



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

: Present ::

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

The 16th day of February, 2023

Representation No.27 of 2022-23

Between

Smt M.Snehalatha C/o M/s Srihari Cement Bricks, 1-33/1, Pantrampalli,
Chittoor District. **...Representationist**

And

1. Assistant Accounts Officer/ERO/Chittoor Town
2. Deputy Executive Engineer/Rural-3/Chittoor
3. Executive Engineer/O/Chittoor Dt

...Respondents

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This representation having come up for final hearing before me on 15.02.2023 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 Vidyut Ombudsman delivers the following:

ORDER

1. Having been aggrieved by the orders dated 28.12.2022 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.40/2022-23/ Thirupathi 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 bill received for the month of July, 2022 at an amount of RS.58,422/-.

2. The averments in the printed representation and its annexed detailed representation are as follows INNUSE:

a) The representationist has been running Sri Hari Cement Bricks for the last 5 years. The representationist is having electrical service connection bearing

No.5113213002436.The bills for consumption of electricity used to be at Rs.2,500/- to Rs.2,700/- per month.

b) While so, in the month of July, 2022, in their absence and without their knowledge, the authorities removed lead lock and recorded the reading. Therefore, KVR+KVH was at raise and as such, the electrical consumption bill was raised to Rs.58,422/-.

c) After receipt of the bill, representations were presented to Thirupathi SE, Chittoor DE, AD and AE, but they did not render justice.

d) Therefore, the matter was taken to CGRF, Thirupathi on 20.8.2022. As directed by the CGRF, a sum of Rs.10,000/- was paid and attended to the video conference . After enquiry, a notice was issued to the representationist on 31.12.2022 for payment of the entire amount.

e) Since the representationist is not capable of paying such huge amount, this representation is made seeking justice.

3. The representation was received at this office on 30.1.2023 where as the order of CGRF was made on 28.12.2022. When returned on 01.02.2023 raising certain objections, it was represented on 04.02.2023 and the same was again returned for non-compliance of certain objections and it was again represented on 06.02.2023 along with xerox copy of postal cover to show that the CGRF posted the copy of its order on 30.12.2022 to show that the representation was within the prescribed limitation period of 30 days from the date of receipt of the order of the CGRF.

4. This representation was taken on file on the even day i.e., on 06.02.2023 and the matter was posted to 10.02.2023. 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 and to submit the counter of the respondents and the evidence if any so desired by the parties by post / courier in advance and for hearing.

5. On 10.02.2023, Representative of the representationist was present on Video Conference. Respondent Nos.1 and 2 were present through Video Conference, 2nd Respondent was said to have been in charge of the post of 3rd respondent also. Thus, all the 2nd respondent represented the 3rd respondent also being in charge of the said post also. Respondents reported to have sent their common counter and documents by courier on 7th but the same were not received by then, and as such, the matter was posted to 14.02.2023 for receipt of counter

and documents of the Respondents and also the other evidence of the representationist if any.

6. On 14.02.2023, representative of the Representationist was present on Video Conference. Respondent Nos. 1 and 2 were also present on Video Conference. R2 is said to be in charge of 3rd Respondent. Counter of Respondent Nos.1 to 3 was received on mail. Documents said to have been sent by courier by the respondents were not received. The matter was posted to 15.02.2023 for receipt of documents said to have been sent by the respondents by courier. Respondents also represented to send the documents by mail also. The matter was posted to 15.02.2023 for receipt of the documents from the respondents and hearing. The documents said to have been sent by the respondents by courier were not received even by 15.02.2023. But the documents sent by the respondents by mail were received at this office in the evening on 14.02.2023.

7. The averments in the counter filed by the Respondent Nos. 1 to 3 are as follows in epitome:

a) The representationist has been utilizing the service connection bearing No.5113213002436 for her M/s Sri Hari Cement Bricks industry with a contracted load of 20 HP from 09.052018 in Patrampalli village under the subdivision of 3rd respondent herein. The said service connection was provided with a CT Operated Tri Vector Meter for recording consumption.

b) The representationist raised a grievance in the CGRF in C.G.No.40/2022-23/CTR. The consumer utilized maximum kVAh units of 344 in the month of August, 2020 and minimum kVAh units of 123 in the month of November, 2021.

c) The meter readings and consumption recorded during the month of June, 2022 are as follows:

Date	Kwh			kVArh			Power Factor
	FR	IR	Consumption	FR	IR	Consumption	
04.07.22	4600	4300	300	11744	4311	7433	0.04

d) Hon'ble APERC issued directive in Retail Tariff order for the financial year 2019-20 regarding unblocking of leading kVArh at para 398 at page No.247 in Chapter IX.

e) For the purpose of billing, leading kVArh was blocked hither to 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 reactive power management by the consumers, the commission has decided that the blocked leading kVArh recording in the meters provided for applicable consumers be unblocked. In this connection, respected Chief General Manager/P&MM issued instructions vide Memo No.CGM/P&MM/DEE.P1/D.No.506/22 dated 13.04.2022 for implementation of lead unblock with immediate effect.

f) The lead unblock was removed for the said service on 30.06.2022 by Dy.EE\CT Meters/Chittoor and guided the consumer representative to provide adequate capacitors only.

g) During the inspection of the said service, it was observed that the high reactive power consumption (kVArh) was due to over compensation of reactive power by installing more capacitors to the load than required resulting in high kVAh consumption.

h) Further at the request of the consumer, the healthiness of the meter was tested by the concerned CT meter win on 01.08.2022 in the presence of Assistant Engineer/Rural/Chittoor and the consumer. The meter test result was found satisfactory and error was within the permissible limits as certified by the Assistant Engineer/CT Meter Chittoor.

i) In addition, the readings recorded in the succeeded months after maintenance of capacitors by the consumer is also submitted as follows.

Date	kWh			kVAh			Power Factor
	FR	IR	Consumption	FR	IR	consumption	
06.08.22	4716	4600	116	13699	11744	1955	0.06
0.09.22	5080	4716	364	14146	13699	447	0.81
10.10.22	5404	5080	324	14544	14146	398	0.81
05.11.22	5579	5404	175	14753	14544	209	0.84
03.12.22	5726	5579	147	14925	14753	172	0.85
02.01.23	6014	5726	288	15263	14925	388	0.85
02.02.23	6311	6014	297	15617	15263	354	0.84

j) During inspection of the said service, it was observed that the high reactive power by installing more capacitors to the load than required resulting in high kVAh consumption.

k) Thus, the high kVARh consumption during 06/22 was due to over compensation and not due to the defect of the meter.

8. (a) On 14.02.2023, **Ex.A1 to 3** were marked on behalf of the Representationist. The documents submitted by the Respondents by mail were also marked as **Ex.R1 to R5** on 15.02.2023 to avoid delay in the proceedings.

(b) Ex.A1 is the xerox copy of the unregistered lease agreement dated 25th March, 2022 executed by Sri M. Jayachandra Naidu in favour of the Representationist for making cement bricks in the name of Sri Hari Cement Bricks.

(c) Ex.A2 is the xerox copy of the electrical consumption bill at Rs.58,422/- for the month of July, 2022 which is the disputed one.

(d) Ex.A3 is the xerox copy of the statement pertaining to the details of the electrical consumption bills relating to the service connection of the representationist for the months from December, 2020 to December, 2022.

(e) Ex.R1 is the xerox copy of the letter dated 26.08.2022 addressed by the Assistant Executive Engineer Chittoor to the Deputy Executive Engineer CT Meters, Chittoor in connection with forwarding of the letter from the Consumer for meter testing.

(f) Ex.R2 is the xerox copy of the letter dated 26.08.2022 addressed by the Assistant Engineer, CT Meters III, Chittoor to the Assistant Executive Engineer, Rural, Chittoor in connection with forwarding of meter testing report.

(g) Ex.R3 is the xerox copy of Meter testing Report dated 26.08.2022 for service connection under LT SC. No. 5113213002436 belonging to the representationist.

(h) Ex. R4 is the xerox copy of the Detailed statement relating to the service connection bearing No. No.5113213002436 as regards, consumption, consumption charges, fixed charges, Power Factor etcetera.

(i) Xerox copy Proceedings issued by the CGM of APSPDCL under Memo No. CGM/P&MM/DEE.P1/D.No.506/22, dated 13.04.2022 giving instructions for unblocking the blocked kVARh in the existing meters also pursuant to the directions from the Hon'ble APERC.

9) **Heard the representative** of the representationist and the respondents on video conference on 15.02.2023 and the matter was posted for orders to 16.02.2023.

10. (a) It is vehemently contended on behalf of the representationist that the unblocking of lead kVARh was done in their absence and that the same was done stealthily and that his industry was a small factory with two or three workers

and that their business was in problems and that their industry used to receive consumption bills at Rs.2,500/- or 2,700/- pm and presently the consumption charges are at Rs.4,500/-. **It is further contended by the representative of the representationist that he cannot pay such huge amount as charged under Ex.A2. He unequivocally expressed his inability to pay the amount charged under Ex.A2. He further stated that he paid a sum of Rs.10,000/- as directed by the CGRF and that he cannot pay any further amount except the regular bills which are being received at around Rs.4,500/-.**

(b) The respondents reiterated their counter contentions stating that the unblocking of blocked lead kVArh was done pursuant to the directions of their CMG under Ex.R5 which was issued pursuant to the directive of the Hon'ble APERC under Tariff orders for the year 2019-20 and that when lead kVArh was unblocked, the same was informed to the personnel of the representationist who were present, and it was for the representationist to take up the measures to reduce the consumption of kVArh and that in the instant case the representationist used more number of capacitors than the required, and as such, there was hike in the consumption of kVArh and **that they have followed the directions of the Hon'ble APERC in unblocking the lead kVArh and that the bill was generated in accordance with the consumption recorded and that at the request of the representationist, his meter was also got tested and found no fault, and as such the representationist shall have to pay the consumption charges as required.**

11. 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.

c) 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'.

d) 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'**.

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

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

g) 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.

h) 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.**

i) 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.**

j) 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.

k) **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.**

12. Now, the points for consideration are:

(i) Whether the representationist is entitled to the relief of waiver of alleged excess bill amount for the month of July, 2022 under the original of

Ex.A2 in respect of the Service Connection in S.C.No.5113213002436 as prayed for by the representationist? and

(ii) To what relief?

POINT No. (i): Entitlement to the Waiver of alleged excess Bill amount issued for the month of July, 2022 under the original of Ex.A2:

13. There is no dispute with the fact that the representationist has been running M/s Srihari Cement Bricks, in the premises bearing No. 1-33/1, Pantrampalli, and the representationist is having electrical service connection bearing USC No.5113213002436. It is the version of the representationist that the premises where in the brick industry is being run by her was obtained on lease under the original of **Ex.A1 unregistered lease deed**. There does not appear any dispute in the said regard also. There is no dispute with the fact that the bills for consumption of electricity relating to the representationist used to be between around a sum of Rs.2,500/- to Rs.2,700/- per month prior to the unblocking of kVArh.

14. It is the contention of the Representationist that in the month of July, 2022, in their absence and without their knowledge, the authorities of the respondents department removed the 'lead lock' and recorded the reading and as such, the 'KVR+KVH' was at raise and as such the electrical consumption bill was received at Rs.58,422/- and that the authorities did not render justice despite submission of representations to them besides a complaint to the CGRF.

15. **There is no dispute with the fact that the blocked lead kVArh was unblocked by the department and that later the electrical consumption bill was generated under the original of Ex.A2 at a sum of Rs.58,422/- . It is not the contention of the representationist that there was any error in making calculations to arrive at the sum of Rs.58,422/- under the original of Ex.A2. There is no dispute with the readings recorded.**

16. **At the instance of the representationist the electrical meter was also tested on 26.08.2022 by the concerned CT meter wing on 01.08.2022 in the presence of Assistant Engineer/Rural/Chittoor and the consumer and the test result was found to be satisfactory and error was within the permissible limits as certified by the Assistant Engineer/CT Meter Chittoor as is evident from Ex.R3. Ex.R1 is the xerox copy of the letter from the Assistant Executive Engineer, Rural, Chittoor to the Deputy Executive Engineer, CT Meters, Chittoor for conducting test of the meter of the representationist. Ex.R2 is**

the xerox copy of the covering letter for forwarding Ex.R3 Meter inspection report addressed to the Assistant Executive Engineer, Rural, Chittoor from the Assistant Engineer, CT Meters III, Chittoor.

17. Therefore, there remain short points whether the removal of lead lock was done by the department without the knowledge of the representationist?, whether lead lock removal is legal? and whether the issue of bill under the original of Ex.A2 is illegal or erroneous?.

18. It is the version of the respondents that the blocked lead kVArh was unblocked on 30.06.2022 pursuant to the directions of the Hon'ble APERC in its Tariff order for the year 2019-20 at para No.398 at page No.247 under Chapter-IX.

19. The direction for change in the software for unblocking of the Leading KVArh in the meter of the LT industrial 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 in Chapter IX, 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 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."

20. It is also contended for the respondents 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 respondents.

21. Thus, it is not a decision taken by the respondents and abruptly unblocked the leading kVArh. Pursuant to the directions of the Hon'ble APERC, the CGM of S.P.D.C.L, in his proceedings under Memo No. CGM/P7MM/DEE.P1/D.No. 506/22, dated 13.04.2022 under the original of Ex.R5, issued instructions for unblocking the blocked kVArh in the existing CT and HT meters.

22. Thus, the publication of these Tariff Orders for the Financial Year 2019-20 itself ought to have put all the HT and LT industrial Consumers on guard to face

the consequences of this unblocking of lead kVArh and to take correctional measures to attain marginal utility of the units of kVArh consumed.

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

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

25. 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 many such government orders. Of course, the people who use to browse at the Government website can notice the same.

26. 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.

27. 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.

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

29. 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.

30. It is not the contention of the representationist that their industry does not fall within the ambit of the said directive from the Hon'ble APERC or the

CGM of APSPDCL. The respondents categorically stated in their written statement/counter itself that the industry of the representationist was attached with **CT operated tri vector meter**. There is no dispute with the said fact. Therefore, application of the directive from the Hon'ble APERC and the consequent instructions from the CMG of APSPDCL is irrefutable.

31. In these circumstances, it cannot but be held that the unblocking of lead kVArh made by the department is not illegal and it was made in pursuance of the instructions given by the CGM of APSPDCL under Ex.R5 which were given for implementation of the directive of the Hon'ble APERC made in the Tariff Orders for the year 2019-20 itself.

32. Further, the contention of the representationist is that the department stealthily unblocked the 'lead kVArh' and recorded the reading in the month of July, 2022.

33. The premises of the representationist is an industry. It is the version of the representative of the representationist that theirs was a small industry with two or three workers. Whatever the number of the employees working in their industry, the industry premises cannot be expected to be left unguarded and unlocked. Therefore, the departmental officials cannot gain access into the industry without the knowledge and permission of the guard even if the industry was not functioning and if the industry was functioning it could be to the knowledge of one and all. Further, unlocking the lead lock does not mean to unlock a metal lock with a key and it is change of the software in the meter for unblocking the blocked lead kVArh by use of such software instrumentation.

34. Therefore, the contention of the representationist that the lead lock was removed stealthily by the department without their knowledge is improbable and implausible.

35. It is the contention of the respondents that blocked lead kVArh was unblocked on 30.06.2022 by the Dy.EE/CT/Chittoor and guided the consumer representative to provide adequate capacitors.

36. Therefore, the contention of the representationist that the authorities stealthily unblocked the lead kVArh and recorded the consumption in their absence and without their knowledge is incredulous.

37. In fact, under Section 163 of the Electricity Act and clause 6 of GTCS, the authority and competency of the authorities of the department to have access to the premises and apparatus are enshrined, and in fact, it is the obligation of

the consumer to provide such facility to the authorities for their access and performance. When such is the case, there is no need to the authorities to make a stealthy gain into the premises of the consumer to unblock the blocked lead kVArh in the meter software, and as such this contention of the representationist is implausible.

38. Therefore, this contention that the representationist that she was not informed of the unblocking of 'Lead kVArh' and it was done stealthily withers to the ground.

39. In fact, unblocking of 'Lead kVArh' itself does not result in the hike in the bills. When the consumer is unable to maintain the Power Factor in unity, it results in hike in the consumption of kVArh leading to a bill for higher amount.

40. It is the contention of the respondents that during the inspection of the said service, it was observed that the high reactive power consumption was due to over compensation of reactive power by installing more capacitors to the load than the required number resulting in high kVAh consumption.

41. However, there is no material placed on record by the respondents as regards use of more number of capacitors by the representationist. And there is no answer from the representative of the representationist to this contention made by the respondents.

42. No doubt, consequent upon unblocking of 'blocked lead kVArh' results in recording of higher kVArh in the absence of maintaining the Power Factor at '1' or not below the level of 0.95 for the lead and lag. Further the entire power received at the end of consumer would not be utilized by the machinery. That is the difference between the 'power at demand' and 'the actual power utilized' by the machinery. Thus, it results in wastage of the power received at the end of the consumer. Therefore, the consumer is obligated under GTCS and also Tariff orders to maintain the power factor not below '0.95' lead and lag. When the power factor is maintained at '1' which is also known as unity, the maximum power received at the end of consumer would be under utilization by the machinery of the consumer.

43. During the month of July and August, the power factor as maintained by the representationist was drastically low at 0.04 and 0.06 respectively as is evident from Ex.R4 statement of the details of meter readings of kWh, kVArh, consumption charges, fixed charges and the power factor maintained during those months etcetera. The representationist also filed Ex.A3 statement of the

details of the consumption of power but it lacks the details of the kVArh reading during the relevant month of July,2022.

44. It is true that as pleaded, the representationist maintained the power factor at '1' or not below 0.99 from January, 2021 up to May,2022 as seen from Ex.R4. But, from the month of September, 2022, it appears, the Power Factor is being maintained between 0.81 to 0.84 only but not at the desired rate of 0.95 lead or lag. Maintenance of the power factor either prior to or after the relevant month does not cut the ice. Thus, as stated supra, it is the duty of the consumer to arrest the wastage and utilize the best of the power received.

45. Thus, it is the duty of the consumer to gain the marginal utility of the power received. Further, it is not a case that the representationist was unaware of maintenance of power factor. Simply, they could not adopt to the situation. May be true, as contended by the department, the representationist could not maintain the power factor since they used of more number of capacitors rather than the required.

46. In fact, under the Tariff orders for the Financial year 2019-20 at para No.6.9 at page No.302, under the Tariff Orders for the Financial year 2020-21 at para 6.9 of Chapter-X at page 230 of 361, under Tariff orders for the year 2021-22 at para 6.9 of Chapter-X at Page Nos.226 and 227 of 418 and under 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.

47. 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"

48. Therefore, this rule though meant for the HT consumers, it is evident from the said rule that where the meters arranged are capable of measuring both active and reactive power, the consumers shall have to maintain the power factor in unity i.e., at '1' or at least not below '0.95' lead and lag in their own interest. Thus, the consumers having CT and HT meters are obligated to maintain the Power Factor at 0.95 Lag and Lead to arrest the wastage of power received.

49. In the absence of kVArh, the difference in the kWh consumption was only at 300 units for the month of July, 2022 but because of addition of the difference in the kVArh at 7433 units, there was such hike in the bill given to the representationist for the month of July. There can be no dispute with this fact also.

50. 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 but the same could not be achieved by the representationist.

51. 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 by the consumer not below the level of 0.95 lead and lag as ordained in the GTCS for over a period of 3 months despite willingness of any consumer to pay the charges and penalty to be imposed there for.

52. Further, the condition No.4 of the agreement to be entered by every LT III consumer as prescribed under Appendix IA 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."

53. 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.

54. For the reasons stated supra, there does not appear any illegality in the bill issued under the original of Ex.A2 for the units recorded under kVArh and kWh as is laid down under Tariff orders and other Rules.

55. 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 bill for the month of July,2022.

56. 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 despite there being no error or illegality.

57. 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.

58. Therefore, the request for waiver of such alleged excess amount in the bill for the month of July, 2022 in the absence of any illegality in its imposition is not within the province of this Vidyut Ombudsman.

59. Discretion is the discernment of the judge. There lies no injudicious discretion in the Vidyut Ombudsman to cause reduction or waiver of any bill.

60. In the absence of any such regulation or rule to waive the alleged excess amount in the bill 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 month of July, 2022. The representationist expressed unequivocally their inability to pay the amount demanded under Ex.A2.

61. There is no request for grant of installments. The department authorized officer is competent to grant installments as contemplated under clause 4.6 and 4.6.1 of (Electricity Supply Code) Regulation,2004, of course on payment of interest. A direction for grant of such installments to the authority designated in case of any application from the representationist appears to be a necessity in the circumstances of this case.

62. This point is accordingly answered against the representationist. .

POINT No.ii: Relief:

63. In view of my finding on point No. i, this representation entails in dismissal. However, I am of the considered view that the authority designated under the said regulation can be directed to grant such installments under clause 6.1 of the said regulation, for payment of the bill under Ex.B2 in case of any application from the representationist, in the circumstances of this case. The representationist contended to have paid a sum of Rs.10,000/- at the direction of the CGRF while granting interim order for reconnection of power supply. Therefore, it is not inapposite to make it clear that the respondents should give credit of the said amount of Rs.10,000/- towards the due under Ex.B2 if not already given.

64. This point is accordingly answered.

Result:

65. In the result, this representation is dismissed and both the parties shall bear their own costs. However, in case of any request from the representationist, the authority designated under the Regulation, 2004 shall consider to grant installments to the representationist under clause 6.1 of the said regulation for payment of the amount covered by the bill under the original of Ex.A2, in the circumstances of the case. Further, the respondents shall also give credit of the amount of Rs.10,000/- said to have been paid pursuant to the direction of the CGRF under interim order, towards the due under Ex.B2 if not already given. The interlocutory application in I.A.No.24 of 2022-23 stands closed as infructuous since this main application is disposed off.

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

This order is typed, corrected, signed and pronounced by me on this the 16th day of February, 2023.

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

Documents exhibited on behalf of the representationist

Ex.No.	Description of document
A1	Xerox copy of the unregistered lease agreement dated 25 th March, 2022 executed by Sri M. Jayachandra Naidu in favour of the Representationist for making cement bricks in the name of Sri Hari Cement Bricks.
A2	Xerox copy of the electrical consumption bill for the month of July at Rs.58,422/-.

A3	Xerox copy of the statement pertaining to the details of the electrical consumption bills for the months from December, 2020 to December, 2022.
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Documents exhibited on behalf of the respondents

R1	Xerox copy of the letter dated 26.08.2022 addressed by the Assistant Executive Engineer Chittoor to the Deputy Executive Engineer CT Meters, Chittoor in connection with forwarding of the letter from the Consumer for meter testing.
R2	Xerox copy of the letter dated 26.08.2022 addressed by the Assistant Engineer, CT Meters III, Chittoor to the Assistant Executive Engineer, Rural, Chittoor in connection with forwarding of meter testing report.
R3	Xerox copy of Meter testing Report dated 26.08.2022 for service connection under LT SC. No. 5113213002436 belonging to the representationist.
R4	Xerox copy of the Detailed statement relating to the service connection bearing No. No.5113213002436 as regards, consumption, consumption charges, fixed charges, Power Factor etcetera.
R5	Xerox copy Proceedings issued by the APSPDCL under Memo No. CGM/P&MM/DEE.P1/D.No.506/22, dated 13.04.2022 giving instructions for unblocking the blocked kVARh in the existing meters also pursuant to the directions from Hon'ble APERC

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

Copy to

1. Smt M.Snehalatha C/o M/s Srihari Cement Bricks, 1-33/1, Pantrampalli, Chittoor District.
2. Assistant Accounts Officer/ERO/Chittoor Town
3. Deputy Executive Engineer/Rural-3/Chittoor
4. Executive Engineer/O/Chittoor Dt.

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, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004