellant shall pay the outstanding dues in three equal monthly instalments starting with the first instalment to be paid within one week from the date of receipt of this order;
- if the appellant sticks to the schedule of payment as ordered above, the respondents shall not charge any delayed payment surcharge on the amount of arrears due; and
- if the appellant fails to pay the dues as ordered above, the respondents will be free to not only charge the delayed payment surcharges on the outstanding amount from the date of its accrual, but also will be free to proceed against the appellant under RR Act for realization of arrears.

11. This order is corrected and signed on this 3th day of September, 2014.

VIDYUT OMBUDSMAN

To

1. Sri. Racha Bikshapati, M/s. Shiva Ganga Water Plant, Aroor Village,
Waligonda Mandal, Nalgonda Dt.
2. The Addl Assistant Engineer, Operation, TSSPDCL, Valigonda, Nalonda
Dt.
3. The Assistant Divisional Engineer, Operation, Bhongir, TSSPDCL,
Nalgonda Dt.
4. The Assistant Accounts Officer, ERO, Bhongir, TSSPDCL, Nalonda Dt.
5. The Divisional Engineer, Operation, Bhongir, TSSPDCL, Naldonda Dt.
6. The Superintending Engineer, Operation, TSSPDCL, Nalgonda Circle,
Beside APSRTC Busstand, NALGONDA 508 001

Copy to:

7. The Chairperson, C.G.R.F-1,(Rural), TSSPDCL, Door No. 8-3-167/14,
GTS Colony, Vengalraonagar Colony, Erragadda, Hyderabad - 500 045.
8. The Secretary, APERC, 11-4-660, 5th Floor, Singareni Bhavan, Red
Hills, Hyderabad - 500 004.