

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: 06-12-2012

Appeal No. 70 of 2012

Between

Smt. V. Mythili,
C/o. Agricultural Wheels,
Flat No. 18, Industrial Estate,
Vijayawada, Krishna Dist – 520 007

... Appellant

And

1. Asst. Accounts Officer / ERO / APSPDCL / Gunadala / Vijayawada
2. Asst. Engineer / Operation / APSPDCL / Autonagar / Vijayawada
3. Asst. Divisional Engineer / APSPDCL / Patamata / Vijayawada
4. Divisional Engineer / M & P / APSPDCL / Vijayawada
5. Divisional Engineer / Operation / APSPDCL / Gunadala / Vijayawada

.....Respondents

The appeal / representation dt. 29.09.2012 received by this authority on 04.10.2012 against the CGRF order of APSPDCL C.G. No. 127 / 2012-13 Vijayawada Circle dated 01.09.2012. The same has come up for final hearing before the Vidyut Ombudsman on 05.12.2012 at Hyderabad. Sri. A. Bapiraja Sarma for appellant present. No representation on behalf of the respondents. Heard the arguments of the petitioner 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 about the grievances as hereunder:

- i. They are having one electrical service connection bearing SCNo:6512105001423 for their industry with the title Agricultural Wheels, Vijayawada.
- ii. On 24-7-2011 the existing meter of the above service was replaced with new one as the same was not working.
- iii. They are having three phase and two phase machinery and hand grinding machine that works on single phase besides lighting and fans.
- iv. They received bill for August 2011 for an amount of Rs 22,225/- with the reason that one of the phase of the meter was not recorded properly and they paid the amount on 25-9-2011.
- v. They are not provided with the details such as since how long the said one phase stopped working are not properly recording and how the figure of Rs 22225/- was arrived at, but they were replied that the billing will be based on the average consumption for the previous 3 months when the meter is not functioning, but they did not know the basis of arbitrary billing
- vi. Requested to render justice duly verifying the basis of billing.

2. The 1st respondent filed his written submissions as follows :

- i. On verification of the records he noticed that the meter of the service number:6512105001423 was replaced on 24-7-2011 as the old meter was not working.
- ii. The amount of Rs 3180/- towards shortfall was included in the CC.bill taking into consideration the common practice of 3 months average consumption as detailed below.

<i>Month</i>	<i>Consumption (Units)</i>	<i>Status</i>
03/2011	3219	01
04/2011	3812	01
05/2011	2965	01
06/2011	2573	01
07/2011	3332	02

- iii. Based on the above pattern it is observed that the consumption recorded during 6/11 is less and hence shortfall for 765 units was arrived taking into consideration the average consumption of the months 3/11, 4/11 and 5/11 i.e. $(3219 + 3812 + 2965) / 3 = 3332$.

3. After careful consideration, the Forum passed the following order :

The complainant is advised to pay the said amount of Rs. 3,180/- along with surcharge if any levied upon without any further dispute with immediate effect to avoid disconnection of her service.

Accordingly the case is allowed and disposed off

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

- i) The forum has failed to consider the terms and conditions of the GTCS and rejected the request made by the appellant.
- ii) They ought to have taken the average consumption of March, April and May instead of February, March and April.
- iii) The appeal preferred by the appellant is to be allowed by setting aside in the impugned order.

5. Now, the point for consideration is, “whether the impugned order is liable to set a side? If so, on what grounds?”

6. Sri.A.Bapi Raja Sarma appeared on behalf of the appellant and reiterated the contents mentioned in the grounds of appeal. The respondents have not attended the enquiry and they have not made any representation to the support of their contention.

7. It is clear from the record that the appellant has approached on two grounds.

- i) Taking of the average consumption of immediate preceding three months.
- ii) Conversion of category-II to category-VII.

8. The forum has accepted point no.2 and ordered for conversion. The appeal is preferred on the point no.1 alone.

9. As per clause 7.5.1.4.1 of GTCS 2006, the average of the electricity supply preceding the three billing cycle to the billing cycle in which the said meter is ceased to function. The said clause reads as follows:

“The number of units to be filled 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 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”.

10. The above said clause clearly envisages that the respondents have to take the average consumption of three months preceding to the month in which the meter ceased to function. The approach made by the respondent in assessing the average consumption is not correct and the Forum has also failed to look into the above said clause and rejected the request made by the appellant.

11. In the light of the above said discussion, the impugned order is hereby set aside to the extent of average billing made by the respondents. The respondents are hereby directed to take the average consumption of the months of March, April and May instead of February, March and April and revise the bill accordingly.

12. No order as to costs.

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

Sd/-
VIDYUT OMBUDSMAN