

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: 06–06-2012

Appeal No. 23 of 2012

Between

Sri. Syed Akthar Hussain & Smt. Asiya Begum,
H.No. 2-1-51 / 2, Saipur Road, Tandur, R.R Dist.

... Appellant

And

1. Assistant Engineer / Operation / Tandur (Town) / APCPDCL / Hyderabad
2. Assistant Divisional Engineer/ Operation / Tandur / APCPDCL/ Hyderabad
3. Asst. Accounts Officer / ERO / Tandur / APCPDCL / Hyderabad

....Respondents

The appeal / representation dt. 30.01.2012 received by this authority on 30.01.2012 against the CGRF order of APCPDCL in C.G. No. 137 / 2011-12 / Ranga Reddy South Circle Dt. 04.01.2012. The same has come up for final hearing before the Vidyut Ombudsman on 30.05.2012. Sri. Syed Akthar Hussain and Sri. M.A. Razzak for appellant present. Sri. Rajendra Reddy, ADE / Operation / Tandur, Sri. D. Veeraswamy / AAO / ERO / Tandur and Sri. T. Ramachandraiah / AE / Operation / Tandur 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 his Grievances. In the complaint they have mentioned about their grievances as hereunder :

“The Electrical Officials of APCPDCL Tandur Mandal have forcibly collected an amount of Rs.40,000.00 approximately from them 1 year back stating that the capacitors of S.C.No. 2236008686, Chengeshpur Road, Tandur are not working.

In this connection, it is stated that five times capacitors have been changed. They have only 40 HP sanction using that 1 fix 40 KVR. The Electrical Officials intentionally collected above said amount from them which is illegal and they put them to financial hardships.

Therefore, it is requested to kindly order the Electrical Officials, Tandur Mandal to adjust the said amount in their monthly electrical bill”.

2. The respondents have not submitted their reply contentions.

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

“The Respondents are directed to revise the bill of August, 2009 based on the actual M.D. recorded instead of RMD erroneously billed duly withdrawing the surcharges and penalties levied.

The L.P.F. Surcharge levied from September, 2009 to September, 2010 may be verified and take action accordingly in revising the bill wherever excess billed.

The complaint is disposed off accordingly”.
C.G. No. 138 / 2011-12.

4. The Respondents have stated that the Low Power Factor surcharge levied from September, 2009 to September, 2010 based on the meter recording which recorded Low P.F. for non-improving the PF as per GTCS and Tariff Order.

5. The low PF is due to defective capacitors based on the type of load & utilization by the consumer load pattern, type etc.

6. Hence, the Complainant is liable to pay the LPF surcharge levied by the Respondents.

7. The complaint is disposed off accordingly.

8. Aggrieved by the said order the appellant preferred the appeal questioning the same on the following grounds.

9. The petitioners were charged with abnormal electrical bills during the period from September, 2009 to September, 2010 due to improper working of meters, inspite of 1) fixing capacitor 40 KVR as against sanctioned 20 KVR for SC No.

2236007183 by the petitioner No. 1, and 2) fixing capacitor 30 KVR as against sanctioned 15 KVR for SC No. 2236008686 by the petitioner No. 2. During the above period the petitioners were charged extra bill amounting to 1) SC 7183 – Rs. 34,183/- 2) SC 8686 – Rs. 11,743/-. The above said extra bills are due to charging of LPF. During the above period, there was supply of 2 phase power for two days continuously in a week and LPF was only on that ground. Hence the impugned order is liable to be set aside and order for refund of excess amount i.e. 1) SC 7183 – Rs. 34,183/- 2) SC 8686 – Rs. 11,743/- recovered from us in the interest of justice.

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

11. The appellants have filed a single appeal on 2 CG.Nos. 137 and 138 with regard to service connection Nos. 08686 and 07183. The former one is in the name of Smt. Asiya begum and the later one is in the name of Syed. Akhtar Hussein.

12. Infact, there is no need for the appellant to prefer an appeal against the impugned order passed on CG.No. 137 / 2011-12 since the Forum has clearly directed “the respondents to revise the bill of August 2009 and actual MD recorded instead of RMD. The LPF surcharge levied from September 2009 to is September 2010 has to be verified and action has to be taken accordingly in revising the bills wherever excess billed”. What is the action taken by the department and when action taken on the said direction given by the Forum and if the appellant is aggrieved on that order she is at liberty to prefer an appeal against the said decision.

13. So for as the claim on CG.No 138 /2011-12 is concerned Syed. Akhtar Hussein the appellant herein attended before this authority and categorically stated that they have unnecessarily levied LPF surcharge as they were supplying only two phase power two days in a week and there by the power factor imposed could not be achieved and the said amount has to be deleted from the demand raised against the said service connection.

14. On behalf of the respondents Sri. Rajender Reddy, ADE, Tandur, Ramachanraiyah AAE , Town Tandur, Veeraswamy, AAO Tandur, present they have categorically stated that they never supplied two phase power as claimed by

the appellant and even if two phase power is supplied, it could not have any impact on the power factor and it is only due to the defects or malfunctioning of the capacitors the LPF is recorded in the meter and there are no grounds to consider the request and appeal is liable to be dismissed.

15. So far as defect in the capacitor is concerned the procedure is contemplated for LT consumer under clause 12.1.2 of GTCs and also for HT agricultural consumer under clause 12.1.4 in the GTCs of 2006. No provision is incorporated for other HT consumers. The appellant has been increasing the load capacity from 25 to 40 KW to balance the power factor. There is no procedure as such to check the capacitors by the department officials time and again. It is for the consumer to maintain the capacitors in effective condition from time to time. The maintaining of power factor is as per the provisions incorporated under the general terms and conditions of supply. There is no option for the appellant except to maintain the capacitors in good condition in order to maintain prescribed power factor. Even if there is no procedure in the GTC, yet a duty is cast on the respondents to guide the consumers properly and educate them the procedure for maintaining the power factor as required.

16. There are no merits in the appeal and the same is liable to be dismissed.

17. In the result, the appeal is dismissed. At the same time, the respondents are directed to inspect the premises and the capacitors fixed and guide the appellant about the methodology to maintain the required power factor by deputing competent engineer to supervise and guide the appellant.

This order is corrected and signed on this day of 6th June, 2012

Sd/-
VIDYUT OMBUDSMAN