



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

:: Present ::

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

Date: 30-12-2020

Appeal No.24 of 2020-21

Between

A.Sankaraiah, 1-255, 1st Floor, Ganesh Nagar, Tadipatri-515 411 Anantapur District`

... Appellant

And

1. Assistant Executive Engineer/O/Tadipatri Rural /APSPDCL
2. Deputy Executive Engineer /Tadipatri/APSPDCL
3. Executive Engineer / O/Gooty/APSPDCL

...Respondents

ORDER

The above appeal- representation came up for final hearing, by way of Video Conferencing, before me at the office of the Viduyut Ombudsman, Vijayawada on 21-12-2020. The appellant and the respondents were present. Having considered the appeal-representation and submissions of the above parties present, the Viduyut Ombudsman passed the following:

1. This appeal has been preferred by the appellant-complainant against the **order dated.25-09-2020 in C.G.NO:275/2017-18/Anantapur Circle**, passed by the **Forum for Redressal of Consumer Grievances in Southern Power Distribution Company**

of A.P Limited, Tirupati, dismissing the complaint filed by the complainant-consumer alleging grievance against current consumption bills with respect to the Industrial service connection No.7231127001351 of him at Sajaladinne village of Tadiparthi Sub-Division for the months of September,2017 and October,2017.

2. The case of the complainant is that he, as the sole proprietor of 'New Raja Slabs', got the above Service connection released by the respondents in the name of the above industry, that though the above industry did not work completely during September,2017 and worked partially during October,2017, yet current consumption bills with abnormal amounts for Rs.16,179/ and Rs.12083/ for those two months, respectively, were issued, and that as his objection regarding the above cc bills by representation to the second respondent was not considered, he filed the complaint praying to pass necessary orders for revising those two bills by taking actual meter reading.

3. The second respondent alone filed his response, as seen from the order of the Forum, stating that in the month of October,2017, it was noticed that no reading was displayed on the meter of the above service connection and as such, the bill was issued on the average consumption of electricity, as per the guideline in the clause 7.5.1.4.1 of the GTCS-2006, that the defective meter was changed on 30-10.2017 and that as the consumer had not consumed electricity from 6.10.2017 to 13.10.2017 due to heavy rains and as such, an amount of Rs.3331/ for the October month was withdrawn vide RJ No.17/11/2017. He prayed to dismiss the complaint.

4. The Forum dismissed the complaint on the basis of the above pleadings, and this authority, in the Appeal No. 23 of 2018, set aside that order of the Forum previously and remanded the case to it to decide the case afresh on merits based

on the permissive submissions of the appellant complainant to decide whether the procedure laid down in respect of defective meters under clause 7.5.1 of the GTCS was adopted in this case or not, with an observation that the Forum did not consider the grievance of the complaint with respect to the consumption of electricity for the month of September, 2017, so taking the average of electricity supplied during that month along with two preceding billing cycles of July & August, is not accordance with the guideline given in the above clause as 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 meter ceased to function or defective. Thereafter, the Forum, on the basis of same pleadings, again dismissed the complaint holding that the question of not following the procedure laid down under the clause 7.5.1 does not arise as the meter was stuck up, that actual meter reading is not possible in this case as it was stuck up, that the version of the complainant that his unit had not worked in September and had partially worked in October, 2017, cannot be taken into consideration in the absence of any documentary evidence and that the respondents rightly followed the provision of 7.5.1.4.1 of the GTCS. Not satisfied with the above order, the appellant complainant preferred this appeal representation. No evidence is adduced even before this authority.

5. The appellant, orally, submitted that screenshots of electricity bills were not issued, and no spot billing was done in this case, that he never admitted that the meter was stuck up and that he would pay only minimum charges for those two months. He also sent written submissions stating that while the electricity meter was being removed, though he said that the meter in question was functioning, the concerned employee obtained his signature, removed it and fixed another

meter in the place of previous meter stating that the truth would be come out only after testing the removed meter in the laboratory, and they would prepare cc bills and send those bills along with the laboratory report thereafter to him, but no report had been received by him so far, that he entertained a doubt that as the meter was working, it was not sent to the laboratory, that though the above facts were stated by him before the Forum, yet it did not consider them, that the decision in this case depends upon the fact whether the meter was stuck up or not, that if the meter was defective, the respondents have to follow the provisions of 7.5.1 of the GTCS, that he is unable to produce evidence after a long time to prove his case as to non working of the industry in those two months, that he did not receive any report from the respondents that the meter was stuck up and that therefore, he prayed that respondents may be directed to prepare bills for those two months as per the clauses of GTCS after verifying the lab report pertaining to the old meter.

6. The respondents made submissions supporting the order of the Forum and further submitted that the meter was defective during only October, that 'no display' in the meter impliedly means stuck-up, that the billing status '02' is common for 'Stuck up and 'No display' meters, and the software automatically bills for average units considering the previous three months meter readings, that the consumer signed the report prepared by the inspecting officer at the time of meter being taken from the premises on 31.10.2017 and that therefore, the appeal may be dismissed.

7. The following points are framed for consideration

- i. Whether the finding of the Forum that the procedure laid down under

- the clause 7.5.1 of the GTCS need not be followed in this case as the meter was stuck-up, is not correct ?
- ii. Whether the finding of the forum that the case of the appellant complainant that his unit had not worked during September and had partially during October, 2017, cannot be taken into consideration in the absence of documentary evidence, is not correct ?
 - iii. Whether the finding of the Forum that the respondents followed the guidelines laid down under 7.5.1.4.1 of GTCS rightly in this case for the month of October, 2017 is not correct ?
 - iv. To what relief ?

8.Point No.(I). In my view, the finding on this point is not correct as the complaint is disputing the fact that the previous meter is stuck-up. Even in my order dated: 22-06-2018 in Appeal No. 23 of 2018, I observed at the end of the para-8 in Page-4 that the appellant complainant did not admit that the meter was defective and that there is no clear finding given by the Forum as to the date of inspection of the meter and as to the defect in the meter at the time of inspection and that therefore, it is not possible to give a definite finding without pleadings and evidence that the procedure laid down on under the clause 7.5.1 was adopted by the inspecting officer or not. There is no dispute that the procedure laid down under the above clause is applicable to other than Stuck-up meters which do not involve any dispute, but in this case, except the pleading that there was 'no display' on the meter, there is no other material to hold that there is no dispute that meter was stuck-up or that 'No display' on the meter impliedly means stuck-up as submitted by the respondents. The phrasal word 'no display' is not mentioned in the above clause of the GTCS approved by the State Commission. The meaning of "Stuck-up" is not defined in the GTCS, and there are no words in the GTCS or any other provision of law to accept the submission or the view of the Forum that the 'non-display' on the meter means stuck-up. It is only the view of

the Forum and the respondents without any reliable material. Even if it is held that 'non-display' on the meter amounts to stuck-up, there is no material to hold that the meter in question was stuck up which does not involve any dispute. The Forum erred in holding that the meter in question was stuck up which does not involve any dispute. Apart from it, the above finding is given by the Forum not within the scope of the remand order. For the above reasons, I am of the view that the finding of the Forum on this point is not legal and correct. The point is, thus, answered in favour of the appellant against the respondent..

9.Point NO.(II) The Forum has to determine the complaint on the basis of the pleadings and evidence as per the clause No. 12.3 of the Regulation No.3/2016. Evidence means both oral and documentary. The above regulation does not contain any word to indicate that the Forum shall determine the complaint only on the basis of documentary evidence. So, it is difficult to uphold the above finding of the Forum. This point is thus answered.

10.Point No.(III) The finding on the point depends upon the finding on the point No.(I).Since I hold that the Forum erred in holding that the meter in question was stuck up which does not involve any dispute, the finding on this point is left undecided.

11.Point No.(IV): In this case, there is a difference or dispute arisen as to the meter fixed to the premises of the appellant is or is not correct. That aspect is to be decided by the Forum as per the clause 7.3.6 of the GTCS. Unless that aspect is decided by the Forum, this matter cannot be decided in the preset facts of this case. Hence, this matter is again to be remanded to the Forum to decide the above aspect first and then determine the complaint. This point is thus answered.

12. In the result, I set aside the order of the Forum and remand this case to the Forum with a direction to decide the matter whether the old meter fixed to the premises of the appellant consumer is or is not correct as per the sub-clause 7.3.6 coupled with other sub clauses of the clause 7.3 of the GTCS and then, decide the complaint afresh on merits in accordance with law. The Forum shall take this case to its original number on its file, issue notices to both parties and give an opportunity to both parties to lead evidence .No costs.

13. A copy of this order is made available at

www.vidyutombudsman.ap.gov.in

This order is corrected and signed on 30th December,2020.

S/d.N.Basavaiah
VIDYUT OMBUDSMAN

To

1. A.Sankaraiah, 1-255, 1st Floor, Ganesh Nagar, Tadipatri-515 411 Anantapur District
2. Assistant Executive Engineer/O/Tadipatri Rural
3. Deputy Executive Engineer /Tadipatri/APSPDCL
4. Executive Engineer / O/Gooty/APCPDCL

Copy To:

1. The Chairman, C.G.R.F., APSPDCL, 19/13/65/A, Srinivasapuram, Near 132 kV substation, Tirchanoor Road, Tirupati- 517 503.
2. The Secretary, APERC, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004 .