

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: 03-05-2012

Appeal No. 10 of 2012

Between

Smt. R.Gaddeshamma,
Door No. 23-17-18, Laalitha Nagar,
Rajahmundry - 5, E. G. Dist.

... Appellant

And

1. Asst. Engineer /Operation/ D-4 / APEPDCL/ Rajahmundry
2. Asst. Divisional Engineer/operation / Town / APEPDCL/ Rajahmundry
3. Asst. Accounts Officer / ERO / Town / APEPDCL / Rajahmundry
4. Divisional Engineer / operation / APEPDCL / Rajahmundry

....Respondents

The appeal / representation dt. 25.01.2012 received by this authority on 31.01.2012 against the CGRF order of APEPDCL C.G. No. 336 / 2011-12 of East Godavari District dt.23.12.2011. The same have come up for final hearing before the Vidyut Ombudsman on 23.04.2012. Sri. R. Janardana Rao son of the appellant present. Sri L. Maruthi Mohan, AE / Operation / Rajahmundry 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 complaint before the CGRF against the Respondents for Redressal of her Grievances. In the complaint she has mentioned about her grievances as hereunder:

"The consumer represented that he received CC bill amounting to Rs.15410.00 for the month of 08/2011. The consumer is advised to pay the meter testing fee and the meter was tested at MRT lab on 14-10-11 and the MRT test report sent to the consumer through post on 18-10-11 on CGRF directions the MRT test report of the tested meter in respect of Sc.No.60868 served personally to the consumer on 27-10-11.

MRT wing reported that there is no erratic behavior of meter, hence a letter sent to AAO/ERO/Town-Rajahmundry for revision of CC bill vide Lr.No.AE/O/D4/RJY/F.Doc/ D.No.994/Dt.04-11-11.

The AAO/ERO/T-Rajahmundry revised CC bill vide RJ.No.28, 11/2011 and reduced Rs.6289.00 from total CC bill of Rs.15410.00 and the consumer need to pay Rs.9121.00 for the month of 08/2011."

The 3rd respondent has filed his written submission as hereunder.

The Sc.No.60868 was released in favour of Smt R.Gaddesamma with connected load of 600 watts on 07-04-1997 as per this office records.

The Elvmer meter No.8960602 was replaced on 24-09-2011 with final reading 2793. The new meter make Elymer 5-30 A was fixed on 24-09-2011 with IR 0.

The Asst. Engineer/Operation/D4/Rajahmundry has submitted the bill revision proposals duly counter signed by the ADE/OSD/Town-1 for the period from 2/11 to 10/11 along with MRT test result. The Asst. Engineer/ Operation/D4 has reported that as per MRT test result the old meter behavior is found normal. The consumption pattern was found that the meter reader has not taken actual readings and correct bills to the consumer its results the suppressed reading accumulated and the same was billed in 09/2011. Hence, the consumption may be revised duly apportioning from 1/11 to 08/11 which is also counter signed by the Asst. Divisional Engineer/Operation/Town/Rajahmundry.

Accordingly, the bill revision for the period from 1/11 to 08/11 and up to 10/11 due to revision of bill amount of Rs.6289.00 is to be withdrawn through an draft RJ.No.28/11, thus the consumer has to pay an amount of Rs.9800.60 to end of 11/11 duly excluding the RJ amount (i.e.) Rs.16089.60.

In this context, the copy of bill revision proposals and consumption pattern of the service (Data Sheet) are herewith submitted for favour of kind perusal."

2. After hearing both sides and after considering the material on record the Forum passed the following order :

- The grievance of complainant has been resolved against Sc.No.60868, Cat-I, Lalitha Nagar, Rajahmundry, E.G.Dist duly appropriating the suppressed consumption for the period from January, 2011 to August, 2011 and excess demand has been withdrawn and balance amount of Rs.9800/- to end of November, 2011 has been communicated to the complainant.

- The Forum is hereby directed the respondents to impose penalty against the billing agency for suppression of meter reading and issue warning notice for not recurring such thing to any category of the consumers.
- The complainant is liable to pay the balance amount as communicated by the 3rd respondent.

Accordingly, the CG.No.336/11-12 is disposed off.

3. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the Forum has failed to understand about the change of meter and the bills submitted by him and in spite of his representation, the Forum has failed to consider the same; and that the meter testing was not done in his presence; and that he was forced to pay the amount under protest; and that the Forum has not considered the readings of subsequent dates passed the order and the impugned order passed by the Forum is liable to be set aside.

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

The son of the appellant Sri R Janardhan Rao has attended before this authority at Vishakapatnam on 23.04.2012 and stated that the authority has issued a bill for the month of August 2011 showing 2583 units which itself was abnormal and the same was not compared by the Forum by looking into the earlier readings and subsequent readings . It also further argued that the meter testing was not done in his presence and it was a false report and the impugned order liable to be set aside.

5. The Assistant Engineer Operation Rajahmundry Sri. L. Murali Mohan attended before this authority at Vishakapatnam and submitted that the meter testing was conducted in the presence of the appellant's son Sri. R. Janardhan Rao and the meter was in good condition and it was clearly observed by the Forum that it was a case of suppression; and that the Forum has rightly passed the order and the appeal preferred by the appellant is liable to be dismissed.

6. It is clear from the proceedings of the Assistant Engineer dated 05.11.2011 showing meter reading from March 2011 to October 2011. The readings were not uniform. The consumption of August was 2583 units. In the month of September the reading was "0" units. The shows that some times the premises was not in use.

There is no defect in the meter. The only option left open is suppression. The son of the appellant has stated in his letters that his son attended the meter testing. At another stage, he stated that he attended the meter testing. There is a discrepancy in his own representation. He says that the meter was changed in the month of February 2011. If that is so, the readings taken subsequent to March 2011 upto October 2011 must be uniform. Whereas the respondent has stated in the letter dated 24.11.2011 that the consumption was revised duly appropriating from 1/2011 to 8/2011 and the amount was revised to 9800-60 paise instead of 15,410. Infact the meter was replaced on 24.09.2011 with a final reading of 2793. The new meter was made of Elymer 5-33. So it is incorrect to say that the meter was replaced in the last week of February 2011. If new meter is fixed in the last week of February 2011, there may not be any defects in the meter itself.

7. When the meter itself is not in defective condition, there is no other option except to hold that it is a case of suppression by the reader either at the instance of the appellant or her nominee or by virtue of the conduct of the meter reader and it may be on account of absence of the owners or locking of door itself or on some other grounds. In spite of that, the Forum has rightly directed the respondents to initiate action against the meter reader. Therefore, I don't find any irregularity in the impugned order passed by the Forum. Moreover, the department has also revised the bills and reduced substantial amount of Rs. 6289. Hence there is no deficiency of service on the part of the respondents.

8. In the light of the above said discussion, I don't find any irregularity in the impugned order passed by the Forum and the appeal preferred by the appellant is liable to be dismissed.

9. In the result the appeal is dismissed, no order as to costs

This order is corrected and signed on this day of 3rd May, 2012

Sd/-
VIDYUT OMBUDSMAN