

VIDYUT OMBUDSMAN
O/o: ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4th Floor, Singareni Bhavan, Red Hills, Hyderabad – 500 004

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated 13 – 02 - 2012

Appeal No. 54 of 2011

Between
Sri B.Sunil Kumar
S/o.B.Sreeramulu
Battiprolu (V&M),
Guntur Dist.

... Appellant

And

1. Asst Engineer/Operation/ APSPDCL/Battiprolu
2. Asst.Divisional Engineer/Operation/ APSPDCL/Repalle
3. Asst. Accounts Officer/ERO/ APSPDCL/Repalle
- 4 Senior accounts Officer/Operation/APSPDCL/Guntur
5. Asst.Divisional Engineer/CTM/ APSPDCL/Guntur

....Respondents

The appeal / representation dt.29.08.2011 (received on 03.09.2011) against the CGRF order of APSPDCL (in CG No.402/2010-11 of Guntur Circle dt.15.07.2011). The same has come up for hearing before the Vidyut Ombudsman on 03-02-2012. Sri B.Sunil Ku,ar, appellant present and Sri N.Bhaskara Rao, AE/O/Battiprolu, and Sri M.Wilson Raja Babu, AAO/ERO/Repalle on behalf of respondents present, heard and having stood over for consideration till this day, the Vidyut Ombudsman passed/issued the following:

AWARD

The petitioner filed a complaint against the Respondents for Redressal of his Grievances and the grounds are briefly mentioned as hereunder:

1. *“That the complainant has got electrical connection with SCNo:411 to his house at Bhattiprolu village of Guntur-Dist. He is paying C.C.Charges regularly as per his usage. While the conditions are so, he shifted the meter of the service and fixed to the compound wall of his premises on 15-*

- 04-2007 with the permission of departmental persons in view of building of new house in place of the old ,duly demolishing it.
2. Till then he is residing in the opposite house and constructing his house.
3. He paid bills regularly from 20-03-2007 to 07-09-2007 with minimum charges.
4. Till then up to March 2008 he paid C.C. Charges according to the usage.
5. He had not used power from the said service from March 2008 to August 2010.
6. He had used power from the said service only for 5 months after the shifting.
7. Till then and up to the date of inspection, department had shown reading as 533 only .
8. While conditions are so, the departmental people have told that the service meter of the petitioner is showing reading from 10505 to 10506 and the petition has to pay the C.C. Charges in huge amounts and he had to attend the meter being sent for testing at Tenali.
9. The meter was tested and declared that there is no fault with the meter and the petitioner has to pay the bill raised as per the reading shown in the meter.
10. He also stated that department has issued bills for 533 units from the consumption months of May-June 2008 to July-August 2010.
11. But on August 19th 2010, the readings was shown from 533 to 10,506 and billed accordingly.
12. Such a huge consumption is not possible for the petitioner.
13. It is nothing but there is fault with the meter but he had not used power.
14. The meter test results at Tenali were got signed by him taking advantage of his lack of knowledge of the meters.
15. Showing consumption in thousands for one month and demanding for payment is unjust.
16. He is using power to his newly constructed houses from new 3 phase service no:1245503004036 taken and paying C.C. Charges regularly.
17. But he had not used power from his old service to such a huge level as contemplated and demanding for payment.
18. Requested to nullify the said disputed demand and render justice."

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

1. "On 15-07-2010, intensive inspections were organized in Battiprolu section as per the instructions of the higher authorities.
2. During the said inspection, the reading of SCNo:411, Bhattiprolu was notices as 10505.
3. On verification of the records, as per BBA for 7/2010, the reading for the service was 533 only.
4. The same has been intimated to ERO/Repalle by him vide his letter No:425 on 06-08-2010.
5. Demand was raised for an amount of Rs 32,181 /- towards short fall for the consumption of 9972 units duly apportioning the consumption over the period from 09/07 to 07/10 through R.J.No:15/8-10.

6. *Further based on the consumers representation the meter was tested at MRT lab, Tenali on 22-11-2010 in the presence of the consumer and found that the functioning of the meter was normal.*
 7. *The consumer was requested to pay the said amount through his letter Dt:27-01-2011."*
3. The respondent No.2 has submitted his written submissions as hereunder:
1. *"Another SCNo:4036 of 3 phase under category-I was released in the premises for the newly, constructed house on 21-01-2008.*
 2. *On average, there is a consumption of 315 units per month for this service for the past one year.*
 3. *Requested the Consumer on 27-01-2011 through a letter, to pay the amount of short fall without any hesitation."*
4. The respondent No.4 has submitted his written submissions as hereunder:
1. *"The consumer had not made any payment till to date of his letter and amount of Rs 36,380/- was outstanding to the end of 03/2011.*

Upon pursuance from the Forum, the respondent-1, the AE/O/Bhattiprolu submitted the MRT report on 29-04-2011 through Fax."

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

"The respondents are directed to allow three installments if desired by the petitioner for the said amount of Rs. 36,381/- free of interest and the interest amount is to be collected from the AAO/ERO/Repalle.

The petitioner is advised to pay the disputed amount without any objection to avoid disconnection of his other services.

Accordingly the petition is partially allowed and disposed off."

6. Aggrieved by the said order, the appellant preferred this appeal questioning the same that he has approached the electrical authorities at Bhattiprolu and gave a letter along with DD for changing the meter from his old house on the ground that he is making construction of his new house. The electrical authorities disconnected the meter and it was hanged to the compound wall. The same is not utilised by the appellant from 20.03.2007 to 3/2008 and used to pay the minimum charges. He utilised the meter from 3/2008 to 8/2008 for 5 months and he paid the charges accordingly. The electrical authorities gave a bill for 22.07.2010 to 22.08.2010. In that bill also the meter reading was recorded as 533. Surprisingly the meter reading was recorded as 10505 and 10506 from 19.08.2010 to 19.09.2010 and the electrical

authorities raised the bill for the units up to 10506 to a tune of Rs.32,734/-and asked him to pay. It is impossible to consume 10506 units in 28 days and it is a thousand dollar question probably due to the fault in the meter the meter might have shown that abnormal reading at a time. When the case was appealed to the Chairperson, CGRF, he supported the department even though he found lapse on the part of the department officials from the findings of the Forum 3 & 4. The Forum ought to have considered that it cannot be possible to shift the meter by the consumer but unnecessarily commented the same in the impugned order. The Chairperson did not make any recommendation to take action against the meter reader for not taking the meter reading properly and therefore the appeal is to be allowed by setting aside the impugned order.

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

6. The appellant himself present before this authority on 03.02.2012 at Tirupathi and submitted that he was a tenant in the opposite house and he has applied for 3 phase connection and it was given and he used the same for 4 months for water purpose. The meter was burnt and he paid for new meter and it was replaced on payment and it was used for marble polishing and service connection 411 was not under use and it was shown 533 units for 3 phase connection as numbered as SC 4036 and used to pay minimum charges at Rs.64/- per month as he was getting minimum and surprisingly, he was asked to pay Rs.32,000/- and the impugned order is liable to be set aside.

7. The respondents are represented by Sri N.Bhaskara Rao, AE/O/Battiprolu, and Sri M.Wilson Raja Babu, AAO/ERO/Repalle and stated that the premises is inspected and it was found 9900 units and the meter was also tested suomotu by giving notice to the appellant and the appellant was also present at the time of meter testing and it was intimated that it was in good condition and the appeal preferred by the appellant is liable to be dismissed.

8. It is clear from the record that AE/O/Bhattiprolu has inspected the check reading during his intensive inspection conducted on 15.07.2010 and review of the check readings against SC No.411 of Bhattiprolu. It was shown as 533 units whereas as per the check reading is 10505 and shortfall units are 9972units. The said units were apportioned for the period from 09/07 to 07/10 i.e, from the change of the meter and raised short fall amount of Rs.32,181/-. The meter was also tested in the presence of the appellant and it was found normal. The MRT report was also signed by the appellant. So it cannot be said that it is done behind his back.

9. It is also clear from the record the chairperson, CGRF has also inspected the premises on 20.05.2011 and verified the consumer loads and also condition of the meter and rejected that the contest of the appellant is not tenable. The plea of huge billing in one month raised by him cannot be accepted and the consumption reading is accumulated over the period and finally concluded that the demands raised by the respondent is justified since the accumulated consumption is apportioned to that period.

10. The reading recorded in the meter cannot be denied if there is any defect and the same is projected, no doubt one can come to a conclusion that due to the mistake in the meter the reading is usurped abnormally but that is not the case herein, since, the appellant is also present at the time of meter testing. It was also reported that it was in good condition. The meter reading recorded cannot be wiped out or erased. It is also admitted by him that he is attending the works of marble polishing, etc. He says that he has used in the 3phase meter allotted to him but the same cannot be accepted, as there is no proof to that effect. When there is a clear cut reading, it cannot be wiped out by assumptions or surmises and the appeal preferred by the appellant is not maintainable and the same is liable to be dismissed. Since the Forum has already granted 3 monthly instalments the appellant is liable to pay the same as ordered by the Forum.

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

This order is corrected and signed on this day of 13th February 2012

VIDYUT OMBUDSMAN