



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

:: Present ::

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

Date: 14-06-2021

Representation No.6 of 2021-22

**Between**

G. Siva Rani, W/o. Madhusudan Reddy, M/s. Sri Sai Sunanda Granites, 1/380, Vinayak Nagar, Yerraguntla, Proddatur, Kadapa Dt. .... Complainant

**And**

1. Junior Accounts Officer/ERO/Yerraguntla
2. Deputy Executive Engineer/O/Yerraguntla
3. Executive Engineer/O/Proddatur .... 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 07.06.2021. The complainant's representative and the respondents 1 to 3 were present. Having considered the representation and submissions of the above parties present, the Vidyut Ombudsman passed the following:

1. This representation has been preferred by the complainant against the order **dated 12<sup>th</sup> day of March, 2021 in C.G.No:65/2020-21/Kadapa Circle,** passed by the **Forum for Redressal of Consumer Grievances in Southern Power Distribution Company of A.P Limited, Tirupati,** whereby and where-under the above Forum **directed the respondents to revise the bills with 3665 units per month being the average consumption recorded for three billing months from September, 2019 to November,**

2019, for monthly billing period from February, 2020 to April, 2020 billed in the months of March,2020 to May,2020, respectively, and adjust the excess amount already paid by the complainant, including the amount paid by him as per the orders in I.A.No.11/2020-21/Kadapa Circle dated 16.12.2020 , towards future CC bills.

2. The complainant filed the complaint disputing two monthly CC bills for Rs.1,41,227/- and Rs.73,215/ dated. 06.04.2020 and 05.05.2020 for the billing period of March,2020 and April,2020,respectively.The undisputed facts are that the electricity service connection No.2234401007660 of Yerraguntla Town of Kadapa District under LT category-III with a contracted load of 74 HP was released in the name of the complainant for the purpose of granite slab cutting and polishing, that the Government of India imposed lockdown on 21.03.2020 due to Covid-19, from 22.03.2020 onwards, that the existing distribution transformer was replaced on 5.5.2020 with another distribution transformer and was tested at SPM Lab, Kadapa, by the DEE, who gave a report stating that the apparent power (KVA) drawn was 5.787 KVA as against the drawl of apparent power of about 1.0 KVA, in general, and that on the basis of the above report, an amount of Rs.53,863/- was withdrawn, and Rs.1,10,000/- was paid by the complainant on 27.10.2020. There is no dispute that the complainant paid Rs.41,150/- as per the interim order dated 16.12.2020 passed by the Forum as stated in its order.

3. The case of the complainant is that from 22.03.2020, there was complete lock down of the factories, and the movement of people was also restricted, that even the electricity for lighting purpose given was also disconnected on 07.04.2020 on his request immediately after he receiving the bill dated 06.04.2020, that this is a case of failure of DTR and there is a defect in the DTR, that he never received cc bills for such huge amounts and that as the above billing dispute had not been resolved by the respondents to his satisfaction, the complaint is filed before the Forum to inquire into the issue and do justice.

4. The case of the respondents is that there is no defect in the meter, that paying the balance amount of Rs.1,10,000/- by the complainant, after deducting the withdrawn amount of Rs.53,863/-, gives an indication that the revised bills had been accepted by the complainant, that the power factor was not properly maintained by the complainant and that therefore, the complainant may be dismissed.

5. No oral or documentary evidence was adduced by the Forum. The Forum framed the following point for determination “whether the CC bills for the months of April, 2020 and May, 2020 are liable to be revised”? The Forum observed at the end of para-8 of its order that power factor has fallen abnormally low due to defective DTR during the relevant period, opined that detection of units based on apparent KVA of the DTR is not justifiable and held that the number of units are to be billed and determined by taking the average of the electricity supplied during September, October and November, 2019 for computation of the assessed units for 3 billing cycles from March, 2020 to May, 2020. Not satisfied with the above order, the complainant preferred this representation.

6. The representative of the complainant has submitted that there was a defect in the DTR and there was no electrical supply from 07.04.2020, that he is disputing the monthly CC bills only for March, 2020 and April, 2020, that the CC bills for March, 2020 and April, 2020 were received with abnormal consumption and that his request was considered by the Forum to some extent and this authority may order for refund of some more amount. The respondents submitted the facts as per their case and supported the order of the Forum.

7. The following points are framed for determination:

- 1. Whether taking the average of the electricity supplied during the three billing cycles from September to November, 2019 for computation of the assessed units for the billing cycles of February to April, 2020 is not legal and correct?**
- 2. Whether the representation can be upheld?**

8. Point No.1: The complainant is disputing only two CC bills dated 06.04.2020 and 05.05.2020 pertaining to the billing months of March and April, 2020, but though the Forum in its order correctly framed the point for determination, it also included the billing month of February, 2020 in the operative portion of the order. So, the order of the Forum in that regard is not legal and correct. The order of the Forum is not so clear. The Forum did not cite any provision of law or quote any clause of the GTCS in its order to hold that it is permissible and legal to take the average of preceding 3 months consumption to the disputed months consumption in case of defective DTR like in the present case. The Forum did not give any finding that the electricity meter was defective and as such, the question of application of guidelines given under the clause 7.5.1.4 of the GTCS as to taking the average of the electricity supplied during the preceding 3 billing cycles to the billing cycle in which the meter became defective does not arise. The Forum relied upon the clause 7.3.6 of the GTCS, and it says that where any difference or dispute arises as to where any meter fixed to a service to record the amount of energy supplied to a consumer is or is not correct, the Forum has to decide the matter, on an application by consumer. The above clause does not lend support to the view taken by the Forum as to taking 3 months average. As the Forum did not mention the specific provision of law supporting its view as to the determination of the units for the disputed billing cycles in this case by taking the average of the electricity supplied during the 3 billing cycles prior to March and April, 2020, I am unable to uphold the view taken by the Forum. The above view of the Forum is, in my view, not correct and legal. This point is, thus, answered.

9. Point No.2: To settle this representation, I did not find any procedure or guidelines applicable to the facts of the present case. To determine the consumption charges, we have only kWh based billing and kVAh based billing. The Forum opined at the end of the Para-7 of the order that the recorded power factor after replacement of DTR is found to be normal and as such, the detection of units based on apparent KVA of the DTR is not

justifiable. In view of the above view of the Forum, we cannot determine the consumption charges in this case on kVAh based billing. Considering the contracted load in this case, we have to determine the units on KVAh based billing, but it is not possible to do so in this case in view of the observation made by the Forum on the basis of defectiveness in the DTR. It is a known fact that in a 100% efficient system, kW (Real Power) = kVA (Reactive Power). There is no fault found on the part of the complainant, and there is a truth in the case of the complainant. There is no dispute that the electrical energy has two components, namely, Active Energy (KWH) and Reactive energy (kVArh). Considering the above view of the Forum coupled with the conduct of the complainant and the undisputed facts of this case as to lockdown etc., I have no other option except to hold that the consumption charges in this case are to be determined on only kWh based billing excluding the reactive energy for those two months. The real energy recorded during March, 2020 as well as April, 2020 are 3724 kWh and 427 kWh. So, I hold that the complainant is liable to pay consumption charges on the basis of kWh or minimum charges, whichever is higher, for March, 2020 and April, 2020. For the above reasons, I am of the view that the consumer is liable to pay consumption charges for only 3724 and 427 units, or minimum charges, whichever is higher, for March, 2020 and April, 2020, respectively. The representation can be upheld. This point is, thus, answered.

10. In the result, I allow the representation and hold that the complainant is liable to pay electricity charges on real energy at 3724 units and 427 units, or minimum charges, whichever is higher, for the months of March, 2020 and April, 2020 respectively. The respondents are directed to collect the amount as per the order stated supra from the complainant for March, 2020 and April, 2020 and adjust the excess amount already collected or paid by the complainant, including the amount paid by him as per the interim orders of the Forum, in the subsequent bills, with interest as per the clause 4.7.3 of the APERC Regulation No.5/2004 (Electricity Supply Code). No costs.

A copy of this order is made available at [www.vidyutombudsman.ap.gov.in](http://www.vidyutombudsman.ap.gov.in)

This order is corrected and signed on this the 14<sup>th</sup> day of June, 2021

Sd/- N. Basavaiah  
**VIDYUT OMBUDSMAN, AP**

**To**

1. G. Siva Rani, W/o. Madhusudan Reddy, M/s. Sri Sai Sunanda Granites, 1/380, Vinayak Nagar, Yerraguntla, Proddatur, Kadapa Dt.
2. Junior Accounts Officer/ERO/Yerraguntla
3. Deputy Executive Engineer/O/Yerraguntla
4. Executive Engineer/O/Proddatur

**Copy To:**

5. The Chairperson, C.G.R.F., APSPDCL, 19/13/65/A, Srinivasapuram, Near 132 kV Sub-station, Tirchanoor Road, Tirupati- 517 503.
6. The Secretary, APERC, 11-4-660, 4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.