



BEFORE THE VIDYUT OMBUDSMAN
Andhra Pradesh :: Hyderabad



:: Present ::

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

Date: 20-02-2017

Appeal No. 32 of 2016

Between

M/s. Sri Devi Rice Mill, Prop: Smt. G. Kusuma Kumari, Busarajupalli Village,
Buttaigudem Mandal, West Godavari District.

...Appellant/ Complainant

And

1. The AE/Operation/Buttaigudem/APEPDCL/West Godavari
2. The AAO/ERO-Jangareddygudem/APEPDCL/West Godavari
3. The ADE/Operation/Koyyalagudem/APEPDCL/West Godavari
4. The DE/Operation/Jangareddygudem/APEPDCL/West Godavari

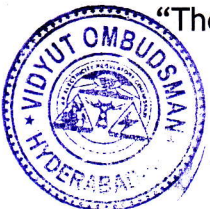
... Respondents

The above appeal-representation filed on 16-02-2016 has come up for final hearing before the Vidyut Ombudsman on 06-02-2017 at Eluru. The complainant, as well as the respondents 1 to 4 above was present. Having considered the appeal-representation and the submissions made by the complainant and the respondents, the Vidyut Ombudsman passed the following:

AWARD

1. This appeal-representation has been preferred by the appellant-complainant against the award **dated. 26-08-2016 in C.G.NO:605/2015-16/ West Godavari, passed by the Forum for Redressal of Consumer Grievances in Eastern Power Distribution Company of A.P Limited, Visakhapatnam,** whereby and where-under the above Forum passed the order as follows:

"The FORUM, duly taking into cognizance of the written submission of the



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2nd and 3rd Respondents, the following order is hereby passed:

- The complaint about examination of notice issued by AAO/ERO/J.R. Gudem on 04/11/2015 for payment of Rs. 4,24,304/- as shortfall amount against Sc. No. 00053, LT Cat-III for the period Nov'2013 to Oct'2015 made by M/s. Sri Devi Rice Mill, Prop: Smt. G. Kusuma Kumari, Busarajupalli Village, Buttaigudem Mandal, West Godavari District has been examined and found to have taken the period erroneously i.e. instead of May'2013 it was taken as Nov'2013. Hence, the complaint is allowed.
- The respondents are hereby directed to arrive at the suppressed units arisen due to non-updation of meter change details in EPCCB soon after replacement of meter for the period from 06/05/2013 to 05/05/2015 and intimate the shortfall amount which is to be paid by the complainant but for the remaining period i.e. from 06/05/2015 to 25/10/2015 shall be arrived at the same is to be recovered from the erring officials concerned since it is time barred.
- A compliance report shall be submitted to the FORUM within 15 days from the above direction, the CG.No. 605/2016 is disposed off."

2. The case of the complainant-consumer is that the Service Connection No.00013,Low Tension category-III, with the contracted load of 73 HP, Busarajupally, West Godavari District was released on 25.10.2007 in the name of M/S. Sri Devi RiceMill, Proprietor. Kusuma kumari (complainant-consumer) and cc charges were paid regularly, that a notice dated 04-11-2015 was received by her surprisingly from the second respondent asking her to pay Rs. 4,24,304/ within 15 days and as such, she submitted a representation in SPANDANA on 16-11-2015 in person, but there was no response, that due to pressure from the staff of the licensee, Rs. 36,066/ on 15-12-2015 was paid to the licensee and that as she was unable to pay such a huge amount, she approached the Forum for redressal of her grievance by filing the complaint on 16.12.2015.



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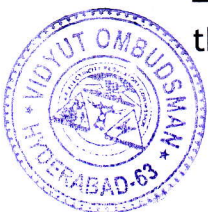
3. The case of the respondents, in brief, is that the original meter with the reading of 213331 units for the service connection in question was actually replaced on 6.5.2013 by the ADE/HT Meters, but that fact was entered in the Revenue and Accounting System(RAS) belatedly by the second respondent on 16-11-2013, that as the meter change was entered in the RAS belatedly after six months of the actual change, continuity was missed, but the reading of the old meter was continued in the consecutive months upto October, 2015 showing the meter reading as 233867 in the month of October, 2015 even though there was a new meter placed in the place of old meter after the old meter was removed in the premises of the complainant, that the third respondent on 26.10.2015 inspected the above premises, check the meter reading, noticed shortfall in the units charged and recommended 68806 units as shortfall for the period from 05/2013 to 10/2015 and that therefore, a demand notice for Rs.4,23,180/ being charges of 68368 suppressed units was given to the consumer on 4.11.2015 and as there are no merits in the complaint, it may be dismissed.

4. No documents were marked on behalf of the both parties. After considering the material available on record, the Forum passed the award as stated supra. Now, the complainant preferred this representation. The complainant has submitted that the respondents may be directed to implement the Award passed by the CGRF while the respondents submitted that they cannot implement the orders of the CGRF as it causes revenue loss to the licensee and as the order of the CGRF is in-correct. The complainant submitted that the order of the Forum is correct.

5. The following point is framed for consideration as the complaint was filed while the Regulation 1/2004 was in force:

Whether the complaint is fit and proper for being considered?

6. Point: It appears that the complainant paid the entire amount claimed in the demand notice dated.4.11.2015. The Forum partly allowed the



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complaint exempting the complainant from payment of CC charges for the period from 6.5.2015 to 25.10.2015. Sub clause 12 of clause 5 of the Regulation No. 1/ 2004 says that the licensee shall implement the decisions and orders of the Forum made infavour of the complainant. The right of making representation against the Award of the CGRF is not given to the licensee under the Electricity Act,2003 or the Regulation No. 1/2004 and there is an obligation on the part of the licensee to implement the order passed by the CGRF. The correctness or otherwise of the order of the Forum cannot be decided by this authority at the instance of the licensee or its employees (respondents). So far as the licensee or its employees is concerned, the order of the Forum is final and the licensee or its employees cannot be permitted to contend before this authority that they will not implement the order of the CGRF on any reason as the licensee is bound to implement the orders or decisions passed by the CGRF and has no other option except to implement the order or decision passed by the Forum. For the above reasons, I am of the view that the complaint is fit and proper for being considered. This point is thus answered.

7. In the result, I allow the representation of the complainant directing the licensee and its employees- respondents to implement the order or decision of the Forum made in favour of complainant within one month from the date of receipt of a copy of this award . In the circumstance of this case, I am not inclined to make any order as to costs.

8. This order is corrected and signed on this 20th day of February, 2017.

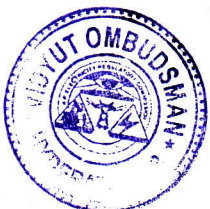
9. A signed copy of this order is made available at

www.vidyutombudsman.ap.gov.in.


VIDYUT OMBUDSMAN 20/2/17

To

1. M/s. Sri Devi Rice Mill, Prop: Smt. G. Kusuma Kumari, Busarajupalli Village, Buttaigudem Mandal, West Godavari District - 534 448.



2. The Assistant Engineer, Operation, Buttaigudem, APEPDCL, Operation Section, Opp: Petrol Bunk, Kannapuram Road, Buttaigudem, West Godavari District - 534 448
3. The Assistant Accounts Officer, ERO-Jangareddygudem, APEPDCL, ERO, Jangareddygudem, West Godavari District -
4. The Assistant Divisional Engineer, Operation, Koyyalagudem, APEPDCL, Operation Sub-Division, Koyyalagudem, West Godavari District - 534 312.
5. The Divisional Engineer, Operation, APEPDCL, Jangareddygudem, APEPDCL, Beside Nerella Rajamahindra show room, Eluru Road, J.R.Gudem, West Godavari District -534 447.

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.