

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 15 -09-2011

Appeal No. 37 of 2011

Between

Dr.Nimmala Rama Naidu
Agarthipalem,
Palakol Mandal, WG Dist.

... Appellant

And

1. Assistant Divisional Engineer / Operation / Palakol
2. Divisional Engineer/Operation/ Bhimavaram

....Respondents

The appeal / representation dated 29.08.2011 (received on 02.09.2011) of the appellant has come up for final hearing before the Vidyut Ombudsman on 08.09.2011 at Visakhapatnam. Dr.N.Ramanaidu, Appellant present and Sri K.Rambabu ADE/O/Palakol, and Sri M.Krishna Naik, AE/O/Rural/Palakol 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 though he has not exceeded the contracted load and additional load case was booked against SC No. 507/III A and requested the Forum to give a direction to the opposite party not to interfere with his service connection.

The matter was registered as CG No. 86/11-12 and a notice was also served on the respondent.

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

“A complaint filed by Sri N.Rama Naidu of A.G.Palem (V) at Palakol Mandal before Hon’ble Consumer Grievance Redressal Forum regarding the booking case for unauthorised use of Additional load of Service No.507/Cat-III at A.G.Palem Village in Palakol Rural Section.

In view of the above, a detailed report is hereby submitted as follows in this regard for favour of taking further action please.

The Divisional Engineer/DPE/Rajahmundry was inspected the premises of said service on 09-02-2011 and observed that, the consumer has unauthorized exceeded the sanctioned contracted load of 9.428 HP by connecting load of 12HP and hence development charges and security deposit are to be levied for the additional load. Further the service is being billed under LT Cat-III (Subsidy tariff rates under pisci culture with a connected load below 101HP). Therefore necessitating Back Billing accordingly, inspection report was forward for issuing of Provisional Assessments Notice. Based on inspection report the P.A.Notice has been served to the consumer in the reference cited 2nd for an amount of Rs.69,577/- towards back billing charges and 6000/- towards additional load charges.

The Asst. Divisional Engineer/Operation/Palakol has been inspected the said service along with Asst. Engineer/O/Rural/PKL on 15-07-2011 in the presence of the consumer and are made the following observations.

The service No.507/Cat-III-A (Fish Pond) at A.G.Palem Village in Palakol Rural Section having connected load at the time of inspection is 7HP and M.No.05345529 Make-Siemens, Cap-10-40A, Reading -71299. This meter is not a Electronic and M.D indicator.”

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

- *“After thorough verification of records written submission of respondent, inspection report and consumption pattern, the following order is herewith passed for implementation.*
- *The complainant is liable to pay the development charges and back billing charges as per the Provisional Assessment Notice issued by the 2nd respondent which is in order Utsupra in findings and in conclusion of the Forum.*
- *The respondents are herewith directed that such type of services should be provided LT TVR Meters or at least MD recording Meters immediately to avoid such type of complainants in future as the same service is not having electronic and M.D recording meter.*
- *With the above directions CG.No.86/11-12 is disposed off.”*

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the inspection was held in the month of February 2011 by DE, AE and Line man and informed him that the motors which were used were below 9 HP and also stated that there was no problem but after two months they have informed him through a notice that the motor of 12HP was put to use and the tariff was changed. On this he addressed a letter to DE/Bhimavaram but he did not give any reply. Thereupon he approached the Consumer Grievance Forum for justice.

5. The Forum directed the ADE to inspect his service and ADE submitted a report that the motors were below 9HP. Even then this report was not taken into consideration and the Forum passed an order erroneously and there may be several reasons for increase in monthly bills and the impugned order passed by the Forum is liable to be set aside.

6. The appellant present before this authority on 08.09.2011 at Visakhapatnam and reiterated the contents made in the complaint filed before this authority.

7. Sri K.Rambabu ADE/O/Palakol, and Sri M.Krishna Naik, AE/O/Rural/Palakol for the respondents present and reiterated the stand taken by them earlier before the Forum.

8. Now, the point for consideration is, "Whether the impugned order dt.23.07.2011 passed by the Forum is liable to be set aside? If so, on what grounds?"

9. The appellant submitted his telugu version of appeal grounds along with a copy of the complaint before this authority dated 21.08.2011 and the same was received on 12.09.2011. At the time of inspection, the connected load was 12HP though the contracted load was 9.428HP as per the report of the DE/DPE/Rajahmundry, though the additional load was shown as 2.572HP, the

inspection was made on 09.02.2011 and the consumer refused to sign on the report. The monthly consumption pattern shown against the above said pisci-culture from 5/10 to 6/2011 is hereunder:

| | | | | | |
|-----------|---|------------|------------|---|------------|
| May-2010 | - | 2523 Units | Janu-2011 | - | 4104 Units |
| June-2010 | - | 3146 Units | Feb-2011 | - | 2161 Units |
| July-2010 | - | 2783 Units | Mar-2011 | - | 623 Units |
| Aug-2010 | - | 2211 Units | April-2011 | - | 1254 Units |
| Sep-2010 | - | 3572 Units | May-2011 | - | 2111 Units |
| Oct-2010 | - | 3696 Units | June-2011 | - | 2134 Units |
| Nov-2010 | - | 2536 Units | | | |
| Dec-2010 | - | 2802 Units | | | |

10. If the power supply is made with the said CMD of 9.428 HP for 7 hours, it would not be more than 1567 units. The same calculation was made by the Forum in its observation. The same has not been protested or objected by the appellant. Even otherwise the appellant has not made any independent calculation through a competent, qualified engineer to the effect that 7 hours power would go to 2500 and more units. So the very pattern of consumption shows that he has utilized more than the contracted load for 7 hours or used the power more than 7 hours with said CMD. The appellant has submitted that even if 1phase is used beyond 7 hours, it may be recorded in the meter itself which may reach to that level. When the same is discussed with the officers of the Commission, the feed back received by this authority is that it would not be possible to arrive at the said units even if 1 phase is used beyond 7 hours and it must be around 1880 or below. So it has to be concluded that the power must be used beyond 7hours or additional load might have been used. There is no data in the tariff that the CMD has to be arrived basing on the units consumed. Nothing is there in the regulations about the said aspect. Hence, it has to be decided unequally that it must be used more HP or used the power with same CMD beyond 7 hours.

11. So far using of power beyond 7 hours is concerned it is not possible as it is a general break for all the consumers. It cannot be given to any individual consumer and supply cannot be made to an individual consumer unauthorisedly by the department. It is also not his case. That he has utilized the electricity beyond 7

hours with the said contracted load. So the logical conclusion which is to be necessarily arrived at, that the consumer has used more than contracted load and it supports the version narrated by the inspection staff. Even otherwise 12HP contracted load may also not reach to the said units. The methodology arrived by the Forum in its order is not objected by the appellant either in the grounds of appeal or before this authority. So the analogy taken into account even for 12HP on the same basis and it would come to 1900 to 2000 units for 7 hours but not in between 2500 – 4000 units changing from month to month.

12. It is clear that Forum directed for personal inspection and the ADE inspected and submitted his report that the motors were below 9 HP. This cannot be treated as a conclusion proof while looking into the pattern of consumption. If really he had used less than 9HP; the reading must be around 1567 units as pointed out by the Forum, but the above readings starting from 2500 onwards. The appellant might have removed the additional load at the time of inspection. So the contention of the appellant on that aspect cannot be accepted.

13. The above said discussion clearly shows that he had utilized the load more than the contracted load and there are no merits in the case of the appellant to be looked into and the appeal filed by the appellant is not sustainable under law and the same is liable to be dismissed.

14. 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