

BEFORE THE VIDYUT OMBUDSMAN

Present

NAGARAJ NARAM
Vidyut Ombudsman

Dated: 19-10-2013

Between

Smt. Noor Jahan Begum
W/o.Md.Tajuddin
H.No.13-8115, Shairpura Street,
Yellambazar, Warangal Dist – 506 002.

... Appellant

And

1. Asst.Engineer / Operation / Matwada/ APNPDCL/Warangal
2. Asst.Divisional Engineer / Operation / Mulugu Road/ APNPDCL/Warangal
3. Asst.Accounts Officer/ERO/APNPDCL/Warangal
4. Divisional Engineer / Operation / APNPDCL/ Warangal

....Respondents

The appeal / representation filed by the appellant on 12.03.2013, has come up for final hearing before the Vidyut Ombudsman on 07.10.2013 at Hyderabad. Smt. Noor Jahan Begum, appellant and Sri E. S. N. Sarma, JAO / ERO / Warangal for respondents are present. The appeal having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following:

AWARD

This appeal is directed against the order of CGRF of APNPDCL in C.G. No. 158 / 2012 of Warangal District. dated 06.02.2013. The appellant has filed the appeal being aggrieved by the order.

2. The appellant stated that she has represented her request through her husband on 12-03-2013. Her husband was asked by the office to bring the related documents on the date given by the office at the same time the Warangal officials were also instructed to bring the office records. Her husband attended the Hyderabad with the related documents but the Warangal officials did not attend the office so the matter could not be decided. Now, she has been again asked to attend the office on 07-10-2013 and in compliance she is present. In this connection, she

submitted that she is an old poor women dependant on a meagre pension of her husband. She is not at all in a position to pay such a big amount of Rs.51,466/- which was said to be unpaid arrears, whereas the fact is that, she has regularly paying the bills every month. They do not know from where has they come to be charged an amount of Rs.51,466/- and she does not understand the same. The Warangal officials also could not convince her about the bills. She has made many representations to Warangal officials but the case is still undecided. She eventually have to submit that she is a very poor woman having no source of income except meagre pension of Rs.3000/- amount of her husband and she is not able to make payment and requested this authority to waive the amount. She also lamented that she is being treated for cancer in a city hospital.

3. On the other hand, in their submissions to this authority the respondent no. 3 has stated as follows:

(i) The consumer approached CGRF / NPDCL / Warangal for abnormal high consumption billing and it was rectified and the excess billed units are withdrawn by proposing journal entry for Rs.11,729/- and credited to the consumers account.

(ii) As per the orders of CGRF / Warangal the penalty amount of Rs.11,721/- was recovered from the spot billing agency for issuing abnormal bill to the consumers due to the loss sustained by APNPDCL.

(iii) Regarding recovery of Rs.40,876/- from consumer, CGRF, had given a cushion to the consumer to pay the amount in 4 equal instalments. But the consumer has not accepted the decision of CGRF and not paid the instalments till to date. The consumer is paying the regular CC bills by keeping aside the disputed amount and enjoying the supply.

4. The matter was taken up for hearing after perusing the record and coming to the conclusion that the matter cannot be settled though the conciliation process. Notice was issued to the parties initially to take up the matter for hearing on 11.07.2013. After hearing for some time the matter was adjourned to 19.08.2013. However there was no representation behalf of the parties then it was adjourned to 16.09.2013, but the same was not intimated to the parties properly. Hence the fresh date of hearing has been fixed as 07.10.2013. On the said date of hearing the

complainant as well as the ADE and the JAO concerned have appeared and made their respective submissions.

5. The complainant has reiterated her case during the course of hearing. It has been stated she was never at default in paying the monthly bills and has been regularly making payments as per the demand. She contended that she is poor lady dependent on the husband's pension with large family to be served. It is also stated that the matter has been complained but no action has been taken, on the contrary she has been foisted with a huge bill. She is not a position to pay the same and will not be able to clear the same at point of time, as according to her she is paying current consumption charges with great difficulty. That she is suffering from cancer and is taking treatment for the same.

6. On the other hand, it has been submitted by the officers of the company that every effort was made to minimise the burden on the consumer. Though a part amount has already been recovered from the spot bill agency which did the mischief, as the meter has shown to be in normal functioning condition after testing, the amount due has to be paid by the consumer only. Keeping the interest of the consumer in mind only the CGRF has allowed instalments for payment of the amount due. It has been appropriately brought to this authority's notice that that there is irregular payment of the bills of late due bill running into thousands of rupees based on the load. It is pointed by the officers that the load installed in the premises does attract the amount of consumption being recorded by the consumer's meter.

7. Keeping in view the rival positions this authority required the JAO of the company to file statement for the period Nov'11 to Aug'13 detailing the consumption pattern as well as the amounts paid and the total amount due as of the hearing date. A report has been filed vide letter dated 09.10.2013 received on 15.10.2013.

8. Now, the point for consideration is, "whether the complainant is entitled to any relief."

9. Viewing from any angle, the order of the CGRF cannot be interfered with, from the stand point of the company, however keeping the submissions of the

complainant, it may be appropriate to interfere with the order to a limited extent to alleviate the agony of the consumer.

10. It is appropriate to state that any consumer who has availed power supply and consumed power has to pay for it though there is no material benefit whether accrued or not. The complainant is no exception in this matter. Given the circumstances that the spot biller did not bill them properly on his own volition or at the instance of the complainant which is now immaterial, the complainant fairly conceded before the CGRF as well this authority that she has to pay some amount. In that circumstance of the matter some method is proposed to be evolved to mitigate the suffering of the complainant.

11. Furthermore, there are defaults on current consumption charges intermittently after corrective billing has been undertaken by the company. Therefore, the arrears of amounts have been piling up and as per the statement which is extracted below to limited extent, an amount of Rs. 49,175/- is due to the company.

DMD TOT	COLL	CRJE	CR TOT	CE
52605.00				52605.88
1449.00				54054.88
1975.00				56029.88
2959.00	2960.00	11729.00	14689.00	44299.88
2630.00				46929.88
2250.00				49179.88
1086.00	1090.00		1090.00	49175.88
1127.00	1127.00		1127.00	49175.88
1638.00	1638.00		1638.00	49175.88
1487.00	1487.00		1487.00	49175.88
1805.00	1805.00		1805.00	49175.88
1278.00	1278.00		1278.00	49175.88
1435.00	1435.00		1435.00	49175.88
2009.00				51184.88
2054.00	4063.00		4063.00	49175.88
2719.00	2720.00		2720.00	49174.88

1776.00	1776.00		1776.00	49174.88
2170.00	2170.00		2170.00	49174.88

12. The authority keeping in mind the interest of both the parties has decided to give benefit of instalments to the complainant and at the same ensure the recovery of the amount due. Accordingly, the scheme of dispensation / formulation of settlement of the issue is done below.

- a) The consumer shall pay the current consumption bills regularly without waiting for the due date.
- b) The company shall recover the amount due towards back billing amount of Rs. 49,175 due upto Aug'13 in easy monthly instalments of Rs,1,500/- each.
- c) The total of the bill for each month shall include the above said amount apart from the regular consumption charges.
- d) Any default of either the instalments or the cc charges for any 3 consecutive months will amount to restoring the order of CGRF wherein the due it was directed that the amounts due be collected in 4 instalments itself.
- e) In addition the company would be free take steps for recovery amounts due with interest by invoking the Revenue Recovery Act. This exercise would visit the consumer in the event stated in point 'd' above is not complied with.
- f) The CGRF order is modified to this extent as regards instalments being allowed

13. Before parting with the case, this authority would like emphasise that spot billing is good for the recovery of the arrears. However, the pit falls in the same need to be corrected to the extent possible. For this purpose, a non local engineer can be deputed to make random check of meters under spot billing once in three months. This will help in ascertaining the ground position with regard to functioning of the spot billing franchise. The Chairperson of the CGRG may appraise the top management of the company for such an exercise to be undertaken and get the guidelines issued to the concerned Superintending Engineers.

This order is corrected and signed on this day of 19th October 2013

Sd/-
VIDYUT OMBUDSMAN