

## **BEFORE THE VIDYUT OMBUDSMAN**

**Present**  
**K.Sanjeeva Rao Naidu**  
**Vidyut Ombudsman**

**Dated: 29.11.2010**

**Appeal No. 42 of 2010**

### **Between**

Sri M.China Narayana  
Venkata Narayana Rice Mill,  
NRP Road, Yeleswaram (V) & (M),  
EGDist.

***... Appellant***

### **And**

1. Assistant Engineer / operation /Yeleswaram
2. Assistant Divisional Engineer / Operation / Prathipadu
3. Divisional Engineer/Operation/ Jaggampeta
4. Assistant Accounts Officer/ERO /Jaggampeta

***....Respondents***

The appeal / representation dated 26.08.2010 (received on 02.09.2010) of the appellant has come up for final hearing before the Vidyut Ombudsman at Visakhapatnam on 15.11.2010 in the presence of Sri S.Narasimha Rao, counsel for the appellant , present and Sri K.Prasada Rao, ADE/O/Prathipadu, Sri L.Satish Naik, AE/O/Yeleswaram and Sri K.Sundara Rao, AAO/ERO/Jaggampeta present for the respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following

### **AWARD**

The appellant filed a complaint before the Forum stating that the short-billing assessment amount due to defect in the meter is high side and prayed for reduction in the assessed amount.

2. The respondent No.1 submitted his written submissions as hereunder:

*“With reference to the above, I submit the detailed written submission for kind consideration please.*

*On 24.06.10, the DE/DPE/Rajahmundry has inspected the SC No.573, cat IIIA, 3O, Load 30HP of M/s. M.V.Narayana Rice Mill, Yeleswaram(V)&(M) and the existing LTTVR meter is tested with Accu Check and found that the meter is having an error of 59.53% due to this the meter is recording less consumption. Hence back billing was made for an amount of Rs.33894/- by ADE/O/Prathipadu.*

*After inspection by the De/DPE/Rajahmundry, the meter recording consumption with an average of 1700 units per month and before inspection, the meter recording consumption with an average of 800 units per month only. It clearly shows that the meter recording less consumption and hence made back billing.*

*Hence it is to submit that there is no need to withdraw the back billing amount since the consumer has utilized the supply but meter records less consumption.”*

3. After hearing both sides and after considering material placed before the Forum, the Forum observed that

*“there is no need for this Forum to pass any order either by confirming or disallowing the findings of the respondents.*

*If the appellant has not agreed the said assessment for back billing, he ought to have approached the competent authority by preferring an appeal in this regard.*

*In this result, the CG No. 13610-11 is dismissed.”*

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the AE used to remove the seals and record reading and on account of the previous grudges, he incorporated that within 3phase 2phase record VR VB as (000) and though the capacitor is working, he reported that it is not functioning and levied capacitor surcharge and when the matter is reported to DE/Jaggampeta who in turn deleted capacitor surcharge and collected the remaining amount; and that July month is seasonal month and the

consumption will be more in that month and the reading is erroneously made and the appeal preferred by the appellant is to be allowed by setting aside the impugned order.

5. Now, the point for consideration is, “whether the impugned order dated 18.08.2010, is liable to be set aside? If so, on what grounds?”

6. The counsel for the appellant Sri Sade Narasimha Rao argued that this Forum has already disposed similar appeal No. 1/2010 and allowed that appeal and on the same analogy, the appeal preferred by the appellant is to be allowed by setting the impugned order.

7. The respondents are represented by Sri K.Prasada Rao, ADE/O/Prathipadu, Sri L.Satish Naik, AE/O/Yeleswaram and Sri K.Sundara Rao, AAO/ERO/Jaggampeta present and stated that there was wrong reading and when the same was tested in the presence of the appellant and the estimation was made with regard to back billing basing on the previous consumption and the appeal preferred by the appellant is liable to be dismissed.

8. The facts of the case in Appeal No. 1/2010 are different from the facts of this case. In that case, the wrong connection was given by the respondents at the time of installation, whereas in the notice issued to the appellant the VR phase and VB phase voltages are recording “Zero” in the meter i.e, VR: “0” Vy:225.IV, VB:”0” IR:17.3A, IY:24.2V, IB:18.IA. So, it is evident that in this case there was no fault on the part of the respondent and fault lies in the meter on account of the above said defect in the meter. Hence, the same cannot be equated with that of the above said appeal.

9. In the appeal grounds itself, he has simply mentioned that DE/O/Jaggampeta has deleted the capacitor surcharge when he complained to the DE, the meter was also tested and found that it was having an error of -59.53

and apparently there was less consumption recorded. The assessment has been made for the period of six months preceeding to the detection of the fault in the meter and it is in accordance with the clause 7.5.1.4.4 of GTCS, which reads as follows:

*“7.5.1.4.4: The assessment shall be made for the entire period during which the status of defective meter can be clearly established subject to a maximum period of 3 months prior to the date of inspection in the case of Domestic and Agriculture and 6 months in the case of other categories. “*

10. It is also curious to note that the appellant has not preferred an appeal to the SE and approached this authority to get the relief claimed in the complaint. The appeal preferred by the appellant is not only devoid of merits, but also against to the principles of natural justice since he approached this authority, without exhausting the remedies available under the Act.

11. In the light of the above said discussion, I am of the opinion, that the Forum has rightly considered the said aspects and I do not find any grounds to interfere with the observations made by the Forum and the appeal preferred by the appellant is liable to be dismissed.

12. In the result, the appeal is dismissed. No order as to costs.

This order is corrected and signed on this day of 29<sup>th</sup> November, 2010

**VIDYUT OMBUDSMAN**