

**VIDYUT OMBUDSMAN**  
**O/o: ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**  
**4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad – 500 004**

Present

**K.Sanjeeva Rao Naidu**  
Vidyut Ombudsman

**Dated: 22-12-2012**

**Appeal No. 77 of 2012**

Between

Smt. A. Mahalaxmi,  
H.No. 13-6-463 / 6, Consumer No. L4-9030,  
Ashok Vihar Colony, Karwan,  
Hyderabad – 500 267.

**... Appellant**

**And**

1. Assistant Engineer / Operation / APCPDCL/ Dattatreya Colony / Hyd
2. Asst. Divisional Engineer / Operation / APCPDCL / Sitarambagh / Hyd
3. Asst. Accounts Officer / ERO-II / APCPDCL / Koti / Sultan Bazar / Hyd

**.....Respondents**

The appeal / representation dt.08.11.2012 received by this authority on 08.11.2012 against the CGRF order of APCPDCL C.G. No. 511 / 2012-13 / Hyd South Circle dated 05.09.2012. The same has come up for final hearing before the Vidyut Ombudsman on 04.12.2012 at Hyderabad. Sri. A. Gattaiah, Advocate for the appellant present. Sri. P. Mallaiah, ADE / O / Sitarambagh, Sri. T. Yadagiri, AE / O / Dattatreya Colony and Sri. Shirbeer Singh, JAO / ERO-II / Sultanbazar 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**

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:

*“She is the consumer of S.C.No.L4-9030 and regularly paying the electricity consumption charges to the department up to July, 2009. But surprisingly, the bill for the month of August, 2009 was issued for Rs.2460.00 for the recorded units of 554 which were abnormal and excessive and they never consumed*

*so much energy for one month from the inception of the meter in their house. It appears that something is wrong with the meter.*

*The Department has fixed the meter on the pole belong to 8 consumers in their colony and was suspected foul play with the connivance of the department people to manipulate electric line from one meter to another meter resulting this kind of incredibly high consumption on their meter. In this connection, the consumer's husband has visited twice APCPDCL Office & apprised the concerned ADE/Operation and requested them to correct the wrong bill issued by the department. After receipt of the complaint from them the department people were silent and they did not take any measures to redress their grievance. Due to non response from the department, they have sent a legal notice and later filed the complaint before the District Consumer Forum with CC No.655 of 2009 and subsequently the complaint was dismissed on 24.6.2010 and they have challenged the order of the District Forum before the Hon'ble State Consumer Disputes Redressal Commission, Hyderabad and after hearing the matter before the Commission, the Hon'ble commission made this observation based on the latest judgment of Supreme Court. While their appeal was pending before the A.P. State Commission, the department people gave a letter to pay Rs.700.00 per month from October, 2011 pending disposal of the appeal. Accordingly, they have paid Rs.2,800.00 on 30.01.2012 and Rs.1400.00 in the month of March, 2012. However, on our request the meter was fixed in their house on 2.2.2012. Since the meter fixed in my house was old one, I doubt its functioning and correct billing.*

*The consumer is disputing the consumption for the months of August, 2009 for 554 units, January 2010 for 423 units, May 2010 for 385 units, June, 2010 for 349 units, June, 2011 for 503 units, September, 2011 for 288 units, October, 2011 for 288 units. All the above stated consumption of units appears to me abnormal and the same are billed with surcharges are incredibly high.*

*In view of the above, it is requested to rectify and correct the disputed bills by instructing the department people and award compensation for the inconveniences they have undergone due to negligence act of the concerned department people in the interest of justice and equity."*

2. The 3<sup>rd</sup> Respondent submitted his reply as hereunder:

*"The consumer approached the Hon'ble District Consumer Disputes Redressal Forum-II vide C.C.No.655/2009 and Forum has dismissed the claim. The consumer again appealed to the Hon'ble A.P. State Consumer Disputes Redressal Commission at Hyderabad vide F.A.No.737 of 2010 against the orders issued in CC No.655/2009 by the District Forum.II. The State Consumer Disputes Redressal Commission has also dismissed the claim of the consumer.*

*The Consumer approached the Consumer Grievances Redressal Forum.II vide C.G.No.511. After verification of the office records i.e., from the date of*

*change of meter in June, 2006 to till date, it is observed that there is no abnormality in the consumption recorded. The consumer has to pay the total dues of Rs.35,359.00 after taking into account the payments already made”.*

3. The first Respondent submitted his reply as hereunder:

*“The premises of the service connection No.L4009030 has been inspected by first respondent on 13.08.2012 and found that the connected load is 1535 watts. The meter of the consumer service has been tested in MRT Lab on 17.08.2012 in the presence of the representative of the consumer. As per the test results, the functioning of the meter is normal”.*

4. After hearing and after looking into the material, the Forum passed the following order on 05.09.2012.

*“As per the observations made by the forum, the consumer/complainant is liable to pay the current consumption charges in view of the normal functioning of the meter and also no theft of energy is proved. The Respondents are directed to collect the current consumption charges by issuing notice as per the procedure in vogue.*

*The complaint is disposed off accordingly.*

*The Respondents are also directed to submit their compliance report to the Forum by 25.09.2012.”*

5. Aggrieved by the impugned order, the appellant filed the above appeal questioning the same on the following grounds.

- i) The order of the CGRF in dismissing the complaint is contrary to law, weight of evidence and probabilities of the case.
- ii) The CGRF failed to consider the fact that the 8 meters were mounted on the pole in which the complainant was one and her bills were inflated and the same fact was alleged due to foul play played by the department people.
- iii) The CGRF failed to consider the fact that alleged inspection meter tested in MRT lab in the presence of representative of the complainant on 17.08.2012 was not made available to the complainant and mere statement of the department people and without giving copy of the report is against the principles of natural justice.
- iv) The complainant has issued legal notice and the same was not replied by the department and the same was not discussed in the order and on the non issue of reply resulted agony to the complainant and the department people have taken advantage of levelling surcharges and penal charges.
- v) The complainant specifically stated certain month bills are inflated and to rebut the same the department did not give any convincing reasons and the same was omitted by the CGRF.

- vi) The order of the CGRF, Hyderabad is not legal and valid. It is, therefore, prayed that this Hon'ble Authority may be pleased to allow the appeal and set aside the order of the CGRF Hyderabad.

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

7. The husband of the appellant Sri. G. Gattaiah, Ex-employee of Electricity Department and presently practicing as an advocate appeared on behalf of the appellant and reiterated the same grounds mentioned in the grounds of appeal. Whereas, the respondents are represented by Sri. P. Mallaiah, ADE / O / Sitarambagh, Sri. T. Yadagiri, AE / O / Dattareya Colony and Sri. Shirbeer Singh, JAO / ERO-II / Sultanbazar. They have stated that there is no abnormality in the readings, the Forum has rightly passed the impugned order and the appeal is liable to be dismissed.

8. The appellant claims that the meter attached to his premises is in the midst of eight consumers fitted to the pole and it might have been manipulated. He claimed that the bills in the month of August 2009, January 2010, May 2010, June 2010, June 2011 and September 2011 were abnormal. Whereas in the grounds of appeal it is mentioned that his bills were inflated and it was due to foul play played by the department people. Thus there is no consistency in his contention. Different pleas are taken ignoring the earlier stand taken by the appellant. Merely, because the meter is in the midst of eight consumers to the pole itself is not sufficient to throw the blame on the department people. What is the animosity against the appellant by the respondents is neither pleaded nor proved. If excess reading is recorded by foul play as alleged, they would have asked to send the meter for test or projected that the devise of somebody was attached to his meter. It is neither pleaded nor proved. Mere accusation without any proof is not sufficient to throw the blame on the officials.

9. The grounds of appeal revealed that the readings are inflated as if no consumption is there to his premises. Except three or four months, there is no abnormality as per the readings pattern submitted by the respondent. The readings are ranging from 180 to 300 units per month. In the month of January 2010 the units are recorded as 423 units, August 2009 554 units, June 2011 503 units and May

2010 385 units. The rest are almost on a similar pattern. It may be due to some occasional jumping or on account of some mechanical defect unconnected to the appellant.

10. No doubt, the appellant has approached the District Forum and thereafter to the State Forum. The appellant failed in both the Forums. Again approached CGRF and against that order to this authority. He has relied upon a ruling reported in 1(2003) CPJ 101 (NC) 101. In this it was held that

“Excessive bill – Arrears of excess power consumed claimed for 26 months – No case of electricity theft – Bill excessive proved – O.P liable to make fresh calculation on average reading of new meter – order upheld by State Commission – No need to interfere.”

The other rulings 1999 ALD (Cons) 8, AIR 2002 S.C. 551 and 1(2012) CPJ 47 (NC) cited by him are not applicable to the case on hand. Though they have approached the District Forum and State Forum, they are not precluded to agitate before CGRF or before this authority, provided the excess billing is established.

11. In the light of the above said discussion, the respondents are directed to revise the said four months bills by taking average consumption and give credit to the excess units. It is brought to the notice of this authority that the appellant has not paid the CC charges since a very long time under the guise of litigation. The respondents are directed to collect the same after giving credit to the above said amounts (i.e, difference of average billing for the said 4 months). The impugned order is modified as above. No order as to costs.

This order is corrected and signed on this 22<sup>nd</sup> day of December, 2012.

Sd/-  
VIDYUT OMBUDSMAN