

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 17-12- 2011

Appeal No. 59 of 2011

Between
Smt. Surla Yerrayamma
W/o late Gowri Naidu
Main road, Thalluru (V),
Tuni (M), EG Dist-533401

... Appellant

And

1. Asst. Engineer / Operation / EPDCL/ Rural/Tuni
2. Assistant Divisional Engineer / operation / EPDCL / Tuni
3. Divisional Engineer / operation / EPDCL /Jaggampeta
4. Asst.Accounts Officer/ERO/EPDCL/Jaggampeta

....Respondents

The appeal / representation filed on 06.08.2011 against the CGRF order of APEPDCL (in CG No.08/2011-12 dt.29.07.2011). The same has come up for hearing before the Vidyut Ombudsman on 01-12-2011. Sri.D.Srinivas, advocate filed vakalat on behalf of the appellant present and Sri Samuel Raju, ADE/O/Tuni, 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 stated as hereunder:

“He has filed a complaint stating that the authorities have not taken any action to arrange adjustment of excess amount paid by them towards CC charges by erroneous billing and Forum for withdrawal of the back billing.

2. The 2nd respondent has filed his written submission as hereunder:

“SC.No. 106/Cat-III (A) Talluru (V). Tuni Rural was inspected by ADE/CT Meters on 29.12.2009 and issued that error is existing in the meter with sig. Accordingly PA Notice was issued.

On verification of MRB, it was found that short fall units added as per error from 12/2008 to 03/2010 i.e. until replacement of meter. There is no short fall units to added as per MRT report, PA Notice was issued was without verifying MRB. It is requested to kindly arrange withdraw the amount for which notice was issued.”

3. The 4th Respondent has filed his written submission on 23.07.2011 as heredunder:

“the detailed report against the SC.No. 76 0139 – 000106 of Talluru Village of Tuni Rural section for favour of information and favorable orders please.

On verification of consumer details and billing details against the above service as per this office records, it is observed that the above service bills were being issued under sluggish (12) status from 02/09 to 03/10 except for the months of 04/09, 06/09 and 12/09. During the sluggish status the billed average units are recommended by the AE/O/T(Rural) 150% of the actual recorded consumption and the same was billed and also the consumer has paying the CC Charges as per the CC bill. But the bills for the months of 04/09, 06/09 and 12/09 were issued under Normal (01) status and there is no SF levied in this months, the bills issued only for recorded consumption. The old meter was change on 31.03.2010 with final Reading 17463 and New Meter IR 00003. The meter change status effecting to CC bill in the month of 05/10.

The total consumer and billing details are here with enclosed for ready reference. This is submitted for favour of information”

4. The 3rd Respondent has also filed his written submission on 18.07.2011 as hereunder:

“While referring to the complaint filed by Smt. Surla Yerrayamma, W/o. (Late) Gowrinaidu, Talluru (V), Tuni (M) of Tuni Rural Section in CG No. 08/11-12, of East Godavari District and further to be submission of ATR submitted by ADE/O/Tuni, it is to submit that the Back billing case in respect of aforesaid service was finalized vide this office proceedings 4th cited duly withdrawing the PA Notice amount of Rs. 9758/- + Rs.2164/- excess amount billed and paid by the consumer is to be refunded to the consumer as the complaint is found to be genuine and accordingly instructions were caused to AAO/ERO/Jaggampeta to adjust the excess amount of Rs. 2164/- in the ensuing the CC bills suitably.”

5. After hearing both sides and after considering the material placed before the Forum, the Forum passed the impugned order as here under:

- *“After thorough verification of records, written submissions of respondents the following order is herewith passed for implementation.*

- *The 4th Respondent is herewith directed that the excess billing and shortfall as per PA Notice issued by the 2nd Respondent should be withdrawn on warfooting basis against SC.No. 106, Cat – III, Talluru as per the instructions of 3rd Respondent vide Lr.No. DEE/O/JGP/AE/Tech./D.No. 878/11, dt. 18.07.2011.*
- *It is clear cur lapse on part of 1st and 2nd Respondents as the defective Meter was being continued for the last 16 months without replacing and neglected their legitimate duties which warrants disciplinary action.*
- *Superintending Engineer/Operation/Rajahmundry is herewith directed that suitable disciplinary action is to be initiated utsupra against erring officers.*
- *A compliance report should be submitted to Forum within 15 days duly implementing the order.*
- *With the above directions the CG.No.08/11-12 is disposed off.*

6. Aggrieved by the said order, the appellant preferred this appeal with a request to consider the following grounds:

(a) defective meter of her service has not been set right from 24.01.2009 to 29.12.2009 despite representing several times.

(b) The DE/O/Jaggampeta has not finalised her case inspite of pursuance by representations from 13.07.2010 to 26.08.2011 to adjust the excess billed units from 01/2010 to 5/2010 even after rectification of meter defect/replacement of meter on 31.03.2010

(c) The DE/O/Jaggampeta has not clarified the variation in assessed units as per PA notice and in the final order.

For the last two years, she is experiencing mental agony and threat of disconnection of power besides incurring much expenditure on travelling expenses, correspondence, etc as she has to depend on somebody to deal with the electricity matters every time, being a senior citizen and requested this authority to issue necessary orders by granting appropriate relief and natural justice.

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

8. Sri D. Srinivas, counsel for the appellant attended before this authority and submitted that the Forum did not say anything about the excess payments and that they have collected average amount from the beginning even the meter itself is

defective and as per Regulation No. 7 / 2004, schedule – II, the appellant is entitled to compensation as prayed for.

9. Whereas, the respondents are represented by Sri Samuel Raju, ADE/O/Tuni and stated that the average is taken when the meter is tested the same is replaced. PA notice was issued and finally the appellant was also ordered to pay the amounts under final assessment.

10. The appellant is not entitled for compensation as she has not made any effort by sending a representation to change the meter till it is replaced. She has filed all the representations made to the Forum and to this authority by which time the meter was replaced with a new one. The meter was replaced on 31.03.2010 soon after observing the defect on 29.12.2009. Therefore, there is no question of any award of compensation on the above said clause. Had she filed any petition for replacing or to shift the meter and if it is not done within 15 days, nodoubt, she is entitled for compensation as mentioned in the said schedule.

11. The letters filed before this authority are subsequent to the change of the meter. The Forum has ordered to withdraw the PA notice issued by respondent – 2 when once PA notice is withdrawn, there is no question of any final assessment and it is deemed that final assessment notice is withdrawn. The Forum has also projected that there is gross negligence on the part of respondent-2 as the defective meter was continued for sixteen months without replacing and neglected his legitimate duty and also directed the Superintending Engineer to take suitable disciplinary action to initiate against the erring officials.

12. It is true that the appellant has suffered a lot of mental agony due to the conduct of the respondent, but the Forum has given relief withdrawing all the amounts claimed and this authority is directing the respondents to adjust the bills paid by her taking into consumption month wise by taking correct reading from the meter and if any excess amount is paid by her for all the sixteen months that has to be adjusted by the respondents in the future bills.

13. So far as the compensation is concerned this authority is not competent to award and she has to approach competent civil court for such redressal.

14. So far as the expenses are concerned, nodoubt she has engaged an advocate and made correspondence with the respondents projecting their latches. Therefore, she is entitled for an amount of Rs.2000/- towards expenses and this has to be paid by the respondent by collecting the same from respondent – 2's salary.

15. In the result, the appeal is disposed by directing the respondents to adjust the bills paid by her taking into consumption month wise by taking correct reading from the meter and if any excess amount is paid by her for all the sixteen months that has to be adjusted by the respondents in the future bills. The respondents shall pay Rs.2,000/- towards expenses to the appellant and the amount shall be recovered from the salary of the 2nd respondent. The order shall be complied within 30 days from the date of receipt of this order.

This order is corrected and signed on this day of 17th December 2011

VIDYUT OMBUDSMAN