

BEFORE THE VIDYUT OMBUDSMAN

Present
K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 30.11.2010

Appeal No. 46 of 2010

Between

Sri K.Mallappa
Saibaba Modern Rice Mill
4-53, Polepally,
Jadcherla
Mahaboobnagar Dist.

... Appellant

And

1. Assistant Engineer / Operation/ Jedcherla/Mahaboobnagar
2. Asst. Divisional Engineer / Operation / Jedcherla/Mahaboobnagar
3. Asst. Accounts Officer /ERO/ Jedcherla/Mahaboobnagar
4. Divisional Engineer / operation / Jedcherla/Mahaboobnagar
5. Superintending Engineer / Operation / Jedcherla/Mahaboobnagar

....Respondents

The appeal / representation dated 18.10.2010 has come up for final hearing before the Vidyut Ombudsman at Hyderabad on 19.11.2010 in the presence of Sri K.Mallappa, appellant, and respondents absent 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 respondents had doubled the units for the meter reading consumption for his SC No. 563 Cat-III Saibaba Mini Modern Rice Mill and charged double the rates till the changing of the meter four years back; and that he paid an amount of Rs.8 lakhs; and that from the date of fixing the digital meter he is getting genuine bills

and due to the earlier reading, the appellant has sustained great financial loss and requested the Forum to do justice.

2. The respondents submitted their written statements projecting mainly the following:

“The AAO/ERO/Jedcherla and the DE/Op/Jedcherla submitted that as per their records the bills from August 2004 to July 2010 were issued as per readings and consumption recorded in the meter only, which were correct.

The respondents enclosed history sheet from January 2004 of the complainant's service.”

3. When the appellant was examined, he deposed that the respondents have issued heavy bills and requested the Forum to rectify the bills Whereas, Sri B.G.Tilak on behalf of the respondents stated, that the bills were issued as per the meter readings only with MF 10; and that the bills were normal and also stated that request of the appellant cannot be considered.

4. After hearing both sides and after considering the material placed before the Forum, the Forum held

“there were no valid merits or grounds in the complaint and rejected the complaint filed by the appellant.”

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same, that the respondents have calculated 10 units for 1 unit and collected the bills for about 7 years and he paid nearly an amount of Rs.8lakhs and became a pauper by paying electricity bills and the Forum has failed to appreciate the said aspect and erroneously rejected and the impugned order passed by the Forum is liable to be set aside and entitled for the refund of the differential amount as mentioned.

6. Now, the point for consideration is, “whether the impugned order dated 09.08.2010, is liable to be set aside? If so, on what grounds.”

7. The appellant appeared on 19.11.2010 and submitted that he has filed copies of bills which clearly discloses about the calculation for 1 unit at 10 times and about the collection of the amount from him; and that he is entitled for refund of the excess amount collected by the respondents.

8. Whereas, the respondents failed to appear before the Forum inspite of receipt of the notice even though it is the duty of this authority to dispose of the appeal on merits as it cannot be disposed of the matter otherwise than on merits due to the non-appearance of the respondents, though their conduct is highly condemnable and the department has to take disciplinary action against the concerned officials who failed to attend before the Forum.

9. The only ground mentioned by the appellant is that the respondents have collected 10 times than the actual reading shown in the reading right from 1999 to 2004. In 2004, the old meter was replaced and new digital meter was installed. The appellant also stated that there is no problem subsequent to the installation of the new meter. So, the grievance is confined only to the readings from 1999 to 2004. The Forum has considered about the aspect in the impugned order as hereunder:

“Neither the Respondents nor the Complainant produced the details of billing prior to January 2004 to the Forum. However the complainant showed some bills, during the hearing, pertaining to the period prior to January 2004. The Forum observed those bills and saw that the consumption was multiplied by ‘10’ as the meter existing was with ‘MF 10’ which is correct as per rules. The respondents also confirmed that the existing meter type and capacity was of ‘MF 10’ and the bills issued were correct.”

10. It is apparent from the above said observation, that the multiplying factor is fixed at 10 at the time of fixing the meter to facilitate recording of the reading as the meter may not be in a position to receive the entire consumption and the same has to be reduced to facilitate the functioning of the meter by fixing the Multiplication factor. In this case, the multiplying factor is mentioned as 10 and the same has to be multiplied as per the departmental rules. This procedure is not continued and the same has been put an end by replacing the new digital meter.

The appellant has kept quite all the time and approached the Consumer Grievance Redressal Forum in the year 2010 claiming refund of the amount for excess payment from the year 1999 up to 2004. There is abnormal delay in approaching the Forum and no explanation is forthcoming for the delay in projecting his case. Even on merits, when the very system itself shows that it is based on Multiplication factor under which the meter is working and when the same is accepted by the departmental rules, there is no question of anything to be moved by the officials of the respondents. Moreover, the readings did not speak anything more than the reading after 2004. Apart from this, as per clause 3.2.4 of Terms and Conditions of 1999 “any dispute or complaint with regard to the bills shall be referred by the consumer in writing to the local office of the Board, but nevertheless the amount of such bills shall be paid by him under protest, if necessary within the specified period.”

11. The appellant has not paid the amounts under protest nor moved the concerned authorities ventilating his grievance. Having kept quite for a period of 6 years, he cannot reopen the issue as he is estopped from claiming the same.

12. In the light of the above said circumstances and the material placed before this authority, the appellant has miserably failed to establish his case not only on merits but also in approaching the authority at belated stage and the appeal preferred by the appellant is liable to be dismissed.

13. This authority further directs that the department has to take action against the respondents for their callous attitude towards this authority as they failed to attend before this authority on the date of hearing of the appeal inspite of the notices and reminder on phone with in a period of one month.

14. In the result, the appeal is dismissed, no order as to costs.

This order is corrected and signed on this day of 30th November, 2010

VIDYUT OMBUDSMAN