

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 15 -09-2011

Appeal No. 31 of 2011

Between
Sri N.Srinivas
S/o.Venkata Surya Rama Rao
Plot No.65, Sai Nagar, Behind VUDA colony,
Phase-I, Kanakapa, Ayyannapeta,
Vizianagaram.

... Appellant

And

1. Assistant Engineer / operation / D3/Vizianagaram
2. Assistant Engineer / operation / Town/Vizianagaram
3. Divisional Engineer/Operation/ Vizianagaram
4. Asst.Accounts Officer/ERO/Town/Vizianagaram

....Respondents

The appeal / representation dated 29.06.2011 (received on 01.07.2011) of the appellant has come up for final hearing before the Vidyut Ombudsman on 01.08.2011 at Hyderabad. Appellant absent and Sri G.Chiranjeevi Rao, DE/O/Vizianagaram, Sri B.V.Ramana ADE/O/Vizianagaram, Sri S.Ravi Sankar, AE/D3/Vizianagaram and Ms. M.Sarvamangala AAO/ERO/T/Vizianagaram for respondents present 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 he received the CC bill in 6/2010 for an abnormal amount of Rs.1,13,128/- to his domestic service connection bearing SC No.860003522 and requested for redressal of his grievance.

The matter was registered as CG No. 561/10-11 and a notice was also served on the respondent.

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

“the Sc.No.3522, Kanapaka is available in the name of Neelamraju Srinivas under Cat-I in respect of D3 Section, Vizianagaram with connected load 2000W and date of supply is 07-05-05.

The meter was changed on 09-11-09 due to the old meter was defective (Sluggish) and the meter change slip was received from concerned section office with final reading 39786.6 vide letter No.AE/D3/VZM/D.No.16431/09, Dt.19-11-09.

The billing was done up to the reading 18466 for the month of 07/09. An abnormal variation has been notice between the billing reading and final reading. The meter was tested at MRT lab and confirmed the final reading as 39786.6 duly stating that the meter working condition is satisfactory.

The CC bill revised with the difference 21321 units and the same was communicated to the consumer vide Lr.No.AAO/ERO/T/VZM/D.No.372/10, Dt. 07-04-10.

As per the meter change slip, the difference units 21,321 are billed for Rs.1,07,574/- for the period from 07/09 to 02/10 and included in the CC bill to avoid leakage of revenue to APEPDCL.,

The consumer of Sc.No.R086-003522 has filed a writ petition in District Consumer Disputes Redressal Forum, Vizianagaram and it has filed with CC.No.90/2010.

Against the petition, the Honourable District Consumer Forum, Vizianagaram passed orders “to distribute the 21,947 units to the past several years from the date of installation of removed meter i.e. 07-05-2005 till the date of change of old meter i.e. 09-11-09 and bills revised accordingly based on the rates prevailing in those respective years.

As per the instructions of Honourable District Consumer Forum, Vizianagaram the CC bills were revised and arrived Rs.1,03,383/- and less surcharge levied in the bill of 02/10 to 12/10 amounting to Rs.11,858/- and the same communicated to Sri Neelam Raju Srinivas, Consumer of Sc.No.R086-003522 for arranging payment within 15 days vide this office Lr.No.AAO/ERO/T/VZM/JAO.I/BS.III/D.No.1413/31-12-10 (Copy enclosed).

The consumer has approached High Court and filed WP.No.3054 of 2011 against the Dist Consumer Forum Order. As per the direction of High Court the consumer has paid 50% of the outstanding amount i.e., (51,692 + R.C. fee 50/-) 51,742 vide P.R.No.670553/19.02.2011.”

3. The respondent No.4 has submitted his written submissions as hereunder:

"the Sc.No.3522, Kanapaka is available in the name of Neelamraju Srinivas under Cat-I in respect of D3/Section, Vizianagaram with connected load 2000W and date of supply is 07-05-05.

The meter was changed on 09-11-09 due to the old meter was defective (Sluggish) and the meter change slip was received from concerned section office with final reading 39786.6 vide letter No.AE/D3/VZM/D.No.16431/09, Dt.19-11-09.

At that time the billing was done up to the reading 18466 for the month of 07/09. An abnormal variation has been noticed between the billing reading and final reading and a letter addressed to the Assistant Engineer/D3/Vizianagaram for confirmation of final reading of the old meter. The section officer confirmed the final reading as 39786.6 as per the test report issued by the MRT lab, Nellimarla and at the meter working condition was satisfaction vide Lr.No.AE/D3/VZM/D.No.Spl/Dt.6-01-10 (Copy enclosed).

The CC bill revised with the difference 21321 units and the same was communicated to the consumer vide Lr.No.AAO/ERO/T/VZM/D.No.372/10, Dt.07-04-10. (Copy encloses).

As per the Assistant Engineer, D3/Vizianagaram report and meter change slip, the difference units 21321 which were unbilled are billed for Rs.1,07,574/- for the period from 07/09 to 02/10 included in the CC bill to avoid leakage of revenue to APEPDCL.

The consumer of Sc.No.E086-003522 has failed a writ petition in District Consumer Disputes Redressal Forum, Vizianagaram and it has filed with CC No.90/2010.

Against the petition, the Honourable District Consumer Forum, Vizianagaram passed orders "to distribute the 21,941 units to the past several years from the date of installation of removed meter i.e. 07-05-2005 till the date of change of old meter i.e, 09-11-09 and bills revised accordingly based on the rates prevailing in those respective years".

As per the instructions of Honourable District Consumer Forum, Vizianagaram, the CC bills were revised and arrived Rs.1,03,383/- and less surcharge levied in the bill of 02/10 to 12/10 amounting to Rs.11,858/- as per the calculation sheet which is enclosed herewith, and the same communicated to Sri Neelam Raju Srinivas, Consumer of Sc.No.R086-003522 for arranging payment within 15 days vide this office Lr.No.AAO/ERO/T/VZM/JAO.I/BS.III/D.No.1413/31-12-10 (Copy enclosed).

The consumer has approached High Court and filed WP.No.3054 of 2011 against the Dist consumer Forum order. As per the direction of High Court the consumer has paid 50% of the outstanding amount i.e., (51,692 + R.C.fee 50/-) 51,742 vide P.R.No.670553/19.02.2011."

4. After hearing both sides and after considering material placed before the Forum, the Forum passed the following order:

- *“As per the Hon’ble High Court orders, the Forum duly taking into cognizance of the written submission of the 1st and 2nd Respondents concludes that the Petitioner shall pay the balance amount to the Respondents.*
- *The Respondents shall collect the balance amount and shall send a compliance within 15 days from the date of receipt of this order.*

With the above directions, the CG No. 561/10-11 is disposed off with no costs.”

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same, that the authority did not give any finding as to how the appellant consumed 39786.6 units within 30 days when the connected load was 2000watts and that the authority did not give any finding about the change slip taken in the presence of the appellant. The Forum did not give any finding that during the period of July 2009 to February 2010, the appellant received the regular bills and either the respondents or its employees did not observe the abnormal variation. He did not consider that there is no change of category inspite of such abnormal variation. He did not give any finding that in a domestic service, it is impossible to consume 21321units in one month and the impugned order of the Forum is liable to be set aside.

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

7. Sri P.Siva Varma on behalf of the appellant appeared at Visakhapatnam, on 19.07.2011 and Sri G.Chiranjeevi Rao, DE/O/Vizianagaram, Sri B.V.Ramana ADE/O/Vizianagaram, Sri S.Ravi Sankar, AE/D3/Vizianagaram and Ms. M.Sarvamangala AAO/ERO/T/Vizianagaram also appeared on that date. The appellant requested time. The respondents were heard and the matter was posted for the arguments of the appellant at Hyderabad on the request made by the said Sri Siva Varma and posted the matter to 01.08.2011. Even on 01.08.2011, though it

was specifically posted on his request, the appellant or his representative or his counsel did not attend before this authority. There is no other option for this authority except to pass the award on the material available on record.

8. The respondents who appeared before this authority represented that it is a case of suppression and the same was detected when the meter was changed and the appeal preferred by the appellant is liable to be dismissed.

9. It is clear from the record that the meter was changed on 09.11.2009 as the said meter was old meter and it was defective (sluggish) and the meter change slip with the final reading 39786.6 from AE/D3/VZM was given on 19.11.2009. Whereas the billing was done up to the reading 18466 of 07/09. As there was abnormal reading in between the billing reading and final reading, a letter was sent to AE/D3/VZM for confirmation of final reading of old meter. The section officer confirmed the same reading after receiving the test report from the MRT lab and the said meter was in satisfactory condition of working. So the difference was made for the remaining 21321 units. After receiving the notice, the consumer filed a writ petition in District Consumer Disputes Redressal Forum with CC No. 90/2010. As per the orders of the Consumer Forum, the bills were revised and arrived as Rs.1,03,383/-and less surcharge levied in the bill of 02/10 to 12/10 amounting to Rs.Rs.11,858/- and this was communicated to the consumer and the consumer has also approached High Court and filed WP No. 3054/2011 against the orders of the District Consumer Forum. As per the orders of High court, the consumer has paid 50% of the outstanding amount.

10. It is clear from the very finding that the meter was installed on 07.05.2005 and it was changed on 09.11.2009. It is clear that the bills were paid up to 18466 units though the reading was 39786.6 units which was observed at the time of removal of the meter and the reading was also noted. The meter was also functioning satisfactorily even by the date of removal and it was disclosed from the test report from the MRT lab. So, it is evident that the reading is suppressed and the bills are

paid up to 18466 units. No material is placed by the appellant to substantiate his contention except moving the Forum or the High Court. The Hon'ble High Court has directed to approach CGRF as it is constituted under the Electricity Act, 2003 exclusively dealing with the disputes of electricity consumers. When there is a suppression of reading, it is bounden duty of the appellant to pay the difference amount and he should appreciate the department for non-initiating criminal proceedings on the above said suppression.

11. In the light of the above said discussions and the material placed before this authority, I do not find any grounds to interfere with the impugned order passed by the Forum and the appeal preferred by the appellant is devoid of merits and the same 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 15th September 2011.

VIDYUT OMBUDSMAN