BEFORE THE VIDYUT OMBUDSMAN
Andhra Pradesh :: Amaravathi

:: Present ::

Vinnakota Venkata Prasad

Former District & Sessions Judge

Vidyut Ombudsman

Date: 04-08-2022

Representation No.11 of 2022-23

<u>Between</u>

Sri P. Nagaraju, M/s Sri Chandramouli Dept. Stores, Near Income Tax office, Palakonda Road, Srikakulam – 532 001 … Complainant

And

1. The Assistant Engineer / Operation / APEPDCL / Srikakulam-D2
2. The Assistant Accounts Officer / ERO / APEPDCL / Srikakulam
3. The Assistant Divisional Engineer / Operation / APEPDCL / Srikakulam-Town
4. The Divisional Engineer / Operation / APEPDCL / Srikakulam … Respondents

This representation having come up for final hearing before me on 30-07-2022 and 01-08-2022 by way of Video Conferencing in the presence of the complainant and the respondents 1 to 4, and stood over for consideration till this day and the Vidyut Ombudsman delivered the following:

<u>ORDER</u>

1. Having been aggrieved by the orders dated 31-05-2022 rendered by the Forum for Redressal of Grievances of the Consumers in Eastern Power Distribution Company of A.P Limited, Visakhapatnam in C.G.No.14/2022, the complainant therein presented the present representation under clause 18 of Regulation No.3 of 2016 seeking Redressal of his grievance as regards electricity consumption bills for the months of 08/2021 to 10/2021, which are sought to be revised.

2. The averments in the representation are as follows IN NUSE:

(a) This representationist-consumer, who runs a departmental stores in his premises is having 3 phase service connection with SC No.131102A200-022967/II/150 KW and used to receive monthly electricity consumption bills at around Rs.30,000/- to Rs.35,000/- till May, 2021. While so, the consumer got installed solar panels by expending a sum of Rs.10,00,000/- in the month of June, 2021, consequent upon which, the monthly electricity bill amount came down to Rs.14,504/- for the month of June, 2021.

(b) Consequent upon installation of DTR in the month of July, 2021 to avert low voltage problem, the representationist received electricity bills abnormally at Rs.43,404/-, Rs.58,349/-, Rs.1,15,471/- and Rs.1,00,414/- for the months of July, 2021 to October, 2021.

(c) On the complaint from the consumer, the departmental authority inspected the premises on 06-09-2021 and informed that the energy meter was working satisfactorily and further observed that the capacitors installed to the consumer premises were not functioning properly and advised the consumer to check his connected loads, solar panel, UPS connections, earth connection, internal wiring etc. The respondents changed their version before the CGRF, APEPDCL, Visakhapatnam and reported as if the capacitors were in switched off mode, leading to recording of higher consumption.

(d) The consumer got tested the DTR at SPM by DEE/SPM on 20-09-2021 and the same was found to be functioning satisfactorily as certified vide Lr.No.DEE/SPM/ SKL/F.Doc/D.No.403/2021, but the consumer continued to get current consumption bills at higher rate. As such the consumer once again made a complaint on 06-10-2021 for meter testing and the authorised personnel came to the consumer premises for meter checking and the officers of the department advised AE to change the transformer and accordingly, transformer was changed, as a result of which the problem stood resolved.

(e) Thus, the problem occurred on account of defect in the transformer installed and the complainant made a representation on 19-01-2022 to the CGRF, APEPDCL, Visakhapatnam to refund the excess bill amounts paid by him. But his request was turned down. As such, the present representation is made to the Vidyut Ombudsman-AP.

3. This representation has been received by the office of the Vidyut Ombudsman-AP on 28-06-2022 under Inward No.90 and the same was returned on 30-06-2022 requiring compliance of certain objections. Thereupon, the representationist submitted a representation letter by making compliance of the objections raised and the same was received on 05-07-2022 under Inward No.96.

4. Thereupon this representation has been taken on file by my learned predecessor and the same was posted to 18-07-2022 for hearing through video conference and notices were issued to both the sides.

5. On 18-07-2022, the representationist and the respondents were present through video conference. The representationist as well as the respondents were informed if they were intending to file any further evidence as contemplated under clause 21.1 of Regulation No.3 of 2016. The representationist reported that he had no further evidence to be produced. On perusal of the record, the copies of response of the respondents 1 and 2 which were filed before CGRF,

APEPDCL, Visakhapatnam were not filed by the representationist along with representation made to the Vidyut Ombudsman-AP.

6. When questioned, the representationist reported that copies of responses filed by respondents 1 and 2 before CGRF, APEPDCL, Visakhapatnam were not available with him. As such, as provided under clause 21.2 of Regulation No.3 of 2016, the respondents were directed to produce copies of responses of respondents 1 and 2 submitted before CGRF, APEPDCL, Visakhapatnam. Respondents 1 to 4 also reported that they were not intending to adduce any further evidence. Therefore, the matter was posted to 30-07-2022 for further hearing and receipt of copies of responses filed by respondents 1 and 2 before CGRF, APEPDCL, Visakhapatnam. However, 1st respondent instead of furnishing copy of response filed before CGRF, APEPDCL, Visakhapatnam, submitted counter / remark by email under Inward No.116 dated 20-07-2022. Similarly, 2nd respondent also submitted written statement by email, which is received by the Vidyut Ombudsman-AP under Inward No.126 dated 25-07-2022. 2nd respondent also submitted written statement by courier, which is received by the Vidyut Ombudsman-AP under Inward No.137 dated 27-07-2022.

7. The 1st respondent in his response under Inward No.116 dated 20-07-2022 submitted as follows in epitomy:

(a) The representationist orally represented regarding receipt of huge electricity consumption bill in respect of his service connection bearing SC No.A200-022967/II/50 KW on 06-09-2021 and on the same day, he along with his staff inspected the premises and found that energy meterwas working satisfactorily but the capacitors installed in his premises were in off position and they were not functioning properly and as such, the consumer was advised to check the functioning of the capacitors installed to his premises, connected loads, solar panel, UPS connections, Earthing and internal wiring. But, the consumer was turned a deaf ear and approached the CGRF, APEPDCL, Visakhapatnam.

(b) The 1st respondent seeks dismissal of complaint on the ground that the meter and the transformer were not at fault.

8. The 2nd respondent filed written statement with the following averments in abridgment:

The service connection to the consumer was released on 05-06-1998 with a contracted load of 50 KW in the name of Smt. P. Swarooprani. The consumer has made a complaint stating that he has received huge amount of current consumption bills for the months of August, 2021 to October, 2021. In fact, the billing was made properly and correctly as per the units consumed and in accordance with Tariff Order and category. As the consumer has not disputed with the functioning of the electrical meter, it is to be construed that the meter was working properly. On the technical side, the Assistant Executive Engineer / D2 Srikakulam advised the consumer for checking of wiring etc. The distribution transformer was tested at SPM by the Deputy Executive Engineer / SPM / APEPDCL / Srikakulam and certified that the transformer was functioning properly as per Lr.DEE/SPM/SKL/F.Doc/ D.No.403/2021 dated 20-09-2021 and the same is submitted for perusal. The 2nd respondent sought to set aside the representation of the complainant.

9. The representationist submitted further elucidation as follows:

a) The complainant paid an amount of Rs.600/- by DD on 06-09-2021 towards transformer checking and made a further payment of an amount of Rs.5,900/-

by DD on 06-10-2021 towards meter checking and the department officials informed that meter was working properly. However, the department authorities replaced the transformer. In evidence of the same, copies of DDs are enclosed along with photographs showing the existing and changed transformer in his premises.

10. On 30-07-2022 and on 01-08-2022, the respondents 1 to 4 and the representationist were heard.

11. The representationist contends that when he paid an amount of Rs.5,900/- by way of Demand Draft for checking of the meter, the authorities informed that there was no trouble in the meter and the problem was with the transformer and as such 1st respondent was directed to change the transformer and accordingly 1st respondent changed the transformer and as a consequence thereof the problem stood resolved and since then he is getting normal bills. It is also the further contention of the representationist that the departmental authorities have been contending that the authorities found the capacitors were in off mode but in their written statement before CGRF, the department did not allege the same and their contention was that the capacitors were not functioning properly.

12. The contention of the department is that the meter was found functioning properly and the transformer was also tested and found that there was no defect. Respondents did not admit the contention of the representationist that the transformer was changed as it was defective.

13. Now the point for consideration is **whether the representationist is entitled to the revision of electrical consumption bills for the months of August, 2021 to October, 2021 as prayed by him?**

Point:

14. The averments made by the representationist that he is the consumer with SC No.A200-022967/II/50 KW and that he got installed solar plant in the month of June, 2021 stand uncontraverted. Representationist submitted statement of electrical consumption charges. The said statement is not disputed with. The said statement reveals that the consumption charges varied between Rs.29,478/- to Rs.40,873/- during the months of December, 2020 to May, 2021. The said statement also discloses that the electrical consumption bill for the month of June, 2021 was only at Rs.14,504/- but from July, 2021 it has escalated. The electrical consumption bills were at Rs.1,15,471/- and Rs.1,00,414/- for the months of September, 2021 and October, 2021 respectively. The bill for the month of August, 2021 was at Rs.58,349/-. Those are the disputed bills. The said statement of electricity consumption also records the units exported from the solar system installed in the premises of representationist. The charges for consumption was recorded at only Rs.14,504/- for the month of June, 2021. But the contention of the representationist that the fall of consumption was due to installation of solar system is not plausible since the solar units exported during the said month was only at 58 units. The consumption for the previous month May was at 30622 units. The units consumed during the months earlier to June vary between 2576 to 30692. As such on account of export of mere 58 units from solar system, the fall of consumption to 1167 units during the month of June cannot be attributed to the installation of solar system. For the month of July, 2021 the consumption was recorded at 4099 units despite there being 459 units exported from solar system. The consumption raised to 5860 units during the month of August, 2021. The same cannot be construed abnormal in view of the variation of consumption during the months of December,2020 to August, 2021.

15. True, the consumption of power escalated to 11477 units for the month of September, 2021 despite export of 944 units from solar system. Similarly the consumption for the month of October, 2021 was recorded at 9910 units though the solar system exported 767 units during the month.

16. The reason for such escalation of consumption as alleged by the representationist is the fault in the transformer. As alleged by the department, the reason for escalation is the improper functioning / switched off mode of capacitors installed by the representationist.

17. There is no dispute that when the representationist complained to the department, the authorities checked the meter etc., and advised the representationist to get checked the capacitors, internal wiring, connected loads, earthing, solar panel, UPC connection.

18. Of course in the response filed by the 1st respondent in this representation, it is alleged that the department informed the representationist that the capacitors were in switched off mode but such contention does not find place in the pleading portion in the order of CGRF. Of course during the hearing before the CGRF, the respondent No.1 contended the same. Further when the 1st respondent was directed on the date of hearing on 30.07.2022, to produce copy of response filed by the 1st respondent before CGRF, the 1st respondent did not file it but sent fresh response before this authority alleging that authorities informed the representationist that the capacitors were in switched off mode. As, such statement is evidently absent in the CGRF order in its pleading portion, and as 1st respondent did not produce the copy of response filed by it before CGRF despite the direction made on 30-07-2022, the contention of 1st respondent that the departmental authorities informed the representationist that the capacitors were in switched off mode cannot be accepted. However there is no dispute that the inspecting authorities on inspection of the premises at the request of the complainant informed that the capacitors were not functioning properly and they advised him to get checked the same besides other internal installations and earthing etcetera.

19. However the fact that the representationist was informed that the capacitors were not functioning properly and he was asked to get it checked along with internal wiring and load etc., on inspection on 06-09-2021 is an admitted fact.

20. Evidently, there is no response from the representationist that he got checked the capacitors pursuant to the advice of the department. As to why he did not respond to the advice of the department is inexplicable. It is also not known if the consumer got rectified the same at a later point of time. The consumer did not allege that he followed the advice of the department and found that his internal wiring and capacitors were functioning well and there is no such allegation or proof in the said regard.

21. The case of the representationist is that he paid Rs.600/- on 06-09-2021 for transformer checking and the authorities tested the DTR on 20-09-2021 and informed that there was no defect in the transformer. 1st respondent was also asserted the same and the letter given by the respondents under Lr.No.AEE/SPM/SKL/F.Dc./D.No.403/2021 dated 20-09-2021 which is filed by the consumer itself establishes the same.

22. The representationist alleged that he paid Rs.5900/- for meter checking on 06-10-2021 for meter checking and the department authorities returned the demand draft to the representationist by stating that there was no fault in the meter. But the representationist alleged that the inspecting authorities advised AE (R1) to change the transformer and it was changed and thus the issue stood resolved. The said allegation is in dispute.

23. Similarly, the representationist never alleged in his complaint before CGRF either in his pleadings or arguments as regards his vital contention advanced before this Ombudsman about the change of transformer during the month of October, 2021

resulting in resolving the issue. For the first time, such a contention is advanced in this representation before this authority.

24. Further , even during the hearing on 18-07-2022, the representationist stated that he had no evidence as regards change of transformer during the month of October, 2021 but he later sent two photographs by post and contended that the photographs relate to the earlier transformer and changed transformer. In fact these two photographs appear to have taken from different directions and in different shades. These two photographs cannot themselves establish that the same belong to the former and present transformers as alleged by the representationist. These photographs cannot establish that the transformer was changed by the department during the month of October as alleged by the consumer, and as such the issue stood resolved.

25. Except the vocal statement or the allegation in this representation and these two photographs, there does not appear any material as regards change of transformer. Further in the absence of any such allegation before CGRF before which, the representationist initially complained, these two photographs or the statement of the representationist as regards the change of transformer during the month of October, 2021 cannot be given any evidence.

26. It is evident from the clause 3.12 (4) of Retail Tariff and Terms and Conditions in Chapter X Part A of Schedule, an obligation is cast on the consumer who is provided with metering capable of measuring active and reactive power, to maintain the Power Factor preferably at 0.95 and liability for payment of surcharge in its breach is contemplated. In case the power factor is not maintained as directed, naturally there will be fall of effectiveness in utilization of the power in the circuit. In fact, for effective utilization of power in the circuit, there is imminent necessity to maintain the Power Factor close to 1, or not less than 0.95 as is directed by the regulation. But as seen from the statement of consumption recording filed by the consumer itself discloses that the

power factor for the months of August to October 2021 were at 0.31, 0.25, and 0.31 respectively.

27. There is no dispute with the fact that the departmental authorities informed the consumer during their inspection on 6.09.2021 made on the complaint of the consumer that the capacitors installed by the consumer were not functioning properly. Capacitors shall have to be installed for maintaining the Power Factor. Improper functioning of the capacitors would naturally lead to dropping of Power Factor which would lead to ineffective use of the Power in the Circuit, and as such there would be variation between the power actually consumed by the electrical equipment and converted in to work (KWh), and the reactive power (KVArh) which is just used to provide the electromagnetic field in the inductive equipment stored in the windings of the equipment.

28. As admitted by the consumer, the departmental authorities advised him to get tested the capacitors and other installations such as wiring and earthing, but there does not appear any response emanated from the consumer thereto. As already held supra , change of transformer is a fresh introduction made in this representation, and there was no such contention raised at any stage before the CGRF, and as such, the contention that there was change of transformer, and it resolved the problem, and thus the hike in the billing was the result of the defect in the transformer as alleged by the consumer cannot be given any credence much in the presence of transformer test report which discloses that there was no defect there in. Therefore, the hike in the billing cannot in any way attributed to the DISCOM.

29. Thus, from the facts of this case what can be deduced is that due to the fault in the functioning of the capacitors, there had been steep fall of Power Factor leading to the ineffective utilization of the power consumed, and as such there was drastic variation between the KWh and KVA rh leading to the hike in the billing. Thus, the consumer could not establish that there was any fault of the department in the billing or recording the

reading of the power consumed or any fault on the part of the departmental officials leading to the hike in the impugned billing.

30. For the reasons narrated supra, it cannot but be held that this representation bears no merit and entails in dismissal.

31. In the result, this representation is dismissed. Both parties shall bear their own costs.

A copy of this order is made available at **www.vidyutombudsman.ap.gov.in**

Part of this order is dictated to the Private Secretary and transcribed by him, and the rest is typed to my dictation by him, corrected, pronounced and signed by me on this the 4th day of August, 2022.

Sd/- Vinnakota Venkata Prasad
VIDYUT OMBUDSMAN, AP

Copy To

1. Sri P. Nagaraju, M/s Sri Chandramouli Dept. Stores, Near Income Tax office, Palakonda Road, Srikakulam – 532 001
2. The Assistant Engineer / Operation / APEPDCL / Srikakulam-D2
3. The Assistant Accounts Officer / ERO / APEPDCL / Srikakulam
4. The Assistant Divisional Engineer / Operation / APEPDCL / Srikakulam-Town
5. The Divisional Engineer / Operation / APEPDCL / Srikakulam

Copy To:

6. The Chairperson, C.G.R.F., APEPDCL, P&T Colony, Seethammadhara, Near Gurudwara Junction, Visakhapatnam – 530 013.
7. The Secretary, Hon'ble APERC, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.