



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

:: Present ::

N. Basavaiah, B.Sc, B.L.

Date: 04-03-2021

Appeal No. 30 of 2020-21

Between

K.N.V.V. Satyanarayana, D.No. 58-15-22, P&T Colony, Sanjeeva Nagar,
Rajahmundry, East Godavari District

... Appellant/Complainant

And

1. AE/O/Gandepalli/APEPDCL, Gandepalli, East Godavari District - 533 297
2. ADE/O/Jaggampeta/APEPDCL, Jaggampeta E.G.Dist - 533 435
3. AAO/ERO-Jaggampeta, APEPDCL, Jaggampeta, E.G.Dist – 533435
4. DE/O/Jaggampeta, APEPDCL, Jaggampeta, E.G.Dist - 533435

....Respondents

ORDER

The above representation came up for final hearing, by way of Video Conferencing, before me at the office of the Vidyut Ombudsman, Vijayawada on 01-03-2021. The appellant and the respondents 2 to 4 were present. Having considered the representation and submissions of the above parties present, the Vidyut Ombudsman passed the following:

1. This appeal has been preferred by the appellant-complainant against the order **dated. 19th December,2020 in C.G.No: 70/2020 Visakhapatnam,** passed

by the *Forum for Redressal of Consumer Grievances in Eastern Power Distribution Company of A.P Limited, Visakhapatnam*, whereby and whereunder the above Forum dismissed the complaint filed by the complainant seeking redressal of grievance with respect of two faulty meters.

2. The facts leading to file this representation are that on 20.08.2018, the complainant became the owner of a three portioned residential building with separate electricity service connections bearing Nos. 002444, 001866 and 002515, after clearing all dues, at Z. Rangampeta Village within the limits of Jaggampeta Division. The case of the complainant, as per his complaint, is that though cc bills with minimum charges for the above three connections were given from September,2018 to November,2018, during the next two months, bills for excessive amounts were issued though the building was vacant, that having made a complaint on the above aspect to the first respondent, he paid some portion of the amount covered by the bills as per the instructions of the concerned area lineman, that a tenant occupied one portion of the above building in the month of January,2019, that though the remaining two portions (some discrepancy regarding one service connection number) had been vacant till Auggust,2019,cc bills pertaining those two portions were issued with abnormal amounts, that having made a representation to the first respondent and paid amount for the testing of the meters, he went to Rajahmundry for testing purpose, but he did not receive any information regarding the meter testing results and that thereafter, the power supply was disconnected, and as no action has been taken by the respondents on his representations, he filed the complaint.

3. The case of the 2nd respondent is that the cc bills from April,2019 to August,2019 were issued with IR port billing in normal status, that the service connection Nos.1866 and 2444 were disconnected while meter readings were 1022 KWh and 940 KWh, respectively, that due to meter erratic as per the MRT test reports under the originals of Exs.B1 and B3,, bill revisions had been effected in the month of July,2019 withdrawing Rs.4054/ and Rs.1927/, under the originals of Exs.B2 and B4,respectively, for the above two connections, that Rs.15,578/ and Rs.10,479,respectively, are still due from the complainant and that as the complainant did not pay cc charges for a long time, connections were disconnected.

4. Exs.B1 to B4 were marked. No oral evidence was adduced on behalf of both parties before the Forum. After considering the material available on record, the Forum quoted the clause 7.5.1.5.4 of the GTCS-2006 in the order, observed that the 2nd respondent raised RJ for the billing months 04/2019 to 07/2019 in respect of S.C.Nos.001866 and 002444 considering the error observed in Exs.B1 and B3 MRT test reports and revised the bills accordingly, and passed orders dismissing the complaint as stated supra. Not satisfied with the above order, the complainant preferred this representation. No evidence had been adduced before this authority.

5. Both sides submitted the facts as per their respective cases. The third respondent also submitted that the meter was defective only from April,2019 to July,2019 and as such, the bills were revised. He supported the order of the Forum. Exs.B1 and B3 show that the meters are erratic by recording errors of 19.91% and 27.90%,respectively. The meters were found to be fast. As per the

complaint, the complainant is disputing the cc bills from December,2018 to August,2019 and made representations to the first respondent thrice to solve the above dispute.

6.The following point is framed for consideration:

Whether the representation can be upheld ?

7.Point:Ex.B1 and Ex.B3,relating to S.C.No.001866 and S.C.No.002444, show, that the % of error is 19.91 and 27.90,respectively, and the page No.2 of those exhibits further show that the average of 6 billing cycles from October,2018 to March,2019 was taken for computation of the assessed units for billing the number of monthly units of April, May and June,2019.Exs.B2 and B4 are not so clear as to the period of revision of bills made. It does not appear to me that the assessment of units was made not on the basis of the Assessment Rules in the Annexure XII (VII)(C) of the Appendix XII of the GTCS. It appears the revision of bills for only three months stated above was made.

8. There is no dispute that this is a case of defective meters, as per Ex.B1 and B3, that the Clause 7.5.1. under the para-7.5 of the GTCS is applicable to this case and that the guidelines stated under the sub-clause 7.5.1.4 are to be followed for computation of the assessed units. The relevant clauses of the GTCS-2006 run as follows:

7.5.1.4 When a meter is found defective during meter reading or on inspection or otherwise, the following guidelines shall be followed for computation of the assessed units.

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.

7.5.1.4.2 If the conditions with regard to use of electricity during the periods as mentioned above were different, assessment shall be made on the basis of any 3 (three) consecutive billing cycles during the preceding 12 Months when the conditions of working were not different.

7.5.1.4.3 Where it is not possible to select any 3 (three) consecutive billing cycles consumption, as indicated in clause 7.5.1.4.1 or 7.5.1.4.2 above, or if there is no meter installed, the number of units shall be assessed on the basis of the Assessment Rules in Appendix XII herein. Industrial consumers shall be given due consideration for the production figures and conditions of working in the period under question. For all services/ equipment, which cannot be classified with the aid of the groupings under LT I, II, III, Annexure XII (V) of Appendix XII of the GTCS may be used for the calculations. Annexure XII (V) of Appendix XII is also applicable for services under LT IV, V, VI, VII and VIII.

7.5.1.4.4 and 7.5.1.5 to 7.5.1.5.3 Not necessary.

7.5.1.5.4: (The Forum quoted this clause in its order) Wherever the test results indicate a clear level of error, the bills for the period of defectiveness of the meter, Bills for the period prior to the month in which the dispute has arisen may be adjusted as per the test results. In case the meter is found to be fast, the refund shall be adjusted in the next bill. In case meter is found to be slow, additional charges shall be recovered along with the next bill.

The words in the above clause 7.5.1.4.3 "Where it is not possible to select any 3 (three) consecutive billing cycles consumption, as indicated in clause 7.5.1.4.1 or 7.5.1.4.2" are to be noted with great significance. The above clause 7.5.1.4.1, the first preferable guideline to be followed in a case of this nature, says that the number of the units to be billed are to be determined by taking the average of

the electricity supplied during the preceding three billing cycles as stated in the above clause, while the clause 7.5.1.4.2, the next guideline to be followed, says that the assessment is to be made on the basis of any three consecutive billing cycles during the preceding 12 months as stated in the clause. The clause 7.5.1.4.3, the third guideline to be followed, says that if it is not possible to select either the above first guideline or the above second guideline, the number of units are to be assessed on the basis of Assessment Rules in Appendix XII.

9. We do not know how the average of 6 billing cycles from October, 2018 to March, 2019 was taken for computation of the assessed units for billing the number of monthly units of April, May and June, 2019, in this case. But, I can certainly say that taking the average of 6 billing cycles, as stated supra, is not in accordance with the above guidelines stated supra and that it is sufficient to uphold this representation. Apart from this case, the grievance of the complainant as per his pleading from December, 2018 to March, 2019 had not been considered. Since the Forum dismissed the complaint without considering the above aspect, the order of the Forum, as well as, the original of Exs. B2 and B4, are liable to be set aside, and are set aside. The appeal-representation is liable to be upheld and is upheld. This point is, thus, answered.

10. In the result, I allow the appeal-representation, set aside the order of the Forum besides the original of Exs. B2 and B4, and direct the second respondent, being the designated officer, to bill the number of units in this case afresh by following the prescribed guidelines for computation of the assessed units as per the clauses No. 7.5.1.4.1, 7.5.1.4.2 and 7.5.1.4.3 of the GTCS-2006. There is no order as to costs.

11. A copy of this order is made available in the website:

www.vidyutombudsman.ap.gov.in

**S/d. N.Basavaiah
VIDYUT OMBUDSMAN A.P**

To

1. K.N.V.V. Satyanarayana, D.No. 58-15-22, P&T Colony, Sanjeeva Nagar, Rajahmundry, East Godavari District
2. AE/O/Gandepalli/APEPDCL, Gandepalli, East Godavari District - 533 297
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Copy To:

1. The Chairman, C.G.R.F., APEPDCL, P & T Colony, Seethammadhara, Near Gurudwara Junction, Visakhapatnam – 530 013.
2. The Secretary, APERC, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004