



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

:: Present ::

**C. Ramakrishna**

Date: 11-03-2015

Appeal No. 40 of 2014

Between

Sri. Garlapati Satyanarayana, President, Mandal Consumers Council, Chintalapudi -  
West Godavari District - 534 460

**... Appellants**

**And**

1. The AE/Operation/APEPDCL/Chintalapudi/West Godavari District
2. The AAO/ERO/APEPDCL/Jangareddygudem/West Godavari District
3. The ADE/Operation/APEPDCL/Chintalapudi/West Godavari District
4. The DE/Operation/APEPDCL/Jangareddygudem/West Godavari District

**... Respondents**

The above appeal filed on 22-07-2014 has come up for final hearing before the Vidyut Ombudsman on 16-02-2015 at Eluru. The appellants, as well as respondents 1 to 3 above were present. Having considered the appeal, the written and oral submissions made by the appellants and the respondents, the Vidyut Ombudsman passed the following:

## AWARD

2. The appeal arose out of the complaint of the appellants that one Sri. A. Nageswara Rao having a service connection bearing number 6006 under Category II had been served with an abnormal bill dated 21-11-2013 by the respondents. They were not happy with the order of the CGRF in the matter.

3. The appellants stated in their appeal that Sri. A. Nageswara Rao of Chintalapudi had been served with an abnormal bill for Rs. 6,977/- on 21-11-2013; that on their approaching the CGRF, the Forum had given an order without considering their point of view and submissions; and that the consumer has to pay an amount of Rs. 3,599/- only and that the consumer is ready to pay the same in four instalments on getting an order from this authority. They enclosed some material in support of their submissions.

4. Notices were issued for hearing the matter. The respondent AAO filed his written submissions stating that the meter of the consumer Sri. A. Nageswara Rao has been changed on 20-06-2013; that the meter change has not been reflected in bills due to a program error; that therefore average bills were issued during the period June 2013 to October, 2013; that the meter change was finally reflected in the bills during November, 2013 and the reflection of 773 units in that month is seen as abnormal by the consumer; that based on a representation from the consumer, the 773 units were apportioned for the period June, 2013 to November, 2013 duly affecting a reduction of Rs. 1,300/- in the consumer's bill; that in spite of this the consumer is keeping on asking for revision without any basis; and that therefore the consumer has to pay an amount of Rs. 6,073/- to the DISCOM.

5. The respondent ADE and the AE filed identical written submission stating that during the month of June, 2013 the consumer's meter got burnt; that as per departmental procedure, the meter change was effected on 20-06-2013 with the final reading of 4652 duly raising meter charges on the consumer in the CC bills; that as the meter change was not affected in the ERO records, the consumer kept on getting minimum bills with zero reading for the period June, 2013 to October, 2013; that finally the meter change was reflected in the ERO records in the month of November, 2013 and on the meter change so being effected, the consumer was served with a bill reflecting the actual consumption of 773 units; that on a complaint from the consumer, the bill was revised duly apportioning the consumption for the period June, 2013 to November, 2013 and an amount of Rs. 1,300/- was reduced; that in spite of the reduction in the bill, the consumer has not paid the outstanding amount and approached the CGRF; that as per the CGRF order also, the consumer has not paid the outstanding amount and instead approached the Ombudsman for relief.

6. During the course of the hearing, the appellants and the respondents confirmed what they stated in writing and have also filed further submissions buttressing their original submissions. The key points that arose for consideration in this appeal are:

- a. Whether the consumer has been subjected to any excess billing and if so, what sort of relief can be ordered;
- b. Whether the consumer is liable to pay the cost of the meter for the new meter that is installed on 20-06-2013; and

c. Whether or not the CGRF's order is liable to be set aside in this case.

7. Based on the respondents' submissions it could be seen that excess billing in this case resulted out of the DISCOM's officers not taking the meter change in their records from the actual date of meter change. For this reason, they themselves had undertaken a downward revision of the bill by Rs. 1,300/- on the consumer's complaint. As the actual consumption of 773 units is not being questioned, what remains is a matter of mere arithmetic. The consumer is liable to pay the energy charges for the 773 units for the period June, 2013 to November, 2013. As the DISCOM officials had submitted that they had apportioned this consumption for the period in question, and the consumer has not proved that the said apportionment has not been done, there cannot be any scope for further complaint on this score.

8. During the course of the hearings, the appellants argued that the levy of delayed payment surcharge is not called for. As seen from the account statement produced, the delayed payment charges have been levied consequent to the non-payment of the disputed amount. The consumer cannot refrain from paying the amount of bill and expect to be exempted from delayed payment charges. Clause 4.7 of the Electricity Supply Code reads...

**4.7. Erroneous / Disputed Bills**

4.7.1 The consumer shall make the full payment of the electricity bill amount:  
Provided that the supply of electricity shall not be cut off if such consumer deposits, under protest –

- (a) an amount equal to the sum claimed from him, or
- (b) the electricity charges due from him for each month calculated on the basis of average of amounts for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute raised by the consumer on the bills.

9. From a plain reading of the regulation, it is clear that the consumer has to deposit the disputed amount in full under protest or at least deposit electricity

charges calculated on the basis of average consumption for the preceding six months. Without doing either of these things, the consumer herein kept on postponing the payment of the bill. This is not acceptable and runs counter to the rules and regulations laid down by the Hon'ble Commission. Hence delayed payment charges from January, 2014 (by which time the DISCOM's officers had clearly communicated the apportioned amounts due to the consumer) are liable to be paid by the consumer.

10. Coming to the second issue, the respondents say that they have replaced the meter with a new meter on 20-06-2013 as the old meter was burnt. During the course of the hearing, the appellant contended that as he is not responsible for the burning of the meter, he cannot be levied the meter replacement cost of Rs. 650/-. A reading of clause 7.5.2 of the GTCS (extracted below) shows that for recovering the cost of the meter from the consumer, the cause of meter burning should be attributed to the consumer.

#### **7.5.2 Burnt Meters**

In case a meter, on a complaint from the consumer or upon the inspection of the Company is found burnt, the Company shall restore the supply immediately by-passing the burnt meter after ensuring that necessary preventive action at site is taken to avoid future damage. Further, a new meter shall be installed by the Company within the timeframe specified in the 'Standards of Performance' Regulation issued by the Commission, duly obtaining the consumer's consent to pay the computed consumption charges for the non-metered period. The Company shall replace the burnt meter on payment by the consumer within 7 days, if the burning of the meter is attributed to the consumer. The payment can be made in cash or by Demand Draft at the consumer service centre / ERO.

11. Without there being a conclusive finding that the burning of the meter happened due to the behaviour of the consumer, the DISCOM cannot recover the cost of the meter from the consumer. Therefore, the amount of Rs. 650/- that is charged from the consumer towards the cost of replacement of the meter, is liable to be set

aside.

12. Coming to CGRF's order, this authority finds that the CGRF ought to have gone into the issue of the cost of meter replacement. But for this, there is nothing that is amiss with the CGRF's order. As this authority is ordering on the issue in this order, no further interference with the CGRF's order is called for.

13. Therefore, it is hereby ordered that:

- the appellant is liable to pay the energy charges for 773 units, as apportioned duly by the DISCOM for the period June, 2013 to November, 2013;
- the appellant is liable to pay the delayed payment charges for non-payment of the outstanding amount from January, 2014 onwards; and
- the respondents shall waive the meter replacement charges of Rs. 650/- within 15 days from the date of receipt of this order and report compliance within 15 days from thereafter.

14. This order is corrected and signed on this 11<sup>th</sup> day of March, 2015.

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

**VIDYUT OMBUDSMAN**

**To**

1. Sri. Garlapati Satyanarayana, President, Mandal Consumers Council,  
Chintalapudi - West Godavari District - 534 460
2. The Assistant Engineer, Operation, APEPDCL, Chintalapudi, 33/11 Kv  
Substation, Near 132/33 Kv Substation, Eluru Road, Chintalapudi, West  
Godavari Dist - 534 460.
3. The Asst. Accounts Officer, ERO, APEPDCL, Jangareddygudem, Near  
Kakarlay Junction, beside 132/33 Kv substation, Jangareddygudem,  
West Godavari Dist - 534 460.
4. The Asst. Divisional Engineer, Operation, APEPDCL, Chintalapudi, Near  
132/33 Kv Substation, Eluru Road, Chintalapudi, West Godavari Dist -  
534 460.
5. The Divisional Engineer, Operation, APEPDCL, Jangareddygudem, Beside  
Nerella Raja Mahindra Show Room, Eluru Road, R.C.Puram,  
Jangareddygudem, 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