

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 04-03-2010

Appeal No. 9 of 2009

Between

M/s. ARS Associates
31-33-102/14, 1st Floor,
Sri Vishnu Plaza,
Opp: Leela Mahal Theatre, Dabagardens,
Visakhapatnam.

... Appellant

And

The Asst. Engineer / Operation / APEPDCL / D-2/Visakhapatnam
The Asst. Divisional Engineer / Distribution/ APEPDCL / Visakhapatnam
The Asst. Accounts Officer / ERO/ East /APEPDCL / Visakhapatnam
The Divisional Electrical Engineer / Operation / APEPDCL / Zone-I/VSP

....Respondents

The appeal / representation dated 11.02.2009 received on 17.02.2009 of the appellant has come up for final hearing before the Vidyut Ombudsman on 01.2.2010 in the presence of Sri. Anil Kedia, Senior Manager for the appellant, Sri A.V.V.Surya Pratap, DE/Op/Zone-I/Visakhapatnam, Sri M.Lakshman Rao, ADE/OSD/VSP, Sri T.Chellayya, AAE/D2/VSP/, Sri P.Krishna Murthy, AAO/ERO/East/VSP present on behalf of respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

Aggrieved by the order passed by the Forum in C.G. No.295/ 2008 of Visakhapatnam Dist dated 03.01.2009, the appellant herein preferred this appeal dated 11.02.2009 received on 17.02.2009.

2. M/s. ARS Associates (appellant) filed a complaint before the Forum that less units stated to have been recorded by the meter due to the fault of department by giving wrong connection and took more than 2.5 years to find the fault. The fault cannot be found with the consumer and prayed for an unbiased consideration.

3. The 3rd respondent has filed written submission on 19.12.2008 along with documentary evidence. According to him and as per the instructions of ADE/DPE/VSP, the fault has been stated as meter disc is rotating in forward direction in R&Y phase and rotating reverse direction in B phase. While applying the heater load, it is observed that the meter TC seal is intact condition. After detailed verification by ADE/DPE/VSP by opening the terminal cover and observed that the incoming B phase wire is connected at 6th slot and outgoing B phase wire is connected at 5th slot at meter terminal block and short billing case was registered and the consumer was called upon to pay the amount of Rs.78,800/-.

4. The first respondent, i.e, Assistant Engineer / D-2/Visakhapatnam also filed his written submissions along with documentary evidence narrating the same facts as narrated already by 3rd respondent.

5. After hearing both sides and after considering the material placed before the Forum, the Forum ordered, that it is a case of back billing irrespective of fault committed by whom, the appellant should know, that the meter recorded less consumption, which is to be accepted by them also. The designated officers have also finalized the case and the appeal was also considered. Hence, the appellants are informed to pay the dues immediately to avoid disconnection of service. The respondents are directed to identify the staff member who installed the meter and given wrong connections which is a sheer negligence in discharging duty and send proposals for Corporate Office for initiating disciplinary action and the case is disposed of accordingly.

6. Aggrieved by the said order, the appellant preferred this appeal questioning the same, that the SC Meter was installed by ADE when the connections was provided to them and a Post-Installation meter check & compliance report would certainly placed in their record. Therefore, if any fault is existing in the above SC Meter, it is due to gross negligence of the department personnel, for which the consumer cannot own the responsibility. Since the fault has been corrected on the same day, they would like to observe the electricity consumption cycle for the next 6 month. Going by the present record of units consumption, for the last 14 months, it has average 240 units per month and going by logical conclusion, there should be two times increase in the usage of units over the next 6 months. In case, they found that after 6 months, their consumption of units shows an average increase 200% which was contended, the appellant would be in a position to consider and do the needful and finally, requested for review of the subject after recording of next 6 months consumption is unbiased and will be accepted in mutual interest.

7. Now the point for consideration is, whether the impugned order is liable to be set aside? If so, on what grounds?

8. At the time of hearing the appeal, Sri Anil Kedia, Senior Manager present and he represented the appellant and submitted that there is no fault on the part of the appellant and it is the department official who is responsible for the wrong connection and the method of calculation is not on correct lines and the appeal preferred by the appellant is to be allowed by setting aside the impugned order.

9. Whereas, for the respondent Sri A.V.V.Surya Pratap, DE/Op/Zone-I/Visakhapatnam, Sri M.Lakshman Rao, ADE/OSD/VSP, Sri T.Chellayya, AAE/D2/VSP/, Sri P.Krishna Murthy, AAO/ERO/East/VSP present and submitted that the department had already initiated action on the official responsible for wrong connection and that itself is not sufficient to show that there is deficiency

of service as urged by the appellant. As he has consumed the electricity and back billing is made and the date taken for subsequent months and the conclusion is arrived on the said basis and the appeal preferred by the appellant is liable to be dismissed.

10. The appellant has also submitted a table showing the dates, voucher numbers, amount of consumption, etc. The same is tallied with the particulars furnished by the department.

11. At the time of inspection on 19.06.2008, it was observed that the meter disc was rotating in forward direction in R&Y phase and reading reverse side direction in B-phase while applying heater load. The TC seals were intact when the meter cover was opened, it was observed that incoming R phase wire was connected at 6th slot and outgoing B phase wire at 5th slot at meter terminal. Basing on that record, the short billing was booked. The appellant has stated that he has exhausted the remedies available in back billing case. He has approached to this authority on the ground of deficiency of service. No doubt there is a wrong connection made by the concerned officials at the time of giving supply, but the consumer must know about the reading and if it is recording less consumption, he should have reported the matter to the concerned authorities to rectify the same. The meter reading was recorded and found that it was only due to wrong connection and department initiated action against the concerned officials who were responsible for giving wrong connection. It was also observed by the officials about the consumption cycle for the next six months and assessed the consumption. There is no data as to how the assessment is not correct. The department is insisting to pay the differential amount about the consumption made by the appellant through his service connection.

12. In the light of the above said circumstances and the material available on record, there is no need for this authority to interfere with the findings given by the Forum and the observations made by the Forum are on correct lines, and

there are no reasons to interfere with the same and the appeal preferred by the appellant is devoid of merits.

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

This order is corrected and signed on this day of 4th March, 2010

VIDYUT OMBUDSMAN