



**BEFORE THE VIDYUT OMBUDSMAN  
Andhra Pradesh :: Hyderabad**

:: Present ::

**C. Ramakrishna**

Date: 30-12-2015

Appeal No. 10 of 2015

Between

Sri. BVR Ch. Prasad, Deputy Tahsildar, Flat No 302, Block-5, Panchavati Apartments,  
Anandpet, Ponnur Road-Post, Guntur District.

**... Appellant**

**And**

1. The AAO/ERO/APSPDCL/Town-1/Guntur
2. The AE/Operation/APSPDCL/D-3/Guntur
3. The ADE/Operation/APSPDCL/Town-1/Guntur
4. The ADE/APSPDCL/LT-Meters/Guntur
5. The DE/Operation/APSPDCL/Town-1/Guntur

**... Respondents**

The above appeal filed on 12-06-2015 has come up for final hearing before the Vidyut Ombudsman on 07-12-2015 at Vijayawada. The appellant, as well as respondents 1,2 & 5 above were present. Respondents 3 & 4 were present during the course of the hearings on various dates. Having considered the appeal, the written and oral submissions made by the appellant and the respondents, the Vidyut Ombudsman passed the following:

**AWARD**

2. The appeal arose out of the complaint of the consumer about his perception

that his image in the society took a beating due to the inspection conducted by the DISCOM's officers on 12-07-2014.

3. The appellant stated in his appeal that the CGRF had failed to redress the grievances raised by him in the complaint before it completely and satisfactorily; that he is aggrieved that the Forum took about eight months to dispose of his complaint; that he never had any intention of committing theft of electricity nor did he ever try to mislead the electricity department (DISCOM) about his consumption of electricity; that he never entertained the expectation that the Forum might reduce the amount of back billing that was assessed on him; that he could not understand as to why his residential flat was chosen for inspection by the DISCOM's authorities; that the intention of the inspecting team was bad as it came there basically to check the theft of electricity (by him) from the main common meter of the apartment block; that even if such a type of theft was happening it does not fall within the purview of the DISCOM's authorities, as the DISCOM is not adversely affected by such theft; that the DISCOM's authorities had acted hastily in coming over to his flat to check such kind of theft based merely on somebody's misinformation and in the process had damaged his reputation beyond repair; that the vigilance which ought to have been there at the time of inspection was not present; that while the meter is found to be sluggish on being tested, he cannot understand as to how it could record a consumption of 783 units for a period of just 10 days i.e., from 4-04-07-2014 to 14-07-2014; that the higher authorities of the DISCOM remained unresponsive to his communications in this regard; that the inspection done by the respondents was not a routine one and it was done at somebody's behest and that the identity of that somebody has to be revealed to him for his safety; that as the inspection had cast a shadow on his character he had not been able to mingle freely in the society of which he is a part; and that a clear

certificate addressing all his grievances be issued to restore his image in the society. The appellant enclosed some copies of correspondence between him and the respondent officers as well as a copy of the CGRF's order.

4. Notices were issued for hearing the matter. The respondent AAO filed his written submission stating that the short billing assessment in respect of the consumer, made by the ADE was communicated on 24-07-2014 and that the demand of Rs. 16,417/- was included through a journal entry; that the consumer had paid the full amount on 28-07-2014; that on the CGRF's order to restrict the back billing to 12 months, the ADE had communicated a revised assessment amount of Rs. 8,990/- and that the same was effected in the account of the consumer. He enclosed some material in support of his averments.

5. None of the other respondents filed any written submissions. But they deposed during the course of the hearings. During the course of the hearings, the appellant contended that the act of the respondents in not disclosing -- then and there at the time of the inspection -- that the meter of his service connection is sluggish, had caused lot of damage to his reputation. He contended that the respondents had intentionally not disclosed this fact at the time of inspection at the behest of some elements within the residential complex and had thus caused irreparable damage to his reputation. He further stated that the respondents had not given him copies of the inspection proceedings in spite of his asking for the same.

6. The respondents on their part stated that the announcement that the meter of the consumer is sluggish or otherwise cannot be made by them right at the time of inspection -- as that would amount to prejudging the issue and that the suspicions

harboured by them can only be proved or clarified only on a thorough testing of the meter in the meter testing lab. They further stated that this is what they did precisely and then only resorted to assessing the back billing amount. They further stated that as the CGRF had found that the back billing cannot be gone beyond a period of 12 months, they had honoured the CGRF's order and revised the back billing assessment to 12 months and given effect to it in the account of the consumer. They further stated that the 783 units consumption that is seen in the meter on its removal for testing is not the consumption for a mere 10 days as is being made out by the consumer. They affirmed that it is the result of botched up recordings by the employees of the meter reading agency and that on noticing such botch ups, the meter reading agency's contract was terminated in the month of April, 2015. They stated that there were two faults in the account of the consumer. One is that the meter was found to be running slowly on being tested. The meter was tested in the presence of the consumer and the short billing amount was assessed for the period September, 2012 to July, 2014. Subsequently, this short billing assessment was restricted to 12 months period as per the CGRF's order. The second fault is that the meter reader had suppressed the readings and this had resulted in artificially reducing the bills of the consumer over a period of time. This got rectified with the meter testing and the consequential assessment that is made. They denied all the other allegations levelled against them by the consumer and stated that they don't hold brief on anybody else's behalf in regard to the electricity affairs of a consumer. They further stated that they cannot help if a consumer wrongly feels that his reputation is damaged by a mere inspection carried out by them and they had not acted in any illegal manner whatsoever. They further stated that the consumer never made any request for a copy of the inspection record and that in view of his request before the Ombudsman now, they will be providing a copy of the same for his record.

7. A perusal of rival contentions / submissions shows that key points that arise for consideration in this case are:

- a. Whether or not the consumer is right in feeling that his reputation is damaged beyond repair by the inspection carried out by the respondents;
- b. Whether or not the respondents had acted in haste or at somebody's behest in carrying out the inspection of the consumer's service connection;
- c. Whether or not there was any malafide on the part of the respondents in carrying out the inspection of the consumer's service connection; and
- d. Whether or not the CGRF's order is liable to be set aside in this case.

8. Coming to the first issue, this authority finds that the respondents had carried out an inspection of the consumer's service connection on 12-07-2014. A mere inspection carried out by the DISCOM's authorities -- be it by a few officers or many officers -- cannot by itself be seen as damaging one's reputation. It is because of the inspection carried out that the DISCOM's authorities had discovered that the meter of the consumer is recording lower consumption than the actual consumption. The consumer also had not contested the test results on any ground. In fact, he was forthright in admitting that he is not contesting the test results and that he is a law abiding citizen and as such he had paid the full amount soon after being communicated the test results and consequential demand. In view of all this, this authority finds that there is no ground whatsoever for the consumer to feel aggrieved that his reputation has been damaged beyond repair by the inspection carried out by the respondents on

12-07-2014. The consumer appellant has not been able to show any rule which prohibits the respondents from carrying out what they did on 12-07-2014. The respondents were merely carrying out their duty. Whether they do it on their own or on getting some information from any quarter doesn't matter. No inspecting officer is bound to disclose the reasons for his inspection. His mere suspicion that there might be something wrong with the consumption being recorded is enough for him to take up the inspection. Therefore, the first issue is held against the appellant. The appellant is wrong in surmising that the inspection carried out by the respondents had dented his image in the society.

9. Coming to the second issue, the appellant feels that the respondents had descended in a posse at somebody's behest. He has not been able to adduce any evidence to this effect. In the process of carrying out the inspection, it is possible that a posse of officers might have descended on the premises of the consumer / consumer's residential complex. This by itself does not vitiate the inspection that is carried out. No material was brought on record by the appellant to prove any malafide on the part of the respondents. He was merely surmising that they were acting at somebody else's behest in carrying out the inspection. Forums like the CGRF or this authority cannot get into the business of material collection. That is the job of investigating agencies / inspecting authorities. It is for the aggrieved consumer to bring on record all the facts that are in his possession. Mere suspicions cannot be taken as facts. There should be corroborative evidence at least to support the surmises being made. No such supporting material is made available before this authority. No inspecting authority is duty bound to disclose all the information that is received by him before carrying out an inspection. Disclosing such information, whether before, during or after an inspection, goes against the very grain of his duties. His business is

to act on the information received by him and to satisfy himself that no wrongdoing or revenue leakage, if any, is going unpunished or unplugged. Therefore, this authority finds no wrongdoing on the part of the respondents, as alleged by the appellant. Nothing is brought on record to show that the respondents acted at somebody's behest in carrying out the inspection.

10. Coming to the third issue that is framed, no material to support mala fides on the part of the respondents was brought in by the appellant. The respondents were merely carrying out their duties in conducting the inspection. No wrongdoing was found on their part in the conduct of the inspection. They could not have given any kind of certificate during the course of the inspection about the innocence or otherwise of the consumer appellant. The consumer appellant also, by admission, is a government functionary, perhaps with the powers of inspection in his department. By this fact itself, he ought to be aware that no such certification can ever be given by an inspecting authority. After conducting the inspections, the respondents had taken the meter for testing and acted on the test results in the best manner that is known to them. Once the CGRF found that the respondents had gone beyond what is provided for under the law, they had corrected themselves and implemented the CGRF's order. The matter deserves to end there.

11. Coming to the last issue, this authority finds nothing wrong with the CGRF's order. On finding that the respondents had gone beyond the period that is provided for making the short billing assessment, it had ordered a revision -- properly. The appellant's grievance that the Forum took about eight months to dispose of his complaint is well taken. The Forum could have elucidated the reasons for the time taken for the disposal of the case. Non-elucidation of the reasons per se, do not,

however make the order of the Forum any less implementable or bad in law. Even this authority also is taking six months to dispose of this appeal. All this time is taken because adequate opportunity has to be given to both the sides to make their representations and counter representations and arguments. Unless both the sides are heard properly, it is not possible to give a reasonable order. Not hearing both the sides in full, results in travesty of justice and is against the grain of principles of natural justice. Hence, even if there is an element of delay, principles of natural justice will have to be adhered to before passing an order. That explains the delay, either before the Forum or before this authority. Hence this authority finds no reasons to set the order of the CGRF aside.

12. Before concluding the order, this authority finds that some of the contentions raised by the appellant deserve to be examined with a view to set at rest some of his apprehensions and misgivings. The appellant feels baffled by the selection of his flat for inspection by the respondents. This authority feels that there is no reason to him for being baffled on this count. The respondent officers of the DISCOM are at liberty to choose any service for inspection -- whether or not they receive any information from any quarter. They are not bound to disclose their sources of information. What matters foremost is whether or not they have followed the letter and spirit of law in the conduct of the inspection. This they have demonstrated in ample measure and the consumer also could not file any material evidence to show that the respondents had gone beyond the law in the conduct of the inspection. The appellant is assuming that the respondents had come to his flat to check the theft of electricity from the main meter. There is no reason to make such an assumption. When they come for inspection, the respondents are at liberty to check every aspect. Ultimately, it is for forums like the CGRF and / or this authority and Courts to see whether or not they had



acted in accordance with the law. The appellant had not been able to substantiate his assumptions with any evidence. The appellant's feeling that his reputation is damaged beyond repair is also unfounded. A mere inspection of the consumer's service connection does not damage one's reputation. No wrongdoing was alleged by the inspection. The fact of the sluggish meter came to be recognized in the testing. Consequential action as per law has been taken. That's all there is to it. Nobody, much less his neighbours can make an assumption that the appellant had committed any wrongdoing. If anybody makes such an assumption, the respondents are not at fault by their mere inspection. The fault lies with the persons making such an assumption, not with the respondents or the appellant. The appellant went on to assume that the vigilance wing of the DISCOM needs to be present during the inspection. This is unfounded. Any officer, who is authorized by the notification issued to this effect under the Electricity Act, can take up the inspection. The appellant had not been able to show that the respondents are not authorized to carry out the inspection.

13. Therefore, the appeal is liable for dismissal and is hereby dismissed.

14. This order is corrected and signed on this 30<sup>th</sup> day of December, 2015. A digitally signed copy of this order is made available at [www.vidyutombudsman.ap.gov.in](http://www.vidyutombudsman.ap.gov.in).

**VIDYUT OMBUDSMAN**

**To**

1. Sri. BVR Ch. Prasad, Deputy Tahsildar, Flat No 302, Block-5, Panchavati Apartments, Anandpet, Ponnur Road-Post, Guntur District
2. The Assistant Accounts Officer, ERO, APSPDCL, Town - 1, Opp: Masid, Near Saraswathi Theater, Railway Station Road, Guntur.
3. The Assistant Engineer, Operation, APSPDCL, D-3, Jinna Tower Center, Opp: Liberty Cinema Hall, Guntur.
4. The Assistant Divisional Engineer, Operation, APSPDCL, Town - 1, Jinna Tower Center, Opp: Liberty Cinema Hall, Guntur
5. The Assistant Divisional Engineer, APSPDCL, LT-Meters, Guntur
6. The Divisional Engineer, Operation, APSPDCL, Town - 1, Nalla Cheruvu, Opp: Venkateswara Swamy Temple, Guntur.

**Copy to:**

7. The Chairman, C.G.R.F., APSPDCL, 19/13/65/A, Sreenivasapuram, Near 132 kV Substation, Tiruchanoor Road, Tirupati - 517 503
8. The Secretary, APERC, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004