



**BEFORE THE VIDYUT OMBUDSMAN  
Andhra Pradesh & Telangana**

:: Present ::

**C. Ramakrishna**

Date: 27-09-2014

**Appeal No. 25 of 2014**

Between

Sri. V. Satyanarayana, D. No. 13/341, Vedula Bazar, Proddatur Post and  
Mandal, Kadapa District 516 360.

**... Appellant**

**And**

1. The Asst. Accounts Officer, ERO, Town, APSPDCL, Proddatur.
2. The Asst. Engineer, Operation, East, APSPDCL, Proddatur.
3. The Asst. Divisional Engineer, Operation, Town, APSPDCL, Proddatur.
4. The Divisional Engineer, Operation, APSPDCL, Proddatur.
5. The Senior Accounts Officer, Operation, APSPDCL, Kadapa

**... Respondents**

The above appeal filed on 30-05-2014 has come up for final hearing before the Vidyut Ombudsman on 25-09-2014 at Tirupathi. The appellant as well as respondents 1 to 3 above were present. Having considered the appeal, the written and oral submissions made by the appellant and the respondents, the Vidyut Ombudsman passed the following:

## AWARD

2. The appeal arose out of the grievance of the appellant that the respondents have charged him excess bills due to a faulty meter and that without testing the meter in spite of his paying the challenge fees, they have simply removed the meter elsewhere and have caused grievous loss to his cause.

3. The appellant stated in his appeal he is not satisfied with the order given by the CGRF; that in spite of his applying for testing of the CT meter, the respondents have not got the meter tested; that when they replaced the LT TVR meter with a single phase meter, there was delay which resulted in loss to him. The consumer has a contracted load of 15 kW in LT Category II. The consumer premises is a functional hall. An LT TVR meter was fixed in the consumer's premises on 16-02-2012. The consumer has a feeling that the meter is having problems from the day of installation as the power factor is not showing 1. He came to this conclusion out of his observation that the kWh units and kVAH units recorded by the meter are not equal because the power factor of the meter is always showing below 1. The respondents advised the appellant that the power factor will improve when he installs capacitors. Accordingly, in the month of July, 2012 the appellant installed capacitors in his premises. That he has got capacitors installed was not informed to the respondents. The meter recorded unity power factor in the billing months of September, October and November, 2012. From the billing month of December, 2012 again the meter started showing power factor below 1. The appellant says that this recording of the low power factor is

because the meter is faulty. Hence on 15-03-2013, he had paid challenge fees to have the meter tested. The CT meters wing officers who came to inspect the meter informed him that the meter can't be tested unless he provides full load in the premises. Because, he was not having sufficient load, the appellant applied for load reduction which was sanctioned in the month of July, 2013. Consequent to this deration, the respondents replaced the LT TVR meter with a single phase meter in the month of October, 2013. This delay in fixing a single phase meter had caused him financial loss as he had to pay excess charges for two months. It is the contention of the appellant that this whole saga of not rectifying a faulty meter resulted in his paying for 1133 units extra than what he is otherwise liable to pay. He filed a statement to that effect showing the difference between the kVAH and kWh units recorded in his service and wanted that charges for 1133 units be waived.

4. The respondents were issued a notice for hearing the appeal. The respondent ADE stated in his written submission that on the consumer's representation, the load of the consumer was derated from 15 kW to 4 kW vide their sanction letter dated 11.07.2013 and that the CT meter was replaced with a single phase meter on 02-10-2013; and that after replacing the CT meter, the same meter is issued directly to another new service on 09-12-2013 where it has been functioning without any problem. During the course of the hearings, the respondents further submitted that the meter showing a unity power factor will depend on the consumer maintaining proper load along with good capacitors in working condition; the fact that the consumer failed to provide for full load is what had caused the delay in having the meter tested at his premises; that by the time they informed him of the reason for not being able to have the CT meter tested at his premises, the

consumer decided to go in for load reduction; that because of this fact, they had thought that there is no further point in having the meter tested and accordingly went ahead and replaced the meter with a single phase meter. They further contended that it is the consumer's responsibility to ensure that capacitors of adequate capacity are installed in his premises. Had he done that, he would not have faced this problem at all is their contention. The very fact that the meter had shown unity power factor continuously for three months and thereafter started showing power factor below unity shows that the capacitors of the consumer have failed functioning properly.

5. The written and oral submissions have been gone into in detail. There are two issues that need to be decided in this appeal. They are:

- a. Whether or not the appellant's contention that he was made to pay for 1133 units in excess is tenable.
- b. Whether or not the appellant's contention that he had suffered pecuniary loss because of the delay in fixing up single phase meter consequent to the deration of his contracted demand, is tenable.

6. The service has been released on 30-06-2002. The service was fixed with a CT meter in the month of February, 2012. The power factor recorded by the meter during the months of March, 2012 to August, 2012, except for the month of May was 0.91, 0.81, 0.54, 0.89 and 0.96. For the month of May, 2012 the power factor reading was not noted in the records. The appellant contends that the meter is faulty and the fact that the power factor readings are below unity shows that the kVAH units recorded are not correct and he should not be required to pay for the kVAH units and instead should be

billed only on kWh basis. It cannot be conclusively stated that the meter is faulty for the simple reason that the same meter, after its relocation elsewhere, is not found faulty or complained against. Moreover, without the meter being tested it cannot be said that the meter is faulty. When enquired as to why the meter was not tested in spite of the consumer challenging it, the respondents stated that it was not tested because the consumer has not paid the full challenge fee. The consumer says that it is for the DISCOM to demand and ask for the full fee and instead what it has asked for was paid by him. It appears that the CT meter challenge fee is Rs. 2,000/- but the DISCOM has collected only an amount of Rs. 300/- initially and found that it had erred. For this, they have not gone ahead with the testing of the meter. The other piquant situation the respondents faced was that the consumer's premises was not having full load to test a CT meter on the premises. So, it had to be removed to the lab and tested there with proper load. As they did not collect the full challenge fee, they could not remove it to the lab for testing purpose. In the meantime, having seen that he is unnecessarily being logged with huge bills, the consumer opted for deration of his contracted load. Having seen that the consumer asked for a deration of the load, the respondents felt that anyway as the CT meter has to be replaced with a single phase meter, there is no point in having the meter tested. This is where they have committed an error. It is the duty of the DISCOM to inform the full challenge fees to the consumer. They have not done this and as a result, the consumer had paid only Rs. 300/- as challenge fees. This is not his fault. As the consumer's grievance about the meter being faulty was not been tested to his satisfaction, the DISCOM has to bear the consequences of this non-testing. The consumer showed with calculations that he was made to pay for 1133 excess units during the period in question. The respondents, on the

other hand said that the consumer had been billed extra units of 854 only, that too on account of his capacitors not functioning properly for the period 12/2012 to 03/2013. The respondents do not have any inspection report to back up their claim to say that the capacitors of the consumer have not been functioning properly. Without an inspection being conducted, their assertion that they are not working properly is not tenable. Hence, the consumer's contention that he was made to pay for 1133 units extra during the period February, 2012 to February, 2013 is upheld.

7. Now let us turn to the second contention of the appellant. The appellant contends that the delay in the substitution of the CT Meter with a single phase meter consequent to load deration has resulted in his paying an excess amount of Rs. 1235/- towards higher fixed and energy charges for the months of August and September. That the load of the consumer is derated from 15 kW to 4 kW was communicated by the ADE on 11-07-2013. Consequent to this deration, it is the responsibility of the respondents to ensure that a single phase meter is fixed in the premises. But the respondents have not substituted the CT meter with a single phase meter till 02-10-2013. For the fault of the respondents, the appellant had to bear excess charges. Thereby, the consumer had to pay an excess of Rs. 1100/- towards fixed charges and Rs. 135/- towards energy charges for two months. Therefore, this point also is held in favour of the appellant.

8. Therefore, it is hereby ordered that:

- the respondents shall waive off charges for 1133 units for the consumer, pass a journal entry to that effect and adjust the amount in the future bills of the consumer;

- the respondents also shall credit the account of the consumer with an amount of Rs. 1235/- for adjustment in future bills of the consumer; and
- submit compliance report to this authority within 15 days from the date of receipt of this order.

9. This order is corrected and signed on this 27<sup>th</sup> day of September, 2014.

### **VIDYUT OMBUDSMAN**

#### **To**

1. Sri. V. Satyanarayana, D. No. 13/341, Vedula Bazar, Proddatur Post and Mandal, Kadapa District 516 360.
2. The Asst. Accounts Officer, ERO, Town, APSPDCL, Proddatur.
3. The Asst. Engineer, Operation, East, APSPDCL, Proddatur.
4. The Asst. Divisional Engineer, Operation, Town, APSPDCL, Proddatur.
5. The Divisional Engineer, Operation, APSPDCL, Proddatur.
6. The Senior Accounts Officer, Operation, APSPDCL, Kadapa

#### **Copy to:**

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