

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

:: Present ::

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

Date: 29-06-2019

Appeal No. 4 of 2019-20

Between

Sri K.Venkata Ramana, C/o. M/S Lakshmi Venkateswara Stone Crushers,
Mekalavaripalli, CTM(M), Chittoor Dist-517370.

...Appellant/Complainant

And

1. The Assistant Divisional Engineer/Madanapalli(R)
2. The SAO/Tirupathi
3. The SE/Tirupathi

....Respondents

The above appeal- representation has come up for final hearing before the Vidyut Ombudsman on 20th-JUNE-2019 at Tirupathi. The nominated representative of the complainant, as well as the respondents except the first respondent above, was present. Having considered the appeal-representation and the submissions made by the above persons present, the Vidyut Ombudsman passed the following:

1.This appeal has been preferred by the appellant-complainant against the order dated.19-03-2019 in C.G.No:343/2017-18/Tirupathi circle, passed by the Forum for Redressal of Consumer Grievances in Southern Power Distribution Company of A.P Limited, Tirupathi, whereby and where-under the above Forum dismissed the complaint

holding that the pleading of the complainant to revise the cc bills from July,2016 to July,2017 is not tenable since the manufacturer of the meter has categorically found that high voltage occurred on 5.7.2017 and as such, the meter is considered to be faulty with effect from 5.7.2017 only and that therefore, the revision of bills made by the respondents is reasonable and directing the respondents to refund Rs.5000/-paid by the complainant towards the meter testing charges by way of adjustment in the future bills.

2. Consumer is a firm, M/S.Lakshmi Venkateswara Stone Crushers, Mekalavaripalli, CTM(M),Chittoor District, and a partner of it filed the present complaint. The electricity service connection number.TPT 2037 under H.T.Category-1 with a connected and contracted load of 98 KVA in the name of the above firm was provided by the Distribution company, on 14.5.2014. Complaint alleges that it is observed that the RMD(Recorded Maximum Demand) was shooting up from February,2017 gradually resulting KVAH boost up and as the cc (current consumption) bills were abnormal from February, 2017 onwards, a representation was made for checking the correctness of the meter by duly paying the prescribed fee, that an employee of the Company came to the above premises, observed the meter and replaced the existing meter by a new meter, on 28.7.2017, that the meter was not sent to the MRT laboratory and no test was conducted in the presence of the consumer at the MRT laboratory as per the General Terms Conditions of Supply (GTCS), that the amount paid for testing the meter was not refunded, that the second respondent informed that the CC bills from February, 2017 to July, 2017 were revised and an amount of Rs.8,95,184 .64 paisa was withdrawn and

that as per the calculation of the consumer, Rs.12,40,798/- is to be withdrawn as per the GTCS and the excess amount collected from the consumer is to be refunded with interest as per the Electricity Supply Code. Therefore, it is prayed to pass necessary orders to revise the bills from February, 2017 to July, 2017 and do justice.

3. The third respondent filed his response stating that ADE/ HT Meters-2 Chittoor inspected the service connection of the complainant on 28-07-2017 and found that the existing meter was defective recording abnormal demand and replaced the defective meter by a new meter the same day, that the removed meter was sent to manufacturing company for testing, that after the complainant made a representation dated 4-8-2017 to withdraw wrong MD recorded in the HT meter for the period from February, 2017 to July 2017, the first respondent submitted a report to withdraw the wrong MD recorded in the meter taking average MD of 107.06 KVA, that the ADE/HT/Meters informed that the meter manufacturing company reported the meter internal firmware was corrupted due to high voltage fault occurred on 5.7.2017 and caused meter fault, and that though the meter manufacturer reported that the meter is defective from 5-7-2017, the first respondent submitted to revise the bills from 2017 onwards and as such, the bills from February, 2017 to July, 2017 were revised along with surcharge, on the basis of the recommendation of the first respondent, withdrawing an amount of Rs.- 8,95,184 vide RJ no 40/12-2017. The third respondent filed an additional response stating that the periodical testing of the HT meter in this case was done on 18.2.2017 in the presence of the consumer by AE/HT meters wherein it was declared that the meter functioning is healthy and found

that the error is within permissible limits, and as such, the claim of the complainant as to the average energy from July,2016 to July,2017 has no merit even as per the provisions of the GTCS, that the RMD of the consumer reached to 127.2 KVA in the month of May,2018,that the consumer also applied for additional load of 22 KVA and the additional load was regularized with effect from 3.7.2018 and that therefore, the average MD assumed by the consumer is not correct and the complaint is liable to be dismissed.

4.No oral or documentary evidence was adduced before the forum. After considering the material available on record, the Forum passed the order as stated supra. Now, the complainant preferred this appeal-representation.

5. Heard both sides and perused the written submissions submitted on behalf of both parties. The main objection of the complainant is against the accuracy of the meter, but, the respondents tried to solve the objection of the complainant by taking the average of the RMD for three months and by revising cc bills. We have to look into whether the above method adopted by the respondents is correct or not? The method adopted does not appear to me to be correct.

6.The following point is framed for consideration:

Whether the representation can be upheld?

7.Point:The submission on behalf of the respondents that the AE/HT Meters, Chittoor did the periodical testing of the meter in question on

18.2.2017 in the presence of consumer and declared that the meter functioning was healthy and the error in the meter is within permissible limits is not much helpful as the said test does not necessarily lead to a conclusion that the meter was not defective subsequent to 18.2.2017. The next submission on behalf of the respondents that as per the report of the meter manufacturer, the meter was defective from only 5.7.2017, has no merit because the report of the meter manufacturer has no probative value and because the procedure in respect of defective meters laid down under the clause 7.5.1 of the GTCS-2006 is not adopted by the respondents. In this case, the consumer submitted an application along with required fees to have a special test of the meter as per the clause 7.3.3 of the GTCS. The alleged defective meter is supposed to be sent to the MRT laboratory for testing after replacement with a correct meter, as per the clause 7.5.1.2 of the GTCS. But, in this case, the above meter was sent to the meter manufacturer instead of being sent to the MRT laboratory for testing. The prescribed procedure with respect to defective meters is not followed in this case. The respondents did not show me any provision of law authorizing them to send the disputed defective meter to the manufacturer of it to test the correctness or otherwise of it. There is no reliable material to say that the meter was defective or not, between 19.2.2017 and 5.7.2017. The contention on behalf of the complainant that the meter was defective from June, 2016 onwards and as such, the bills are to be revised from July, 2016 onwards does not merit as the relief sought for, in the pleading of the complainant, is to revise the bills from only February, 2017 to July, 2017 and as the relief beyond the pleading is neither proper nor permissible. I also hold

that the above submission is an afterthought.

8.In this case, the average RMD for the months of July,2016 to September,2016 is taken into consideration for revising the bills from February,2017 to July,2017. The respondents did not show me any provision of law that the above guideline as to taking the average of the RMD is to be followed in the present facts of this case. I also did not find any such guideline to be followed in this case, as per the GTCS. The clause 7.5.1.4 of the GTCS says as to the guidelines to be followed for computation of the assessed units when meter is found to be defective. The accuracy of the meter is to be tested by the MRT laboratory, but that is not done in this case. There is no dispute that the complete procedure laid down under the above clause is not followed in this case. Unless the alleged defective meter is tested by the MRT laboratory and unless the testing report from the MRT laboratory is obtained and is available on record, it will not be possible to say that the complainant is entitled to any relief or not, in this case. The procedure adopted by the respondents cannot be easily approved. The Forum, without considering the above aspect, dismissed the complaint. In my view, the order of the Forum is incorrect and it is liable to be set aside and this representation is to be upheld. I am inclined, in the present facts of this case, to direct the respondents to see the meter in question is sent to the MRT laboratory for testing, as per the clause 7.5.1.2 of the GTCS. This point is thus answered.

9.In the result, I allow the appeal-representation, set aside the order of

the Forum and direct the respondents to see the meter in question is sent to the MRT laboratory for testing, as per the clause 7.5.1.2 of the GTCS, within 15 days from the date of receipt of this order. The respondents shall obtain the report from the MRT laboratory and follow the guidelines given in the GTCS if it is found that the meter is defective. It is needless to mention that the respondents cannot alter its revision of bills in favour of the complainant withdrawing an amount of Rs.8,995,185/- even if it is ultimately found that the meter is not defective. The representation-appeal is, thus, disposed of. No costs.

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

This order is corrected and signed On 29th June, 2019.

s/d-N.Basavaiah

VIDYUT OMBUDSMAN

- 1. Sri K.Venkata Ramana, C/o. M/S Lakshmi Venkateswara Stone Crushers, Mekalavaripalli, CTM(M), Chitttoor Dist-517370.**
- 2. Assistant Divisional Engineer/O/Madanapalli(R) Tirupathi.APSPDCL.**
- 3. Senior Accounts Officer/O/Tirupathi/APSPDCL.**
- 4. Superintending Engineer/O/Tirupathi/APSPDCL.**

Copy To:

5. The Chairman, C.G.R.F., APSPDCL, 19/13/65/A, Srinivasapuram,
Near 132 kV Substation, Tiruchanoor Road, Tirupati - 517 503
6. The Secretary, APERC, 11-4-660, 4th Floor, Singareni Bhavan,
Red Hills, Hyderabad - 500 004.