

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: 02–06-2012

Appeal No. 20 of 2012

Between

Sri. M. Sreeramulu,
Door. No. 2 / 813, H.S. No. 2012,
Basaveshwara Temple Street,
Gorantla, Anantapur District.

... Appellant

And

1. Addl. Assistant Engineer/operation/APCPDCL/Gorantla/Anantapur
2. Assistant Divisional Engineer/operation/APCPDCL/Puttaparthi /Anantapur Dist
3. Asst. Accounts Officer / ERO /APCPDCL / Puttaparthi / Anantapur Dist
4. Divisional Engineer/operation/APCPDCL/Kadiri / Anantapur Dist
5. Superintending Engineer / Operation/APCPDCL/Anantapur Circle / Anantapur

....Respondents

The appeal / representation dt. 18.04.2012 received by this authority on 21.04.2012 against the CGRF order of APCPDCL in C.G. No. ATP-165 / Dt.03.02.2012 Anantapur Circle. The same has come up for final hearing before the Vidyut Ombudsman on 30.05.2012. Sri. M. Sreeramulu, appellant present. Sri. S. Srinivasulu / ADE / O / Puttaparthi, Sri. K. Vinod Kumar / AAO / ERO / Puttapurthy and Sri. P. Prabhakar , AAO / Gorantla / Anantapur on behalf of respondents

present. Heard both sides 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 his Grievances. In the complaint he has mentioned about his grievances as hereunder:

“In April 2010 a bill for Rs.19,593/- was issued to his HSC.No.2012, Gorantla showing Meter reading from 10799 to 14233. Meter was sent for Test but the Test Report was not given to him or to his agent by the concerned department staff. New meter was fixed on 7-12-2010. From October 2010 onwards extra amount was being collected from him in the name of interest. On 19-12-2011 6 Nos. of departmental employees came to his house (HSC 2012) and served ‘A’ Form to his wife for Rs.19,759/- and disconnected the service forcibly. He working in Railway at Bangalore. Hence he was not available at his residence at that time. He contacted AE, Operation, Gorantla. He was told to pay Rs.4,000/- and get reconnection. He paid Rs.4,000/- as per the instructions of AE, Operation, Gorantla. He contacted Sri Murali AE, Operation, Anantapur and requested for Meter Test Report. He checked the records and said that the report was not available. All these clearly to as to show how employees of APCPDCL are working. They are creating trouble and harassing the consumers. Hence, he has approached the Forum for necessary action. His representation may please be pursued and arrange to cancel the illegal bill of Rs.20,085/- and refund the extra amount paid by him in the name of interest. Hence necessary action against the concerned staff responsible for the lapses may kindly be taken”.

2. The third respondent submitted his written submissions as hereunder :

The AE, Operation, Gorantla has been addressed for Test Report of Meter, check reading, actual load in use, condition of meter, etc., for finalization of issue, but no report is yet received. In turn the AE, Operation, Gorantla recommended for re-span of the

accumulated consumption for last 3 years. As per recommendation of the AE, Operation, Gorantla, the bills were revised from 6/2007 to 5/2010 proposing withdrawal of Rs.9,485/- and submitted to the SAO for approval. Balance amount payable by the consumer is (15,759-9,485) = Rs.6,274/-.

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

“It is stated that the meter was sent to test bench by AE in August 2010 and received the Test Report on 2-3-2012 i.e., after a lapse of complete 1½ year period, more over it was vaguely replaced that the meter test report is not readily traceable in spite the consumer approached in person with the Respondent. Above shows lethargic and negligent attitude of the Respondents and hence SE, Operation to take suitable action on the Respondents and action taken shall be intimation to the Forum.

The complaint is disposed accordingly”.

4. Aggrieved by the said order, the appellant filed this appeal questioning the same that the Forum has not considered his request about the excess billing raised by the APCPDCL PuttaParthi/Ananthapur (Dist) and refused to refund the surcharge amount collected from him. He has also further submitted that the test report was received on 03.03.2012 that is after a lapse of 18 months, though the date of testing was on 04.05.2011. It was also submitted that the right sight seal was missing but it was not recorded at the time of removing the meter for testing. It was submitted that the letter dated 15.10.2010 from A.E would clearly reveal that the second digit was jumping in the meter. The appellant submitted further that he sustained great mental agony due to the sudden service disconnection on 19.10.2011; and that he would be entitled for compensation to a sum of Rs. 1,00,000.

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 who appeared before this authority submitted that he did not meddle with the meter; and that the meter itself was defective and it was fortified by the letter of the 1st respondent that the middle letter was jumping. It also further submitted by him that the departmental officials are coming to his house very frequently and harassing the inmates in the house in his absence as he is working at Bangalore; and that he is suffering mental torture by the act of the respondents and the Forum has failed to consider these aspects and the impugned order is liable to be set aside. When the service connection was disconnected he was forced to pay Rs. 4000/- which is $\frac{1}{4}$ of the total amount claimed; and that the said amount has to be refunded to him apart from compensation for mental agony.

7. Where as, the respondents who attended before this authority have categorical stated that there are no latches on the part of the respondents and no harassment is made and the meter test report would clearly reveal that it was working in good condition and the appeal preferred by the appellant is liable to be dismissed. It was also further submitted that the claim was reviewed and if Rs. 4086 is paid, it would be resolved.

8. It is an admitted fact, that the meter reading is normal for all the months expect for the month of April 2010. The reading was shown as 3434 units. The total claim was for a sum of Rs. 19,593. On the request made by the petitioner, the meter was sent for testing. The test report was misplaced for a long period for which action is ordered to be

initiated by the Forum but the Forum has not given any finding with regard to the payment or refund of the amount in the impugned order.

9. The test report says that 'it is found that all the four digits are forcibly meddled and completely disc rotation was blocked due to some foreign particle". When rotation of the disc is blocked due to some foreign particles, how it can be attributed to the appellant is not mentioned anywhere by the respondents. They have simply stated that the amount is revised and the amount due is only Rs. 4,086. How, they have revised and on what basis, it is not explained. Moreover, nothing is mentioned about the nature of the foreign particle which blocked the rotation of the disc. If it is a case of intervention of the appellant definitely, the particulars / nature of the foreign particle would have been mentioned in the report itself. If it is a case of meddling with the meter, they would have booked a case of theft of energy. Hence it is not in the form of suppression but it is only in the form of jumping to the higher reading. No body can intervene to get a higher reading. So nothing can be attributed to the appellant with regard to the intervention of foreign particle by him. In the light of the above said discussion it is very clear that the Forum has failed to observe the above said aspects and simply ordered to initiate action for the delay in submitting the test report without passing any order on the lapses either on the part of the appellant or on the part of the respondents. So far claim for compensation is concerned, it can not be considered by this Forum as it is dispute which can be canvassed before a competent Civil Court in the form of damages.

10. Therefore, the impugned order is liable to be modified to the extent that the appellant is not liable to pay any amount as it is only on account

of the defect in the meter, not on the lapses of the appellant. It is only by virtue of inherent intervention. Hence the appellant is entitled for the amount already paid by way of adjustment in the future bills. He is not liable to pay any further amount to the respondents. The respondents are further directed not to harass the appellant and his family members. If any type of harassment is made, this will be viewed very seriously by this authority.

11. In the light of the above discussion, the impugned order is modified as above, and the appeal is disposed accordingly. No order as to costs.

This order is corrected and signed on this day of 2nd June, 2012

Sd/-
VIDYUT OMBUDSMAN