



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

:: Present ::

C. Ramakrishna

Date: 28-04-2016

Appeal No. 31 of 2015

Between

Sri. N. Nooka Raju, D.No.2-65, Sardar Nagar, Near Bank Colony, Narsipatnam

Visakhapatnam - 531 116

... Appellant

And

- 1. AE/Operation/APEPDCL/ Narsipatnam Town/Visakhapatnam District**
- 2. AAO/ERO/APEPDCL/Narsipatnam/Visakhapatnam District**
- 3. ADE/Operation/APEPDCL/Narsipatnam Town/Visakhapatnam District**
- 4. DE/Operation/APEPDCL/Boddepalli SS/Narsipatnam/Visakhapatnam District**

... Respondents

The above appeal filed on 21-12-2015 has come up for final hearing before the Vidyut Ombudsman on 18-04-2016 at Visakhapatnam. The appellant, as well as respondents 1 to 4 above were present. Having considered the appeal, the written and oral submissions made by the appellant and the respondents, the Vidyut Ombudsman passed the following:

AWARD

2. The appeal arose out of the complaint of the consumer about non-implementation of the CGRF's order dated 30/11/2015 in CG No. 331/2015/Visakhapatnam District.

3. The appellant stated in his appeal that he wants the complaint made by him resolved and enclosed a copy of the order issued by the CGRF. A perusal of the order showed that the CGRF had ordered for payment of Rs. 8,450/- as compensation for the delay in rectifying the abnormal bill issued to the consumer.

4. Notices were issued for hearing the matter. The respondent AAO filed a copy of the letter dated 17-02-2016 addressed by him to the appellant which informs him that the order of the CGRF had been implemented and that his account has been duly credited with the compensation amount.

5. The respondent AE had filed his written submissions stating that soon after the receipt of the billing complaint from the consumer on 02-03-2015, he had taken immediate action by arranging replacement of the suspected defective meter on 05-03-2015; that in order to solve the billing complaint, the replaced meter has to be tested; that the consumer had not paid the challenge fee as per rules in spite of being informed in person; that the consumer had ultimately paid the challenge fee only on 06-08-2015; that immediately thereafter, he got the meter tested on 07-08-2015 in the presence of the consumer; that after the receipt of the meter test report, he informed the respondent AAO to revise the bill suitably; and that the AAO accordingly revised the bill and the consumer also had paid the revised bill on 04-09-2015. He submitted

that therefore, there is practically no delay in resolving the billing dispute and sought a review of the order issued by the CGRF.

6. During the course of the hearing, the appellant stated that he had paid the challenge fee along with this complaint on 02-03-2015 itself in the form a DD obtained from The Kanakamahalakshmi Co-operative Bank Ltd; that the respondent AE is aware of that fact and that in spite of so being aware, there occurred an abnormal delay in resolving his billing dispute. The respondent AE on his part reiterated his written submissions and stated that for a delay, the occurring of which is not attributable to him directly in view of the fact that the non-receipt of the DD by the Customer Service Centre is the reason for his not ordering for the meter testing, making him solely responsible and recovering the compensation amount from him is unreasonable. The key points that arose for consideration in this appeal are:

- a. Whether or not there is any delay in resolving the billing dispute raised by the consumer;
- b. Whether or not the respondent AE is directly responsible for the delay in the meter testing; and
- c. Whether the order issued by the CGRF needs to be interfered with.

7. Coming to the first issue, going by the evidence that is produced, it is beyond dispute that the appellant had complained about abnormal billing on 02-03-2015. On this both the appellant and the respondents are on the same page. What they differ about is the fact of challenge fee payment. While the appellant says that soon after submission of his complaint in the CSC on being asked to pay the challenge fee, he had obtained a DD on the very same day and handed it over to the CSC, the respondent AE

differs saying that the appellant had not paid the challenge fee on that day. He argued that the CSC would normally acknowledge the receipt of the DD on the acknowledgement slip issued by it and as there is no such acknowledgement of the DD, it is to be construed that the appellant had not paid the challenge fee on that day. The appellant denies this vehemently and says that he had paid the same duly obtaining the DD and handing it over to the CSC. His claim is that he cannot be made responsible for a thing which ought to have been done by the CSC / respondents in general. During the course of the hearings, the respondent DE orally submitted that there were quite a few complaints with the contract staff manning the CSC at that time and that therefore, the contractor was not awarded the job subsequently. The consumer, on his part, had produced a copy of the counterfoil dated 02-03-2015 issued by his bank to show that he had obtained the DD for the challenge fee on that day and that having obtained it so, there is no reason for him to not submit the same in the CSC. All this shows that there is no reason to disbelieve the consumer. Therefore the first issue is held in favour of the consumer and the consumer is given the benefit of doubt as to the submission of the DD in the CSC on 02-03-2015.

8. Coming to the second issue, in view of the improper accounting for / handling of the payment made by the consumer, it is the CSC which had caused the delay in getting the meter tested. The procedures and systems being followed at the CSC are found wanting to pinpoint responsibility in cases of this type. It is for the DISCOM's hierarchy to evolve suitable procedures to ensure that delays like this do not happen in future. Therefore, while holding that there is a delay in getting the meter tested, it is observed that the respondent AE alone cannot be made solely responsible for this delay. The respondent AE submitted that he had been made to bear the burden of payment of the compensation to the consumer. This is not found warranted in the

circumstances.

9. Coming to the last issue, this authority finds nothing wrong with the order issued by the CGRF. The CGRF also had not pinpointed the blame on the respondent AE alone. It only held that there was delay in resolving the consumer's billing complaint and that therefore, the consumer has to be compensated.

10. Therefore, it is hereby ordered that:

- there is no need to interfere with the order issued by the CGRF;
- the respondent AE alone cannot be made to bear the burden of paying the compensation to the consumer and that the DISCOM shall bear the burden; and
- the SE, Visakhapatnam to whom a copy of this order is being marked, shall ensure that the recovery of the compensation ordered from the respondent AE alone, shall be withdrawn and the compensation ordered for shall be adjusted from the account of the DISCOM.

11. This order is corrected and signed on this 28th day of April, 2016.

12. A digitally signed copy of this order is made available at www.vidyutombudsman.ap.gov.in.

VIDYUT OMBUDSMAN

To

1. Sri. N. Nooka Raju, D.No.2-65, Sardar Nagar, Near Bank Colony,

Narsipatnam, Visakhapatnam - 531 116

2. The Assistant Engineer, Operation, APEPDCL, Operation Section, Narsipatnam Town, Visakhapatnam District - 531 116
3. The Assistant Accounts Officer, Accounts, ERO, APEPDCL, Narsipatnam, Visakhapatnam District - 531 116
4. The Assistant Divisional Engineer, Operation, APEPDCL, Town, Narsipatnam (M), Visakhapatnam District - 531 116
5. The Divisional Engineer, Operation, APEPDCL, Boddepalli SS, Narsipatnam, Visakhapatnam District-531116

Copy to:

6. The Superintending Engineer, Operation, APEPDCL, Opp. Green Park Hotel, Vidyut Sakha Building, Visakhapatnam - 530 002
7. The Chairman, C.G.R.F., APEPDCL, P & T Colony, Seethammadhara, Near Gurudwara Junction, Visakhapatnam - 530 013.
8. The Secretary, APERC, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004