

**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: 09-11-2012

Appeal No. 62 of 2012.

Between

Sri Sai Balaji Polymers,  
D. No. 30-06-32 / 1, Flat No. 503, Sai Lorven Towers,  
Asam Gardens, Dabagardens Visakhapatnam – 530 020.

**... Appellant**

**And**

1. Assistant Engineer / Operation / APEPDCL / Lines / Vizianagaram
2. Senior Accounts Officer / Operation / APEPDCL / Vizianagaram
3. Divisional Engineer / Operation / APEPDCL / Vizianagaram
4. Superintending Engineer / Operation / APEPDCL / Vizianagaram

**.....Respondents**

The appeal / representation received by this authority on 04.09.2012 against the CGRF order of APEPDCL C.G.No. 92 / 2012-13 of Vizianagaram District dated 30.07.2012. The same has come up for final hearing before the Vidyut Ombudsman on 18.10.2012 at Visakhapatnam. C. Bharathi for the appellant present. Sri. D. Satyanarayana SE / O / Vizianagaram, Sri. Y. Kalidas, SAO and Sri. G. Yagneswara Rao, ADE (Lines) on behalf of the respondents present. Heard the arguments of the parties and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following:

**AWARD**

Sri Sai Balaji Polymers, Assam Gardens, Vizianagaram District has filed a complaint stating that highest 3 months average bill was issued to their HT service due to malfunctioning of energy meter and the same matter was taken to the notice of

concerned respondents. So far the same was not rectified. Hence approached the Forum for justice.

2. The 4<sup>th</sup> respondent filed his written submission as detailed below.

*“The service was released on 27-09-2008 in the name of M/s Sri Sai Balaji Polymers Rellivalsa Village, at Pusapatirega Mandal in Vizianagaram Dist bearing HT Sc.No.VZM 193 having CMD 216 KVA under category I A with 11KV potential.*

*In the representation dated 26-03-2012 the consumer of Sri Sai Balaji polymers of Sc.No.VZM193 has represented that the billing for the period of Nov-2011 to Jan-2012 has been averaged basing on the consumption of March, 2011 to May-2011 during which there were no power cuts and power holidays. Their industry is on a seasonal business which is directly linked to auspicious occasions like weddings etc which usually happen in the month of Feb to June-2011.*

*In the Lr.No.DE/M&P/VZM/AE/T/F-QA/D.No.21/12, dated 25-01-12 that the Divisional Electrical Engineer, Meters & Protection Division, Vizianagaram has stated that the has attended for meter testing as per complaint received form the Assistant Divisional Engineer, Lines Sub Division, Vizianagaram and on analysis of previous M.D histories in the meter display, it is observed that the present maximum demand recorded in the meter on 26-12-2011 is 2136KVA and MD recorded for 11/2011 is 1014 KVA but as per MRI analysis the computed consumption is 112.95 KVA and 33.95KVA respectively. Hence, the maximum demand recorded are found to abnormal and concluded that the meter is having erratic behavior and requested the Assistant Divisional Engineer/Lines to arrange to recommend the average consumption for the above period.*

*In the Lr.No.ADE/lines/VZM/D.No.1781/12, Dt.28-01-2012, the Assistant Divisional Engineer, Lines sub division has recommended to revise the CC bills for November, 2011 to December, 2011, basing on the average consumption for the period from April, 2011 to June, 2011 which is as per the terms and conditions of supply. (Month wise consumption particulars are enclosed herewith) the details of average consumption furnished by the Assistant Divisional Engineer/Lines/Vizianagaram for revision of CC bills for the above period as detailed below.*

*KWH consumption April to June :  $\frac{74790+87474+86920}{3} = 83061$*

*KVAH consumption April to June :  $\frac{81346+95378+92854}{3} = 89889$*

*M.D                      KVA                      215.8*

*Based on the above recommendation the CC bill for 11/2011 and 12/2011 have been revised and excess billed amount of Rs.1545780/- was withdrawn as against abnormal bill amount of Rs2335819/- vide RJ.No.6/1-2012. After revision the billed amount has come to Rs.395563/- for 11/2011 and Rs.394476/- for 12/2011.*

*This office has intimated the consumer with details of revised demand and payment particulars and requested to arrange payment before 23-03-2012, Vide Lr.No.SE/O/VZM/SAO /JAO /HT/D.No.116/12, Dt.06-03-2012.*

*In the month of January, 2012 the CC bill was issued on previous average consumption for Rs.405386/-. After that the defective meter was replaced on 08-02-2012, while billing for 02/2012 the previous average consumption has taken from 22-01-2012 to 08-02-2012 and actual consumption has taken for the period from 08-02-2012 to 22-02-2012 as per the meter reading furnished by the Assistant Divisional Engineer/Lines/ Vizianagaram. The actual consumption after replacement of meter is 43244 units i.e. from 08-02-2012 to 22-02-2012 and average billed units is 50932 i.e. from 22-01-2012 to 08-02-2012. Accordingly 02/2011 CC bill was issued for Rs.392935/-.*

*11/2011 bill issued on average consumption for Rs.395563/-.*

*12/2011 bill issued on average consumption for Rs.405386/-.*

*02/2011 bill issued on average actual consumption for Rs.392935/-.*

*In this circumstances, the counter defence against CG.No.92/2012-2013 of Vizianagaram district is herewith submitted to the Forum authorities for kind perusal."*

3. The Forum, duly taking into cognizance of the written submission of the SE/O/VZM, passes the following order.

- *"The monthly CC bills issued after changing of energy meter as follows.*

<u>Month</u>	<u>Amount</u>
March	3,28,639/-
April	4,37,466/-
May	5,37,572/-
June	3,80,957/-

- *The Complainant Consumer is liable to pay for the actual consumption based on the average billed discussed Utsupra and the bills raised for the period from 11/2011 to 02/2012 are in order.*
- *All the Respondents are hereby directed to collect all the billed units and they shall submit a compliance within 15 days from the date of receipt of this order.*

*With the above direction, CG.No.92/12-13 is disposed off".*

4. Aggrieved by the said order the appellant filed the above said appeal questioning the same, that the billing for the period from November, 2011 to January, 2012 has been averaged basing on the consumption of the March, 2011 during which time there is no power cuts and power holidays. It is also further mentioned that the industry is

only seasonal industry which is directly linked to auspicious occasions. It is also mentioned that the defect meter was changed on 08.02.2012. The previous average consumption was taken from 22.01.2012 as per the meter reading furnished by the ADE and the actual consumption after replacement of meter is 43244 units from 08.02.2012 to 22.02.2012 and averaged billed units is 50932 units that is from 22.01.2012 to 08.02.2012. The order of the Forum is erroneous and the same is liable to be set aside.

5. It is also further mentioned the other grounds that the Forum committed a grave error in not giving the No. of units for the months of March, April and June and giving only bill amounts and the year is also not mentioned. The Rules says proceeding the disputed period has to be taken into consideration but the Forum in the order under Appeal taken monthly CC bills issued after changing the energy meter which is not permissible under Rule i.e., March, 12 to June, 12. Further the load was also increased at the request of the appellant on 25.02.2012 by the department. Therefore, from March, 2012 onwards the consumption as well as the bill amounts of the unit will be increased. Therefore, the comparison of these four months bills amount cannot be taken into consideration in deciding the bill amounts for the disputed period of November, 2011 to February, 2012 . Hence the finding of the Forum in the order under appeal that the complainant consumption is liable to pay actual consumption based on the average billed, discussed as supra and the bills raised for the period November, 2011 to February, 2012 in the order is not correct finding. It is as against to the rule position. Hence the impugned order is liable to be set aside.

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

7. The petitioner is represented by C. Bharathi, Managing Partner of the petitioner and stated that the disputed period is November, 2011 to February, 2012 during which period, the meter is found to be defective. The Forum has taken into account of the future consumption of bill amounts of March, 2012 to June, 2012 but not the units consumed. It is also further stated that the load of the unit is increased after changing the meter, as they could not do it earlier due to the metering cubical was on the border

line while changing the HT meter the metering cubical is also changed and the capacity was also increased, and that the Forum ought to have taken the reading of the preceding months but not the reading of the subsequent months. It is against of the terms & conditions of the supply and the appeal is to be allowed by setting aside the impugned order.

8. The respondents are represented by Sri. D. Satyanarayana, SE / O / Vizianagaram, Sri. Y. Kalidas, SAO and Sri. G. Yegneswara Rao, ADE / Lines present and they have categorically stated for the month of January, 2012 the CC bill was issued on previous average consumption for Rs.405386/-. After that the defective meter was replaced on 08.02.2012. While billing for 02 / 2012, the previous average consumption has taken from 22.01.2012 to 08.02.2012 and actual consumption has taken for the period from 08.02.2012 to 22.02.2012 as per the meter reading furnished by the Assistant Divisional Engineer / Lines / Vizianagaram. The actual consumption after replacement of meter is 43244 units ie., from 08.02.2012 to 22.02.2012 and average billed units is 50932 i.e., from 22.01.2012 to 08.02.2012. Accordingly 02 / 2011 CC bill was issued for Rs. 392935/-.

9. It is an admitted fact that the maximum demand was recorded and found to be abnormal in the month of November, 2011 and it was also concluded that the meter was having erratic behavior. It is also an admitted fact that the meter was changed on 08.02.2012. The Forum has taken the monthly CC bills issued after changing of energy meter i.e., from March to June and also directed the appellant to pay the consumption basing on the average billed amount. This aspect is questioned by the appellant on the ground that the Forum ought to have taken the readings of the previous months but not after replacement of the meter as per the terms & conditions of the supply. It is also disputed by the appellant that the reading is on the high side (i) due to change of load (ii) due to peak season.

10. It is very clear from clause 7.5.1.4.1 the No. of units to be billed on the average of the electricity supplied during the preceding three billing cycles. The above said clause reads as follows :

**7.5.1.4.1** *The number of units to be billed during the period in which the meter ceased to function or became defective, shall be determined by taking the average of the electricity supplied during the preceding three billing cycles to the billing cycle in which the said meter ceased to function or became defective provided that the condition with regard to use of electricity during the said three billing cycles were not different from those which prevailed during the period in which the Meter ceased to function or became defective.*

11. The appellant has quoted in the grounds of appeal clauses 22.3.3 of the terms & conditions of supply but the said provision is in correct as they relate to the previous terms & conditions which are prior to the general terms & conditions of supply dated 04.03.2006. It is true that the excess amount of Rs.15,45,780/- was withdrawn as against Rs.23,35,819/-. The said aspect is not in dispute but only dispute is very limited, as it relates to the 3 months average billing prior or after the disputed months. The above said clause clearly says that it should be prior to the average of the electricity supply during the preceding 3 billing cycles to the billing cycle in which said meter ceased to function. Hence, the approach made by the Forum in taking the subsequent billing cycles is against to the above said rule and the same is liable to be set aside.

12. In the result, the appeal is allowed and the impugned order is set aside. The respondents are directed to take the average of the electricity supplied during the preceding 3 billing cycles to the billing cycle in which the said meter is ceased to function (i.e., November 2011) and revise the bill in the above said direction and if any amount is paid in excess, the same shall be adjusted in the future bills. With this observation the appeal is disposed. No order as to costs.

This order is corrected and signed on this day of 9<sup>th</sup> November, 2012

**Sd/-**

**VIDYUT OMBUDSMAN**