



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

:: Present ::

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

Date: 31-12-2018

Appeal No. 21 of 2018

Between

Sri.M.Surya Bhaskara Rama Rao, Gollavilli Village, H/o Vadapurrru Main Road,
Uppalaguptam (Post and Mandal), East Godavari.

...Appellant/ Complainant

And

1. The AE/Operation/APEPDCL/Uppalaguptam/East Godavari District
2. The ADE/Operation/APEPDCL/Mummidivaram/East Godavari District
3. The DE/Operation/APEPDCL/Amalapuram/East Godavari District
4. The AE/CT-Meters/Kakinada/Division Office/Kakinada

... Respondents

ORDER

The above representation-appeal filed on 1.10.2018 has come up for final hearing before the Vidyut Ombudsman on 28.12.2018 at Rajahmundry. The complainant, as well as the respondents, was present. Having considered the representation-appeal, the oral and written submissions made by the complainant and the respondents present, the Vidyut Ombudsman passed the following:

1.This representation-appeal has been preferred by the appellant-complainant against the order dated.15.9.2018 in C.G.No.401/2017/Visakhapatnam Circle, passed by the Consumer Grievances Redressal Forum in A.P Eastern Power Distribution Company Limited, Visakhapatnam whereby and where under the above Forum dismissed the complaint of the complainant filed challenging the correctness of the provisional and final assessments made by the respondents 2 and 3 on 21.8,2017 and 25.9.2017,respectively, for short (back) billing case assessing the revenue loss to the licensee at Rs.1,84,705/

for the period from 15.9.2016 to 14.4.2017.

2. The facts leading to file this appeal-representation are that the electricity service connection bearing No.1413310572002014 under LT Category-III was released to the premises, fish ponds, of the complainant at Peray Cheruvu village at Uppalaguptam of Mummidavaram Sub-division prior to 2015, that on 3.3.2017, the 4th respondent, Assistant Engineer/CT meters, Kakinada, inspected the above premises and found that the meter installed to the above premises was defective recording less consumption of 32.86% due to zero Amps in 'R' phase, that a new meter was installed in the place of the defective meter on 14.4.2017, that the provisional assessment notice for short billing was issued by the 2nd respondent to the complainant for payment of Rs.1,86,329/ by alleging that the short billed units is 39729 for the period from 15.9.2016 to 14.4.2017 as per the assessment on the basis of the MRI Data, and the third respondent confirmed the provisional assessment and passed the final assessment order and that thereafter, the complainant filed the complaint before the Forum. Thereafter, the complainant gave a representation to the 2nd respondent pointing out the mistake in the manner of assessment of units billed and seeking rectification of the same, and the 2nd respondent addressed a letter on the above aspect to the SE/Operation/Rajahmundry admitting the mistake and requesting to revise the same and therefore, the SE/operation/Rajahmundry verified the same, revised the earlier assessments and finalized the assessment at Rs.94,959/ on 9.3.2018. The above all assessments/calculations were made by following the guidelines as laid down in the Clause No.7.5.1.4.3 of the GTCS-2006 on the basis of assessment Rules in Appendix XII - Annexure (VII) (C)(I) of ..the GTCS-2006..

3. The case of the complainant is that though the officials of the licensee were taking meter reading every month, yet they had not inspected the meter for more than 6 months, that though he paid more than Rs.1.84 lakh towards electricity charges for the above period, yet he was asked to pay more than Rs.1.8 lakh again and that therefore, he prayed to do justice by revising the meter reading by showing MRI dump and calculation sheet, while it is the case of the respondents that the assessment made is made in accordance with the guidelines given in the GTCS-2006 and is correct.

4.No evidence was adduced before the Forum. After considering the material available on record, the Forum opined that it did not find any error in the calculation made by the SE/operation, Rajahmundry and dismissed the complainant. Not satisfied with the above order, the complainant preferred this representation-appeal. No evidence is adduced even before this authority.

5.The complainant submitted that he requested the respondents to furnish MRI data for the relevant period, but they furnished the MRI data with 107 entries and the entries 1 to 32 relate to only for 8 days from 27.1.2017 to 3.3.2017 and the remaining 75 entries do not relate the above relevant period and that he is prepared to pay the amount as per the MRI data. It is submitted on behalf of the respondents that the MRI repots is an event report and is based on the tamper events and does not reflect the actual consumption of electricity consumed by the consumer. The complainant in his reply submitted that the MRI data does reflect the actual consumption of the electricity. Either the complainant or the respondents did not produce any authenticated material supporting their respective submissions.

6.The following point is framed for consideration:

whether the representation can be upheld?

7.Point:The main question to be answered in this case is whether the guidelines for computation of the assessed units, as indicated, under the clause 7.5.1.4 of the GTCS-2006 are followed in this case or not? If it is answered in the affirmative, the representation is liable to be dismissed, otherwise, the representation is liable to be upheld. At the outset, I would like to say that there is no material available on record to say that the respondents 2 and 3 followed the guidelines given for computation of the assessed units in the Clause 7.5.1.4 of the GTCS-2006 and It appears that without following the guidelines given in the sub- clauses 7.5.1.4.1 and 7.5.1.4.2, the guideline indicated in the sub- clause 7.5.1.4.3 of the Clause 7.5.1.4 in the main clause 7.5 of the GTCS-2006 dealing with "Replacement of Meters" is directly followed for computation of the assessed units. There are no words 'provisional assessment or final assessment' incorporated in the above clauses. Revision of final assessment is also not provided in the GTCS-2006. However, there is no dispute that the period (15.9.2016 to

14.4.2017) during which the status of defective meter is clearly established.

The guidelines given in the clause 7.5.1.4 with sub-clauses run as follows:

"7.5.1.4 When a meter is found to be 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 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." It is clear from the above clauses that the guideline given in the sub-clause 7.5.1.4.3 is to be followed only where it is not possible to select any 3 (three) consecutive consumption, as indicated in clause 7.5.1.4.1 or 7.5.1.4.2 of the GTCS-2006. Therefore, I am of the opinion that the respondents failed to prove that the assessment of number of units was done in accordance with the guidelines given in the sub-clauses of the GTCS-2006.

8. Now, I am inclined to deal with the submissions made by both parties. According to the respondents, the Meter Reading Instrument Report is based on the tamper events, whereas according the complainant, the MRI data would reflect the actual consumption of electricity consumed by the consumer for any period. If the submission of the complainant touching the above aspect is accepted to be true and correct, there was no need to incorporate the above clause with sub-clauses framing guidelines for

computation of assessed units when a meter is found defective, in the GTCS-2006, or there was no necessity for the respondents to assess the number of units as per the guidelines framed under the GTCS-2006. The MRI records only the data available in the meter. Hence, I am unable to accept the above submission of the complainant. However, since I expressed my opinion that the assessment of number of units was done not in accordance with the guidelines given under the Clause 7.5.1.4, the question is answered in the negative and I am of the view that the representation is to be upheld. This point is, thus, answered.

9. In the result, I allow the appeal, set aside the order of the Forum and direct the designated officer-2nd respondent to follow the guidelines indicated in the sub-clauses 7.5.1.4.1 and 7.5.1.4.2 for computation of the assessed units, compute the units to be billed accordingly and issue assessment notice to the complainant afresh. The complainant is at liberty to avail all his remedies available after receiving the assessment notice from the 2nd respondent. It is observed that if the units to be billed, as per this order, are above the units calculated already under the clause 7.5.1.4.3, the complainant will be liable to pay the electricity charges only as per the assessment made, as indicated in the sub-clause 7.5.1.4.3 because the right of appeal against the order of the Forum is given only to the consumer and because the order of the Forum would have become final if the appeal by the complainant was not preferred. It is needless to mention that the respondents are entitled to collect the amount from the complainant less the amount already paid by him. This appeal-representation is thus disposed of. There is no order as to costs.

10. This order is corrected and signed On 31st December, 2018.

Sd/- N.BASAVIAH
VIDYUT OMBUDSMAN

To

1. Sri.M.Surya Bhaskara Rama Rao, Gollavilli Village, hamlet of Vadapurru Main Road, Uppalaguptam (Post and Mandal), East Godavari.
2. The Assistant Engineer, Operation, APEPDCL, Uppalaguptam, 33/11

KV, Sub-Station, Near MDO Office, Uppalaguptam, East Godavari District - 533 222.

3. The Assistant Divisional Engineer, Operation, Mummidivaram, APEPDCL, Main Road, 33/11KV Sub-Station, Mummidivaram, East Godavari District - 533 216.
4. The Divisional Engineer, Operation, Amalapuram, APEPDCL, Operation Division, Near Edarapalli Bridge, Amalapuram, East Godavari District - 533 201.
5. The Assistant Engineer, Operation, CT-Meters, Kakinada, Division Office, Kakinada.

Copy to:

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