

VIDYUT OMBUDSMAN  
O/o: ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION  
4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad – 500004.

Present

K. Sanjeeva Rao Naidu  
Vidyut Ombudsman

Dated: 25 -10-2012

Appeal No. 57 of 2012.

Between

Sri. M.V. Seetha Ramayya  
D. No. 17-30, Gandhi Bomma Center,  
Mogalthuru, W.G. Dist.

...Appellant

AND

1. Assistant Engineer/Operation/APEPDCL/Paderu/Visakhapatnam Dist
2. Asst. Divisional Engineer/Lines/APEPDCL/Paderu/Visakhapatnam Dist
3. Asst. Accounts Officer/ERO/APEPDCL/Narasipatnam/Visakhapatnam Dist
4. Divisional Engineer/Operation/APEPDCL/Paderu/Visakhapatnam Dist

...Respondents

The appeal / representation dated. 27.07.2012 received by this authority on 13.08.2012 against the CGRF order of APEPDCL C.G. No. 570/2011-12 of Visakhapatnam District dated 04.05.2012. The same has come up for final hearing before the Vidyut Ombudsman on 18.10.2012 at Visakhapatnam, the appellant absent Sri. A. Mallikarjuna Rao AAO, Narsipatnam, V. Prabhakar Rao, AAE (O) Paderu and Sri. T. Suryanarayana JAO, Narsipatnam present heard the arguments of the parties and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following

## AWARD

The petitioner filed a complaint before the CGRF against the respondents for redressal of his grievances. In the complaint, the appellant has mentioned the grievance as hereunder

*“Sri. M.V. Seetharamayya, has filed a complaint, stating that the tenant of the shop had not paid CC bill & left the shop long back which is pending for long time and the department has not taken any action for collection of CC charges from her hence he approached the Forum for arranging to waive the same.”*

2. The 2<sup>nd</sup> respondent submitted his written submissions as hereunder:

*As per the complaint received from Sri. M.V. Seetharamayya the under signed visited the premises on 22.04.2012 and found that the meter was existing in the consumer premises and the meter was handed over to the departmental person Sri. K.V. Ramana, LM/Paderu duly signed on the change slip by Sri. M.V. Sekhar S/o. M.V. Seetharamayya and he himself stated that the service was shifted to the premises.*

*The consumer has failed to produce any proof towards collapse of house from local competent authority. As per the written contention of his son Sri. M. Sekhar S/o M.V. Seetharamayya stated in his letter that they will pay the arrears on installment, basis if the department revises the cc bill. Hence the bill was recommended for average billing and correction of wrong Billing vide Lr. No. AAE/C&O/PDR/F. CGRF/D.No. 541/12 dated. 26.04.2012.*

*The penalty will be levied against spot billing agency for the period of wrong billing made by spot billing agency in the remuneration bill as per the terms and conditions of APEPDCL within 15 days time and compliance reported separately.”*

3. After hearing both sides and after considering the material, the Forum passed the order as hereunder:

*“The registered consumer against SC.No. 778, Paderu is liable to pay the outstanding amounts against that service and he has to obtain clearance*

*certificate from ERO/Narasipatnam for releasing new service connection in the same premises duly following the department procedure in vogue.*

*Accordingly, the CG.No. 570/11-12 is disposed off.”*

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same by projecting the following grounds

1. He let out one portion of the building to one lady and that woman might have taken the service connection no, 778 and it does not belong to him and the department people were not alert otherwise they might have disconnected the same when it reached to a sum of Rs. 9,173.
2. The department people did not take action either by collecting or by disconnecting the service from the actual consumer and to his dismay after lapse of 2 ½ years, they made him scapegoat.
3. He took two service connections to newly constructed building when the old building was collapsed and reconstructed.
4. No letter was given by his son with an undertaking to pay the arrears and the signature may be tested through forensic laboratory to come out the facts. The removed meter has got four digit numbers only whereas, the bill was having five digits and it shows that it is incorrect.
5. When the service connection was shifted if so, at whose instance and how it is shifted.
6. The question of payment does not arise, as the service connection does not belong to him.
7. The department has waived 9,173 and asked to pay only Rs. 212, but on seeing the order of the Forum, they demanded the total amount of Rs. 9385 (9173+212) and it is not correct.
8. He is not the consumer or a registered consumer or not aware of the shifting of the meter without his consent and the responsibility

the department people to collect such amount from that lady, and that the impugned order is liable to be set aside

5. The appellant has failed to attend before this authority on 18.10.2012 whereas the respondents represented by Sri A. Mallikarjuna Rao AAO, Narsipatnam, Sri V. Prabhakar Rao, AAE (O) Paderu and Sri. T. Suryanarayana JAO, Narsipatnam present and stated that the reading was wrongly made with five digit and it is only a defect in the meter and they have also submitted a report 26.04.2012 to that effect.

6. Basing on the statement of the respondents and the documents filed, this authority is pleased to pass the orders on the material available on record.

7. The appellant submitted in the grounds of appeal that the signature of his son may be sent to an expert for comparison. But he has not filed any petition to send the same to an expert for comparison by producing the son to take his admitted signatures. The Forum has simply ordered that the registered consumer in SC.No. 778 is liable to pay the outstanding amount against that service and he has to obtain clearance certificate from ERO Narsipatnam. This observation itself is incorrect as the very error is traced out while recording the meter reading. The reading is with five digits, though it is having only four digits. This itself shows that there is an error apparent in recording the reading. It appears the meter is also changed due to the said recorded mistake.

8. The contention of the appellant is that the said service connection 778 does not belong to him and it might have been obtained by the said lady who ran the pan shop in one of the shop rooms. If really the service connection is not in his name, the department is precluded from collecting the amounts from the appellant under threat of disconnection of the services of his brother and his son. Even otherwise, they cannot disconnect the service connections in the names of others. It can be disconnected any other service connection in the name of the said registered consumer who defaulted the payment of amount. Demanding him

to pay the arrears is also against to the principles of law, if really it is not in his name. If the said service connection 778 is in the name of the appellant, he has to pay the same in accordance with general terms and conditions of supply.

9. The payment of arrears is also another aspect to be looked in to by this authority. Admittedly, there is an error apparent on the face of the record and the same is also considered by the respondents and that forced them to replace the meter. As per clause 7.5.1.4.1 of General Terms and Conditions of Supply, when the meter is found to be defective it shall be determined by taking the average of the electricity supplied during the preceding three billing cycle to the billing cycle in which the said meter seized to function or became defect. So the respondents have to take preceding three months consumption and average has to be calculated and impose the same on the consumer of the said service connection 778.

10. If really, the appellant is not the consumer of the said service connection of 778, he cannot be charged with the said amount and the same cannot be a ground for releasing the new service connection. The average consumption of that month has to be collected from the registered consumer for that month when the meter was jumped to five digits. If the registered consumer is not available or not traced, the same can be deducted from his / her deposit. If the consumer is available the same can be collected from the said consumer. If the registered consumer is not available and if no deposit is available to his credit, the same has to be waived by the department but they are not expected to collect from the owner who is not a registered consumer. If the appellant is a registered consumer, he has to pay the arrears of average amount to be determined by the respondents as stated above or the amount of Rs. 212 whichever is less, as the department has already prepared to collect only Rs. 212 waiving the rest, but changed the same by virtue of the Forums order.

11. In the result, the appeal is allowed and the impugned order is hereby set aside with a direction to the respondents to take the average consumption under

7.5.1.4.1 of that month and collect the same from the registered consumer or deduct the same from his her or her deposit. They are also further directed if the appellant is the registered consumer they can collect the same from him i.e. Rs. 212 or average consumption of the month whichever is less. No order as to costs.

This order is corrected and signed on this 25<sup>th</sup> day of October 2012.

Sd/-

VIDYUT OMBUDSMAN