



**BEFORE THE VIDUYUT OMBUDSMAN  
Andhra Pradesh :: Amaravati:**

:: Present ::

**Vinnakota Venkata Prasad  
Former District & Sessions Judge  
Viduyut Ombudsman**

The 4<sup>th</sup> day of February, 2023

**Representation No.25 of 2022-23**

**Between**

M.Geetha, C/O Golden Scampi Feeds, GNT Road, Peddapadugupadu, Kovur (M)  
Nellore District. **...Representationist**

**And**

1. Executive Engineer / O / Kavali,
2. Executive Engineer / M & P / Nellore-II
3. Senior Accounts Officer / O / Nellore

**... Respondents**

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This representation having come up for final hearing before me on 03.02.2023 through Video Conference in the presence of the representative of the representationist and **the respondents 1 to 3** stood over for consideration till this day and the Viduyut Ombudsman delivers the following:

**ORDER**

1. Having been aggrieved by the orders dated 09.11.2022 rendered by the Forum for Redressal of Grievances of the Consumers in Southern Power Distribution Company of A.P Limited, Tirupati in C.G.No.22/2022-23/ Nellore Circle, the complainant therein directed this present representation under clause 18 r/w 19.2 of Regulation No.3 of 2016 seeking modification of Power bills received for the months of June, 2022 and July, 2022 consequent upon updating of the software in the Meter relating to the industry of the representationist without prior notice.
2. The averments in the printed representation and its annexed detailed representation are as follows INNUSE:
  - a) The department issued notice for removal of lead kVArh blockage from the meter and as such there resulted in abnormal bill. If examined the

representationist has been maintaining the Power Factor as required all the while, but in view of sudden change in the software for removal of blockage of lead kVARh without any prior notice, the representationist could not secure the necessary instrumentation necessary to maintain the power factor despite removal of blockage of lead kVARh. As seen from the APERC guidelines to DISCOM and judgment copy given clearly display, the Power Factor ought to be maintained at 0.85 to 0.95 lead. While so, unblocking the lead kVARh is contrary to the guide lines issued by the APERC.

b) The department should have provided prior notice to all the consumers to enable them to adopt to the new software. The judgment of the CGRF laid down to issue prior notice to the consumers. But this representationist already suffered loss for want of such prior notice and it is not taken care. The pleas of consumer are not considered by the Forum and it is one sided.

c) The abnormal hike in bill is not on account of any fault at the end of consumer. The DISCOM authorities issued notice on 19.05.2022 as regards the proposed change in the software and on the even date, change in the software was introduced. The department must be taught a lesson and new guidelines are to be issued for issue of prior notice. Change in the software without issuance of prior notice is not fair.

d) The hike in the bill is consequent upon change in the billing to kVAh by making sudden changes and not because of its consumption.

e) Even in all central and State Government Policies like GST and Income Tax and other regimes like Pollution Control BS4 + BS 6 norms, the Government clearly provided organizations or citizens enough time for adopting to the new changes. It is also adopted in the case of FASTAG.

f) The representationist is not against to the changes but the department should have allowed breathing time to update the system at consumer end also.

g) The data provided by the AE operation Kavali, from the month of January 2021 to October, 2022 which is set out in the representation itself reveal that the consumer well maintained the Power Factor until May, 2022.

h) The provisions of AP Electricity Act, AP Electricity Reforms Act, 1988 and GTCS clause No. 5.7.1.1., quoted in the judgment of the Forum may be true, but it is the minimum responsibility of the department to issue prior notice for the changes. The mere presence of the representationist at the time of the updating of the software does not mean that the representationist was ready for those changes.

i) The guidelines of APERC and the copy of judgment clearly state that the Power Factor at 0.8 lag to 0.95 lead shall have to be maintained and how can it be maintained on unblocking the lead?

j) What is meant by system stability and system security provided by respondents information as mentioned in the judgment copy of the CGRF?

3. The delay in presentation of this representation was condoned as per orders dated 07.01.2003 made on I.A.No.22 of 2022-23. The delay in the resubmission of the returned representation was condoned as per orders dated 12.1.2023 made on I.A.No.23 of 202-23.

4. The representation was taken on file on 12.01.2023 and the matter was posted to 19.01.2023. Notices were issued to both sides for making their appearance either personally or through agent or advocate as is permissible under clause 21.8 of Regulation No.3 of 2016, through video conference. The matter was posted to 19.01.2023 to submit the evidence if any so desired by the parties by post / courier and for hearing.

5. On 19.01.2023, Representative of the representationist was present on Video Conference. Respondent Nos.2 and 3 were present through Video Conference, while the 1<sup>st</sup> respondent was absent. The matter was posted for receipt of counter and documents of the Respondents.

6. On 25.01.2023, representative of the Representationist was present on Video Conference. Respondent Nos. 1 to 3 were present on Video Conference. Counters of Respondent Nos.1 and 2 were received. 3<sup>rd</sup> Respondent reported to have sent his counter but the same was not yet received. Therefore, the matter was adjourned to 31.1.2023 for receipt of counter to 31.01.2023.

7. The 1<sup>st</sup> respondent sent his response/counter with the following averments in epitome:

a) This representationist made a complaint under CG.No.23/2022-23 regarding wrong billing of Rs.3,22,176/-. Written statement was submitted before the CGRF and hearing was conducted. In the said regard the 3<sup>rd</sup> respondent stated that on 19.05.2022, they programmed for HT S.C. No. NLR 590, 180KVA Cat-III A service, meter software was changed on 19.05.2022. As per the instructions of higher authorities all the existing meters other than Domestic and Agriculture, the KVARH (LEAD) parameters blocked were to be unblocked. The total procedure was also informed to the consumer while updating the

Unblocking of KVARH (lead). He further stated that they served test report notice to the representative of the complainant and obtained the acknowledgment at the time of inspection on 19.05.2022. The total procedure was also intimated to the consumer while updating the unblocking of KVAH (lead).

b) As per the APERC order on Tariff for retail sale under clause No.6.9 in Chapter X, the HT consumers, who are provided with metering capable of measuring Active and reactive power under the orders of the commission, shall maintain the power factor leading side less than 0.95 Lead. If any consumer maintains the power factor less than 0.95 Lead for a period of 2 consecutive months it must be brought back in the range of plus or minus 0.95 with in a period of 3 months failing which without prejudice to such other rights as having accrued to the licensees or any other right of the licensees the supply to the consumer may be discontinued.

c) After conclusion of personal hearing by Hon'ble CGRF delivered orders on 09.01.2022 by holding that the department was following the guidelines issued by the Hon'ble APERC after completion of about 2 years time period and consumers were aware of the said programming already as Hon'ble APERC issued guidelines as per Chapter IX para 398 at Page 247 of 375 in Tariff for Retail sale of Electricity during Financial Year 2019-20. Therefore, there are no grounds to interfere in this case and complaint is liable to be dismissed.

8) The 2<sup>nd</sup> respondent sent his response/counter with the following averments in nutshell:

a) Instructions were received from the Corporate Office under Lr. No. JMD (V&S) EE-T & MRT Vig/ Peshi 2/F. No.63/D.No.40/2022, Dated 21.03.2022 that all the existing meters other than Domestic and agriculture the KVARH (Lead) Parameters to be unblocked .

b) Accordingly HT Sc. No.NLR-590, 180 KVA Cat.III A service meter was programmed on 19.05.2022 for updating the unblocking of KVARH (lead) parameter.

c) As there is chance of recording KVAH High Consumption, it is the responsibility of the consumer to immediate act to avoid any such High Bill issue.

d) The consumer after receipt of notice neglected the content of the notice given resulting in the huge bill. The test report with consumer signature is also submitted herewith.

9) The 3<sup>rd</sup> respondent sent his response/counter with the following averments in abridgment:

a) As per the instructions of higher authorities all the existing meters other than Domestic and Agriculture, the KVARH (LEAD) parameters to be unblocked were to be unblocked. Accordingly, the Executive Engineer/M&P has programmed for updating the unblocking of KVARH (lead) parameters ON =x19.05.2022 of HT.SC.No.NLR590, 180KVA Cat-III A.

c) The total procedure was also informed to the consumer of HT.SC.No.NLR590 while updating the unblocking of KVAH (lead) parameters.

d) Therefore, this case may be disposed in favour of APSPDCL.. Along with the same he also submitted the copy of the counter submitted by the 1<sup>st</sup> respondent.

10) On 31.01.2023, the Representationist was present on Video Conference. 3<sup>rd</sup> Respondent was also present on Video Conference. Respondent Nos. 1 and 2 were absent.

11) (a) Ex.A1 to 6 were marked on behalf of the Representationist and Ex. R1 is marked on behalf of the Respondent. Heard the representationist and 3<sup>rd</sup> respondent. For hearing the matter was adjourned to 03.02.2023.

(b) Ex.A1 is the letter addressed by the Executive Engineer to M/s Golden Scambi Feeds dated 19.05.2022 where in the department informed the addressee as to the direction from the Hon'ble APERC to unblock the blocked lead kVArh and the consequent unblocking of lead kVArh parameter on the same day besides change in the time zones of Tod tariffs for the financial Year 2022-23. It is also categorically informed there under the kVArh would also be added to the kVAh and the addressee was also directed to maintain the Power Factor near to 1.0.

(c) Ex.A2 is the letter from the Golden Scambi Feeds to the CMD of APSPDCL dated 15.06.2022 seeking the rectification of the bill received in the month of June, 2022 at a sum of Rs.3,22,176/- to regular billing on the ground that they do not have any software to adopt to the changes immediately and that their electrical contractor required 3 months time to change the electrical panel board to suit the modified software introduced by the department.

(d) Ex.A3 is the letter from the Golden Scampi Feeds to the CMD of APSPDCL dated 22.06.2022 seeking the rectification of the bill received in the month of June, 2022 at a sum of Rs.3,22,176/- to regular billing on the similar grounds urged under Ex.A2 and expressing the inability to pay such huge sum.

(e) Ex.A4 is the letter dated 01.07.2022 from the Golden Scampi Feeds to the Superintending Engineer, APSPDCL informing him as to the absence of response from him for the letter dated 15.06.2022 and as regards payment of regular bill amount at Rs.1,20,000/- with the bank account of APSPDCL. It is also informed there under as to the presentation of the complaint to the CGRF.

(f) Ex.A5 is the copy of the bill for the month of June at Rs.3,22,176/-.

(g) Ex.A6 is the copy of the bill for the month of July at Rs.2,73,989/-.

(h) Ex.R1 is the report of the meter dated 19.05.2022 belonging to this representationist on unblocking the lead kVArh.

12) On 03.02.2023, the representationist and the respondents 1 to 3 were present on video conference. Heard the respondent Nos.1 and 2. The 3<sup>rd</sup> respondent reported that he had no further argument. Heard the representative of the representationist in reply.

13. Thus, on hearing both sides on 03.04.2022, the matter was posted for orders to 04.02.2022.

14. a) **Before dealing with the rival contentions**, it has to be made clear that as envisaged under section 42 (6) of The Electricity Act, 2003, any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5) of the said Act, may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the Hon'ble State Commission.

b) Regulation No.3 of 2016 under clause 18 r/w clause 19.2 also deal with presentation of a representation to the Vidyut Ombudsman against the order of the Forum within 30 days from the date of receipt of the order of the Forum. Though the caption of G.T.C.S.14.9 reads as 'appeal before Vidyut Ombudsman', it is crystal clear from the wording employed under the said clause No.14.9.1 of GTCS, that **'the consumer may make only a representation to the Vidyut Ombudsman if the consumer is not satisfied with the decision of the Forum'**.

c) The Hon'ble APERC by order dated 02.03.2021 issued 'Practice Directions' wherein it is categorically held that **'the Vidyut Ombudsman does not sit in appeal to consider a point of law alone or that he sits in judgment over the pleadings or evidence recorded before the Fora'**.

d) As such, any of the grounds urged as regards omissions or commissions made in the order of CGRF do not fall for consideration.

e) Thus, this Vidyut Ombudsman has nothing to do with the merits or demerits of the order made by CGRF.

f) Thus, Representation to the Vidyut Ombudsman is another opportunity to the consumer to seek redressal of his grievance when he could not get redressal of his grievance before the Forum.

g) However, **without approaching the CGRF, no consumer can directly approach the institution of the Vidyut Ombudsman for redressal of his grievance since section 42 (6) of The Electricity Act, 2003 envisages that 'any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission. While, Clause 18 (1) provides presentation of representation before the Vidyut Ombudsman by a complainant, Clause 19.2 of Regulation No.3 of 2016 envisages that a representation may be filed before the Vidyut Ombudsman against the order of the Forum within 30 days from the date of receipt of the order of the Forum.**

h) Section 42(5) of The Electricity Act,2003, mandates for establishment of CGRF by the Distribution Licensee for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the Hon'ble State Commission.

i) **Therefore, it is for the parties to the representation to lead the necessary evidence and put forth their contention afresh before the Vidyut Ombudsman, and the Vidyut Ombudsman may have to dispose of the representation basing on such material produced by the parties before the Vidyut Ombudsman.**

**15. Now, the points for consideration are:**

**(i) Whether the representationist is entitled to the relief of waiver of alleged excess bill amounts for the months of June and July, 20022 in respect of the Service Connection No. HT SC No.NLR 590 of Golden Scampi Feeds, Peddapadugupadu, as prayed for by the representationist? and**

**(ii) To what relief?**

**POINT No. (i): Entitlement to the Waiver of alleged excess Bill amount for the months of June and July, 2022:**

16. The Representationist contended that the authorities of the DISCOM made changes in the software of the meter by unblocking the blocked lead kVARh on 19.05.2022 by issuing a notice on the same day without granting sufficient time to the consumer to enable her to purchase the necessary instruments to set at naught the consequences of unblocking the kVARh which resulted in such hike in the consumption bills and that they were not having such software to adopt to the change in the software effected by the department and that the department without granting sufficient time to make suitable changes in their control panels to maintain the Power Factor at '1' by getting the necessary instrumentation.

17. Ex.A2 is the letter from the Golden Scampi Feeds to the CMD of APSPDCL dated 15.06.2022 seeking the rectification of the bill received in the month of June, 2022 at a sum of Rs.3,22,176/- to regular billing on the ground that they do not have any software to adopt to the changes immediately and that their electrical contractor required 3 months time to change the electrical panel board to suit the modified software introduced by the department.

18. Ex.A3 is Ex.A2 is the letter from the Golden Scampi Feeds to the CMD of APSPDCL dated 22.06.2022 seeking the rectification of the bill received in the month of June, 2022 at a sum of Rs.3,22,176/- to regular billing on the similar grounds urged under Ex.A2 and expressing the inability to pay such huge sum.

19. Ex.A4 is the letter from the Golden Scampi Feeds to the Superintending Engineer, APSPDCL informing him as to the absence of response from him for the letter dated 15.06.2022 and as regards payment of regular bill amount at Rs.1,20,000/- with the bank account of APSPDECL. It is also informed there under as to the presentation of the complaint to the CGRF.

20. These letters dated 15.06.2022 and 22.6.2022 under Ex.A2 and Ex. A3 respectively which were said to have been addressed to the CMD of the A.P.S.P.D.C.L., inter alia contain mention that their contractor required 3 months time to provide the consumer the necessary instrumentation to suit the changes in the software made by the department for unblocking the lead kVARh in the meter.

21. Under Ex.A2 and A3 the representationist also demanded the CMD to reduce the billed amount to their normal billing amount prevalent before unblocking.



22. Though Ex.A2 was addressed to the CMD, it appears to have been delivered in the office of the Superintending Engineer Office. Though Ex.A3 was also addressed to the CMD, there does not appear any material as regards to its dispatch to the office of CMD or any other office as is done in the case of Ex.A2. Thus, there is no material to show that the said letters under Ex. A2 and A3 addressed to the CMD were sent to the Office of the CMD, APSPDCL.

23. Of course, the representationist questioned the Superintending Engineer.,APSPDCL under Ex.A4 addressed to him as regards to the action taken by him for the letter under Ex.A2 and also informing him as to the payment of regular bill amount at Rs.1,20,000/-.

24. The office of the Superintending Engineer which received the letter addressed to the CMD under Ex.A2 cannot take any action on the same, and the office of the S.E. cannot be expected to forward the same to the office of the CMD, since it is not a letter submitted to the Superintending Engineer, with a request to forward the same to CMD. On his own, the S.E cannot be expected to transmit the letter under Ex.A2 to the CMD. It involves question of competency.

25. It can be to one's comprehension if the office of the Superintending Engineer did not respond to the Ex.A2 as the same was not addressed to their office, but it is not known as to why the office of the Superintending Engineer kept quiet for the letter under Ex.A4 addressed to them questioning their inaction to the letter under Ex.A2. The office of the Superintending Engineer could have replied to Ex.A4 stating that the said office was not competent to make any action addressed to their CMD. Of course, even this comment cannot be made as regards Ex.A2 to A4 since the S.E, APSPDCL is not a party before the Vidyut Ombudsman or CGRF.

**26. As stated supra, though this Vidyut Ombudsman is not an appellate authority over the CGRF, a consumer can present a representation before the Vidyut Ombudsman only against the order of the CGRF as is enumerated under 19.2 of the Regulation No.3 of 2016.**

27. Therefore, the Superintending Engineer cannot be impleaded in this representation as he was not a party before the CGRF. Any official or a person who was not arrayed as party before the before the CGRF cannot be made a

party before the Vidyut Ombudsman since the representation can be made against the order of the CGRF only, which means that the representation that can be entertained by the Vidyut Ombudsman shall be between the parties who agitated before the CGRF.

28. Of course, Ex.A2 to 4 are only letters expressing the grievance for making updation of the software for unblocking the lead kVArh without granting some time to take necessary measures to meet the said change. Ex.A5 and A6 are the electrical bills issued to the representationist for the months of June and July,2022 after unblocking the lead kVArh. There is no dispute as regards issue of these two bills.

29. As stated supra, there is no proof of submitting Ex.A2 and A3 to the CMD to whom the same were addressed. Of course Ex.A2 appears to have been presented to the SE though it was addressed to the CMD. Ex.A2 to 4 were already dilated supra and as such, there can be no need for any further dilation on the said letters.

30. There is no dispute that Ex.A1 letter was served by the respondent on the representationist on 19.05.2022 when the software was changed and blocked lead kVArh was unblocked.

31. Whether or not, issue of individual notice is required? and whether any time was not granted to the consumers before unblocking the lead kVArh?, would be the moot questions to be looked at for a decision on the point formulated.

32. In fact, these notices under Ex.A2 to 4 which were said to have been addressed subsequent to the receipt of bill for the month of June do not have any bearing to find out the answer for the afore said moot questions. Therefore, whether Superintending Engineer is a party to this proceedings is also immaterial since Ex.A2 to A4 do not clinch the issue. Therefore, these notices are inconsequential.

33. Questioning the departmental officials after receipt of bill for the month of June,2022 cannot in any way improve the case of the representationist nor its absence diminish the respondent's case merit if any.

34. The 3<sup>rd</sup> respondent contended that they have issued bills in accordance with the meter readings. It is not the case of the representationist that there was any error in the bills exhibited under Ex.A5 and A6. They are filed only to show that in the absence of kVArh, the difference in the kVAh consumption was only

at 4153 and 6866 units for the months of June and July, 2022 respectively, but because of addition of the difference in the kVArh at 33,623 and 27365 units, there was such abnormal hike in the bills given to them for those two months. There can be no dispute with this fact also. The figures are evident from Ex.A5 and A6.

**35. It is also evident and crystal clear from the contents of Ex.A1 notice that the representationist was informed there under that consequent upon the unblocking of lead kVArh, the reading of kVArh would also be added to the KVAh.**

36. It is also contended by the respondent No.2 that the in the Tariff order made for the year 2019-20 itself, the Hon'ble APERC directed for unblocking the lead kVArh, but after the receipt of the orders dated 21.3.2022 and the order of the CMD of SPDCL dated 04.04.2022, the directive was given implementation for the old meters and that since the directive of the Hon'ble APERC, the meters were installed for the new connections after unblocking the kVArh. To avoid discrimination among the HT consumers, their authorities were said to have directed for implementation of the same for the existing meters also and as such they carried out the instructions.

37. The respondent No.2 during the course of arguments referred to these proceedings dated 21.3.2022 and 04.04.2022 as regards implementation of the Tariff Order of Hon'ble Commission but no such proceedings were filed nor marked on their behalf and the same was informed to the 2<sup>nd</sup> respondent during the arguments itself. It is also not raised in their response by any of the respondents as to the implementation of the directive issued by the Hon'ble Commission for unblocking of kVArh in the meters fixed after the issue of direction from their higher authorities nor referred to any such letters or proceedings. But no document in the said regard was also produced.

38. It is for the department to ponder over the contentions raised by the representationist and to answer the same in the response and produce the evidence which they deem fit to substantiate their case and get them exhibited before advancing arguments. **In fact the notice issued to the respondents after numbering the representation itself, if read, makes crystal clear in the said regard. Evidence cannot be produced at their whims and fancies.**

39. These contentions of the department do not reflect in their pleadings nor any document in proof the same is filed. Therefore, these contentions of the

respondent No.2 that their higher authorities issued proceedings does not carry any credence.

40. It is also contended for the 2<sup>nd</sup> respondent that the Tariff Orders are released in every Financial Year by the Hon'ble APERC after consultation with various organizations and the DISCOMS. There can be no dispute with this representation of the 2<sup>nd</sup> respondent. As stated supra, the directive was contained in the Tariff order for the year 2019-20 itself for unblocking of lead kVArh. In fact there is delay in implementation of the orders for about more than 2 years..

41. **The direction for change in the software for unblocking of the Leading KVARh in the meter of the HT consumers is not a secret affair. Way back in the year 2019 itself, the Hon'ble APERC in its Tariff Orders for the Financial Year 2019-20 itself at para No.398 at page No.247 out of 375 pages, categorically ordered as is follows:**

"Unblocking of leading kVArh"

**"398. For the purpose of billing, leading KVARh is blocked hitherto for all categories of consumers in LT except Domestic and Agriculture and for all categories of consumers in HT. As kVAh billing is taking care of the reactive power management by the consumers, the commission has decided that the blocked leading kVArh recording the in the meters provided for applicable consumers be unblocked. Therefore, the licensees are hereby directed to take note of this change and action shall be taken accordingly."**

42. Thus, it is not a decision taken by the respondents and abruptly unblocked the leading kVArh.

43. Thus, the publication of these Tariff Orders for the Financial Year 2019-20 itself ought to have put all the HT Consumers on guard to face the consequences of this unblocking of lead kVArh and to take correctional steps.

44. There is no obligation on the officials of the department to personally notify these changes in the Tariff Orders to the consumers. **Publication of the Tariff Orders itself is the notification to the consumers.**

45. The Act or GTCS or the Regulations do not warrant the officials to once again personally notify the changes in the Tariff and other ancillary decisions taken by the Hon'ble APERC. **The Tariff Orders are available on the website of the APERC.**

46. It is the contention of the respondent No.1 that the CGRF has already taken a decision and hence this Vidyut Ombudsman is also requested to maintain the same withers to the ground. There appears enlightenment to some of the officials of the department in this regard.

47. The Vidyut Ombudsman is not bound by the decision of CGRF, and the decision of Vidyut Ombudsman depends upon the evidence that is placed before him, but on the decision of the CGRF or the material placed before the CGRF. Regulation 3 of 2016, clause 14.9.1 of GTCS, Section 42 (6) and (7) of the Electricity Act, 2003 and Rule 5 of Electricity Rules, 2005 may give some idea of the Vidyut Ombudsman office and the method and manner of disposal of cases by the Vidyut Ombudsman.

48. It is the contention of the representationist that the Income Tax Department, Sales Tax department and the Pollution controlling authorities make the public aware of the proposed changes in the rules and make them enlightened as to the proposed changes and the measures to be taken in the said regard.

49. Majority of Acts and orders passed by the Governments come in to effect from date of issue, and the public would not be given any notice by making any publication in advance that they would issue such orders or later intimating the issue of such orders. Public may not be knowing issue of such government orders. The same can be known only by some people who browse and the same are available on the Government website those people may know the same. The other public at large may have no knowledge of issue such order.

50. Some of the important government orders are brought to the notice of the public by the press or electronic media and now-a-days by the publicity on the domain of social media. Majority of the public may not be aware of majority of the Acts promulgated by the governments even after passing of decades thereafter. The mere fact that certain people did not come across at such order or Act would not exempt her/him/them from its application.

51. Thus, ignorance of the Act or rules passed by the authorities cannot diminish the effect of those orders. Not that the representationist or the public do not know it, but always the person in grief on account of some loss incurred due to change of rule of law rumbles, and no one is exceptional including the author of this order when turn comes.

52. Therefore, this contention that the representationist that she was not apprised of the proposed unblocking of Lead kVArh in advance does not carry any merit.

53. Further Clause 19.3 of the GTCS lays down that the consumer shall be deemed to have full knowledge of the provisions of the Electricity Act, 2003, the A.P. Electricity Reform Act, 1998, and all regulations and notifications made there under, as also all laws relating to the supply of electricity.

54. This deeming provision also shatters the case of the Representationist that they were not informed in advance as to the change in the lead kVArh.

55. Unblocking of Lead kVArh itself does not result in the hike in the bills. When the consumer could not maintain the Power Factor not below the 0.95 lead or lag, it results in hike in the bill.

56. Under the Tariff orders for the Financial year 2019-20 at para No.6.9 at page No.302, the Tariff Orders for the Financial year 2020-21 at para 6.9 of Chapter-X at page 230 of 361, Tariff orders for the year 2021-22 at para 6.9 of Chapter-X at Page Nos.226 and 227 of 418 and the Tariff orders for the year 2022-23 at para 6.9 of Chapter-X at Page Nos.211 of 534 under the head of 'Maintenance of Power Factor at consumer end' it is incorporated as follows:

"HT Consumers, who are provided with metering capable of measuring active and reactive power under the orders of the Commission, shall maintain their power factor preferably in between 0.95 Lag and 0.95 Lead in the interest of the system security. The consumers should not maintain the power factor leading side less than 0.95 Lead. If any consumer maintains the power factor less than 0.95 Lead for a period of 2 consecutive months, it must be brought back in the range of +/-0.95 within a period of 3 months failing which, without prejudice to such other rights as having accrued to the licensees or any other right of the licensees, the supply to the consumer may be disconnected.

57. This requirement to maintain the Power Factor in between 0.95 Lag and 0.95 Lead is not a new direction contemplated in these Tariff Orders. The clause No.12.2 of GTCS also contemplates the same as is incorporated infra.

"HT Consumers, who are provided with metering capable of measuring active and reactive power under the orders of the Commission, shall maintain their power factor preferably in between 0.95 Lag and 0.95 Lead in the interest of the system security and shall comply with conditions stipulated in the relevant orders issued from time to time"

58. Therefore, the rule that the HT consumers are obligated to maintain the Power Factor at 0.95 Lag and 0.95 Lead has been there since a long time.

59. In her representation the representationist furnished the meter readings of various aspects including the Power Factor. It is mentioned in the said representation that the said particulars were furnished to her by the EE/O/Kavali. No such document is filed before this Vidyut Office. The letter/document said to have been furnished by the EE/O/Kavali is not filed. Yet these details furnished in the representation reveal that the representationist was maintaining Power Factor at 0.99 during the months from January, 2021 till July and September, 2021 and during the months of January, February, April and May, 2022; at 0.97 during the month of August, 2021; at '1' during the period from October, 2021 to December, 2021 and also during the month of March, 2022. But the Power Factor appears to have been maintained at 0.12 during the month of June, 2022 and 0.25 during the month of July, 2022 after unblocking the lead kVARh on 19.05.2022.

60. The figures furnished in the representation itself reveal that the Power Factor was not maintained at requisite scale during the said months, and it was at its lowest during the months of June and July, 2022. The Power Factor appears to have been maintained scrupulously and appreciably for the other months as seen from the figures furnished by the representationist. But Maintenance of Power Factor during other months is not the criteria. Somehow the Power Factor during the month of May 2021 was also maintained at 0.99 despite unblocking the Lead kVARh on 19.05.2021.

61. The reason for the poor maintenance of the Power Factor during those two months may be true as alleged by the representationist that the representationist could not secure the needed instrumentation to set at naught the consequent hike in the kVARh reading due to unblocking of kVARh.

62. Except the vocal statement of the representative of the representationist during arguments that the paraphernalia required to meet the challenge of the unblocking of kVARh was not readily available in the market, or the mention made by the representationist in her letters under Ex.2 and A3 that her

contractor stated to her that he needed not less than 90 days time do not have any proof.

63. Even if the same is truth, the problem lies with the representationist. There is no proof that the material was not available in the market. Even if her contractor intimated so, it cannot be the gospel truth. It was for her to be ready with such instrumentation or secure the same sooner to avert these consequences.

64. In fact the consumers ought to have been ready when the Hon'ble APERC notified in its Tariff Orders for the year 2019-20 for unblocking of lead kVArh. There was lapse of more than 2 years time since the direction has been notified in the Tariff Orders.

65. In fact the technical persons who are looking after the affairs of power supply of the Representationist should have been vigilant since they ought to have maintained the Power Factor at 0.95 lead and 0.95 Lag as directed under Clause No. 12.2 of GTCS and also in Tariff orders or at '1' as directed in the Ex.A1.

66. Of course, maintenance of Power Factor at 0.95 or '1 in other words unity' would marginalize the loss of energy and maintains equilibrium between the Power received at the end of Consumer and its utility by their machinery of the consumer.

67. As stated supra, the representationist was put on notice under Ex.A1 while unblocking the lead kVArh, that for billing the units under kVArh would also be included.

68. In the absence of maintenance of power factor not below the 0.95 lead and lag, naturally, there would be vast variation between the power actually received at the end of the consumer and the power actually utilized by the machinery of the consumer.

**69. In fact, the wastage of power is not only loss to the consumer but also to the DISCOM and Nation. As such disconnection is contemplated incase the power factor is not maintained as ordained in the GTCS by the consumer for over a period of 3 months despite willingness of any consumer to pay the charges and penalty to be imposed there for.**

70. Thus, the contentions of the Representationist that the departmental officials changed the software to unblock the leading kVArh **and that they did not give notice in advance for such change cannot be given any credence**



since the said direction was notified in the Tariff orders for the year 2019-20 itself.

71. Condition No.4 of the agreement to be entered by every HT consumer as prescribed under Appendix IIA of GTCS adumbrates as follows:

"I/We further undertake to comply with all the requirements of the Electricity Act, 2003, the Rules and Rules and Regulations framed there under, **provisions of the tariffs** scale of Miscellaneous and General Charges and the General Terms and Conditions of Supply prescribed by the Company with approval of the AP Electricity Regulatory Commission herein after called as Commission from time to time and agree not to dispute the same."

72. By this term in the agreement entered into by the consumer for power supply itself requires the consumer to comply with all these rules and regulations.

73. Therefore, it is the obligation of the consumer to take care of the Power Factor. It is the duty of the consumer in his own interest to take measures to maintain the Power Factor as directed under the Rules and Regulations.

74. For the reasons stated supra, there does not appear any illegality in the change of the software to unblock the leading kVARh by the DISCOM, and it is made pursuant to the orders of the Hon'ble Commission which were notified in the Tariff Orders for the year 2019-20 itself. As such, the contention that no time was given before unblocking of lead parameter in their meter bears no merit. In fact, it is the duty and obligation on the part of the consumer to maintain the power factor not below 0.95 lead or lag under the Rules quoted supra.

75. In the absence of violation of any rule incorporated in the Act or Regulations or code, and in the presence of the fact that the Representationist could not maintain the Power Factor not below 0.95 lead or lag, the Representationist is not entitled to the relief for revision of the bills for the months of June or July, 2022.

76. There does not appear any regulation or rule in any code or GTCS or the Electricity Act which vests any power in the Vidyut Ombudsman to reduce the bills or waive the bills where there is no error or illegality.

77. It is also the contention of the representationist that under Ex.A1, the consumer was directed to maintain Power Factor at '1' which is contradictory to

the directions of the Hon'ble APERC to maintain the same between 0.85 and 0.95. The directive in the GTCS or Tariff orders as referred supra is to maintain Power factor not below 0.95 lead or lag but not 0.85.

78. Further, had there been hike in the bills though the Power factor was maintained at 0.95 as is laid down in the GTCS, this contention may fall for consideration but not in this case where the power factor maintained was at 0.12 and 0.25 for the months of June and July respectively as is mentioned in the representation itself. Therefore, this contention of the representationist withers to the ground.

79. The representationist also put two questions in the last two paras of the detailed representation annexed to the format representation. The law does not provide any provision to put questions to the Vidyut Ombudsman and they are only expected to make submissions of their case and the law which support their pleas. Of course, the Ombudsman is not an advising or apprising authority to answer such questions.

80. However, as the representationist must have been able to maintain the power factor at '0.95' or '1' lag and lead as of now, the representationist must have known by this time the method and modalities to maintain Power Factor at those desired levels despite unblocking the lead kVARh, and as such, there does not appear any need to answer the question raised in the last but one para of the said detailed representation.

81. The next question raised by the representationist in the last para of the said detailed representation is as regards the definitions of 'system stability' and 'system security'.

82. Technical definition of system stability and and system security, if needed can be browsed on the Website and it does not necessitate me for the purpose of settlement of this matter to incorporate the details the definition of those words by drawing from website to apprise the representationist.

83. The Ombudsman is a creature established under the Act, and the Regulations passed by the Hon'ble APERC. It shall have to discharge its duties in accordance with the rules and regulations formulated by the Hon'ble APERC.

84. Therefore, the request for waiver of such alleged excess amount in the bills for the months of June and July, 2022 in the absence of any illegality in its imposition is not within the province of this Vidyut Ombudsman.

85. Discretion is the discernment of the judge. There lies no injudicious discretion in the Vidyut Ombudsman to cause reduction or waiver of any bill amount at his whims and fancies without any judicious reason, and there must be some power under some rule or regulation to make such waiver or remission.

86. In the absence of any such regulation or rule to waive the alleged excess amount in the bills which is sought to be waived by the representationist, and in the absence of any illegality in imposition of the said charges, the representationist is not entitled to the remission or waiver of the alleged excess amount in the said two bills relating to the months of June and July, 2022.

87. This point is accordingly answered against the representationist.

**POINT No.ii: Relief:**

88. In view of my finding on point No.i, this representation entails in dismissal.

89. This point is accordingly answered against the representationist.

**Result:**

90. In the result, this representation is dismissed. However, in the circumstances of this case, it is ordered that both parties shall bear their own costs.

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

This order is typed, corrected, signed and pronounced by me on this the 4<sup>th</sup> day of February, 2023.

**Sd/- Vinnakota Venkata Prasad  
VIDYUT OMBUDSMAN-AP**

**Documents exhibited on behalf of the representationist**

<b>Ex.No.</b>	<b>Description</b>
A1	Xerox copy of the letter addressed by the Executive Engineer to M/s Golden Scambi Feeds dated 19.05.2022 at the time of unblocking the lead kVARh.
A2	Xerox copy of the letter from the Golden Scampi Feeds to the CMD of APSPDCL dated 15.06.2022 seeking the rectification of the bill received in the month of June, 2022 at a sum of Rs.3,22,176/-
A3	Xerox copy of the letter from the Golden Scampi Feeds to the CMD of APSPDCL dated 22.06.2022 seeking the rectification of the bill received in the month of June, 2022 at a sum of Rs.3,22,176/-

A4	Xerox copy of the letter from the Golden Scampi Feeds to the Superintending Engineer, APSPDCL informing him as to the absence of response from him for the letter dated 15.06.2022
A5	Xerox copy of the copy of the bill for the month of June at Rs.3,22,176/-.
A6	Xerox cop of the copy of the bill for the month of July at Rs.2,73,989/-.

**Documents exhibited on behalf of the respondents**

R1	Xerox copy of HT metre inspection report dated 19.05.2022 for the service connection No.NLR 590 belonging to the representationist.
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**Sd/- Vinnakota Venkata Prasad  
VIDYUT OMBUDSMAN-AP**

**Copy to**

1. Smt. M.Geetha, C/O Golden Scampi Feeds, GNT Road, Peddapadugupadu, Kovur (M) Nellore District.
2. The Executive Engineer / O / Kavali,
3. The Executive Engineer / M & P / Nellore-II
4. The Senior Accounts Officer / O / Nellore

**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.

**Copy submitted to**

6. The Secretary, Hon'ble APERC, 11-4-660, 4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.