

VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

5th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004

Present: R. Damodar

Date: 04-04-2015

Appeal No.4 of 2015

Between

Sri. T. Ratnakar, Manager,
M/s. Srinivasa Poultry Farm,
Theegalaguttapally (V), Karimnagar Dist

..... Appellant / Complainant

AND

1. The AE/Operation/Karimnagar, TSNPDCL
2. The AAO/ERO/Rural/Karimnagar, TSNPDCL
3. The ADE/Operation/Karimnagar, TSNPDCL
4. The DE/Operation/Karimnagar, TSNPDCL
5. The SE/Operation/Karimnagar, TSNPDCL

..... Respondents

AWARD

Appearance for Appellant/Complainant:

Sri V.Jagapathi Rao, the authorized representative and husband of the Appellant/Complainant.

Appearance for Respondents:

1. Sri. Narender, AE/Operation/Rural East, Karimnagar
2. Sri. Praveen Kumar, ADE/Operation, Karimnagar
3. Sri. Gangadharam, DE/Operation, Karimnagar

2. This is an appeal preferred under Section 42 (6) of the Electricity Act 2003. The facts leading to the present appeal are as follows:

3. The Appellant/Complainant has Service Connection No.(Old) 1101-09156 under category II (B). This was converted to (new) Service Connection No.2220-02530 Category II at Teegalaguttapally, Karimnagar. The Appellant/Complainant used to get an average bill of about Rs.45,000/- per month. The respondents gave a bill for Rs.17,83,518/- (Rupees Seventeen Lakhs Eighty Three Thousand Five hundred and eighteen only) for 9 months up to September 2014 and gave a separate bill for October, 2014 for Rs.2 lakhs (Rupees Two Lakhs only). On representation by the Appellant/Complainant, the respondents had reduced the bill by about Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only). There were abnormal bills. There was a threat of disconnection. On complaint to the above effect; Consumer Grievance No. 412/2014 of Karimnagar was registered by the CGRF.

4. M/s.Srinivasa poultry is defunct since 10 yrs. There are three separate units

- a) M/s.Pushpanjali Country Resort under the Tourism Department,
- b) M/s. Pochampadu Cement Pipes
- c) Shape Shoppe Healthcare Unit in the premises.

5. In spite of request, no action has been taken by the respondents to carry out change of units under the service connection. Highest tariff Rs.9.13 is being charged, which is a mistake. Why reading of only 9 months is showing above 23,000 units per month and whereas, the figures for earlier three years had shown 100% less units, and it shows that excess billing was done. After considering the above submissions, the Appellant/Complainant may be allowed to pay not more than 50,000 units P.M. (as mentioned in the reply) without any additional charges that too-in 24 monthly installments. From 17th November, 2014 for 52 days, the total consumption recorded was 11,397 units - with an average of 219 units per day recorded by the distribution company, which may also be noted.

6. There are grave mistakes, high handedness, cost variation, repetition of paid bills, wrong billing and HT rates applied for LT connection. The penalties and surcharges have to be withdrawn. The compound interest, surcharge, penal

interest should be dropped, CGRF has not given hearing to the Appellant/Complainant.

7. The CGRF, TSNPDCL, WARANGAL had examined the matter and after getting reports from the AAO/ERO/ Rural/Karimnagar, the AAE/OP/Rural/Karimnagar and the ADE/OP/Rural/Karimnagar, came to the conclusion through the impugned orders to the following effect:

- a. CT meter was tested by ADE/CT meters/Karimnagar on 15-11-2014 in the presence of representative of the consumer who found it satisfactory.
- b. The discrepancy in the bill occurred due to inclusion of outstanding arrears on old SC no. 110109156 at the end of the Assistant Accounts Officer/ERO/Town/Karimnagar.
- c. The billing was done (for 9 months) by taking average units per month, and
- d. Since the meter was working fine, it recorded correct consumption and the Appellant/Complainant is therefore liable to pay the total bill raised.

8. Aggrieved by the impugned orders, the Appellant/Complainant preferred the present appeal raising several grounds among the following:

The respondents raised huge bills without any basis, irrationally, on mere assumptions, fictitious consumption figures, arithmetical errors, wrong billing and recasting bills without the knowledge of the consumer. They have obtained the impugned decision exparte, without the knowledge of the consumer. There is no rational basis for showing total units for 8 months as 1,91,179 (average 23,897 units p.m.) and subsequent correction and reduction in the dues from Rs.20 lakhs to Rs.14 Lakhs. The Penalties and surcharges have to be withdrawn, consumption unit calculation should be based on the previous consumption figures for 3 yrs i.e. 2011, 2012, 2013 and not on fictitious averages. If this is done, the average power consumption would be no more than 3000 units per month, but not 10,000 units per month. Based on these average figures, the Appellant/Complainant should be permitted to pay the dues in 24 equal monthly installments. The government rebate / concessional tariff should be reimbursed by the respondents. The Compound or any interest being claimed should be dropped.

9. The respondents are charging the bill in the name of a fake firm named M/s. Srinivasa Poultry farm which is defunct and non-existent since the last 10 yrs. The Appellant / Complainant gave three letters for change of name of the consumer, which was not carried out. The respondents have indulged in overpricing, over billing, repetitive billing, imposing unjust penalties which should be cancelled. The unit became sick; its promoters are aged more than 80 yrs and sick.

10. The DE/OP/Karimnagar submitted reply stating that CE bills are being issued as per the units consumed by the consumer and hence there is no loss to the consumer. No HT rates are being applied to the consumer as the service is under LT category II (B). The following is the month wise reading and bills issued to the consumer from August 2008 onwards:-

Month	Category	Status	Opening Reading (kWh)	Closing Reading (kWh)	Units (kWh)	Opening Reading (kVAH)	Closing Reading (kVAH)	Units (kVAH)	CMD
August-08	2	1	351081	354444	3363				20979.00
September-08	2	1	354444	357705	3261				20507.00
October-08	2	1	357705	361084	3379				21304.00
November-08	2	1	361084	362693	1609				10314.00
December-08	2	1	362693	363531	838				5206.00
January-09	2	1	363531	364456	925				5693.00
February-09	2	1	364456	365952	1496				9267.00
March-09	2	1	365952	367689	1737				10776.00
April-09	2	1	367689	370395	2706				16842.00
May-09	2	1	370395	373486	3091				19252.00
June-09	2	1	373486	374512	1026				6341.00
July-09	2	1	374512	375076	564				3464.00
August-09	2	1	375076	375422	346				2069.00
September-09	2	1	375422	375917	495				3008.00
October-09	2	1	375917	376448	531				3265.00
November-09	2	1	376448	376911	463				2808.00
December-09	2	1	376911	377260	349				2467.00
January-10	2	1	377260	377578	318				2143.00
February-10	2	1	377578	378206	628				4407.00
March-10	2	1	378206	378836	630				4198.00
April-10	2	1	378836	379736	900				5791.00
May-10	2	1	379736	381199	1463				9572.00
June-10	2	1	381199	386879	5680				35986.00
July-10	2	1	386879	389818	2939				18374.00
August-10	2	1	389818	392202	2384				15925.00
September-10	2	1	392202	394463	2261				15260.00
October-10	2	1	394463	397061	2598				18770.00

Month	Category	Status	Opening Reading (kWh)	Closing Reading (kWh)	Units (kWh)	Opening Reading (kVAH)	Closing Reading (kVAH)	Units (kVAH)	CMD	
November-10	2	1	397061	399499	2438				17779.00	
December-10	2	1	399499	401612	2113				15659.00	
January-11	2	1	401612	403671	2059				17698.00	
February-11	2	1	403671	405685	2014				15440.00	
March-11	2	1	405685	407841	2156				15598.00	
April-11	2	1	407841	410552	2711				19012.00	
May-11	2	1	410552	413586	3034	468055	471405	3350	22614.00	
June-11	2	1	413586	417888	4302	471405	476197	4792	29209.00	
July-11	2	1	417888	420964	3076	476197	479725	3528	23396.00	
August-11	2	1	420964	425177	4213	479725	484373	4648	31826.00	
September-11	2	1	425177	427789	2612	484373	487282	2909	18547.00	
October-11	2	1	427789	427789	0	484373	487282	2909	0.00	
November-11	2	1	427789	434381	6592	487282	494748	7466	49232.00	
December-11	2	1	434381	438097	3716	494748	498994	4246	27812.00	
January-12	2	1	438097	441299	3202	498994	502642	3648	23797.00	
February-12	2	1	441299	444722	3423	502642	506516	3874	25339.00	
March-12	2	1	444722	450638	5916	506516	518033	11517	75159.00	
April-12	2	1	450638	455187	4549	518033	518277	244	31951.00	
May-12	2	1	455187	459715	4528	518277	523501	5224	38219.00	
June-12	2	1	459715	466478	6763	523501	531346	7845	56366.00	
July-12	2	1	466478	470324	3846	531346	535603	4257	31961.00	
August-12	2	1	470324	472403	2079	535603	537935	2332	18412.00	
September-12	2	1	472403	474707	2304	537935	540502	2567	19144.00	
October-12	2	1	474707	476230	1523	540502	542201	1699	13421.00	
November-12	2	1	476230	478273	2043	542201	544430	2229	23033.00	
December-12	2	1	478273	481466	3193	544430	547954	3524	32830.00	
January-13	2	1	481466	485522	4056	547954	552280	4326	41186.00	
February-13	2	1	485522	487738	2216	552280	554702	2422	19299.00	
March-13	2	1	487738	491453	3715	554702	558725	4023	30364.00	
April-13	2	1	491453	495815	4362	558725	563387	4662	43233.00	
May-13	2	1	495815	502331	6516	563387	570298	6911	67824.00	
June-13	2	1	502331	510015	7684	570298	578472	8174	80346.00	
July-13	2	1	510015	512712	2697	578472	581387	2915	32456.00	
August-13	2	1	512712	515926	3214	581387	584919	3532	39620.00	
September-13	2	1	515926	518360	2434	584919	587660	2741	32301.00	
October-13	2	1	518360	520885	2525	587660	590453	2793	31788.00	
November-13	2	1	520885	525714	4829	590453	595823	5370	55901.00	
December-13	2	1	525714	536643	10929	595823	607986	12163	119334.00	
January-14	2	99 (*)	536643	547589	10946	607986	620418	12432	120386.00	
February-14	2	99	Service under Bill stop (due to transfer of service from Town-I section Karimnagar) but utilizing supply and bills not raised.							0.00
March-14	2	99								0.00
April-14	2	99								0.00
May-14	2	99								0.00
June-14	2	99								0.00
July-14	2	99								0.00
August-14	2	99								0.00

Month	Category	Status	Opening Reading (kWh)	Closing Reading (kWh)	Units (kWh)	Opening Reading (kVAH)	Closing Reading (kVAH)	Units (kVAH)	CMD
September-14	2	1	547589	654825	107236	620418	738768	118350	1118608.00
October-14	2	1	654825	660202	5377	738768	744944	6176	79613.00
November-14	2	1	660202	667862	7660	744944	753785	8841	105027.00
December-14	2	1	667862	674799	6937	753785	761832	8047	95276.00
January-15	2	1	674799	681203	6404	761832	769214	7382	91212.00
February-15	2	1	681203	687795	6592	769214	776683	7469	94195.00
March-15	2	1	687795	694554	6759	776683	784288	7605	96689.00

(*) - Billed upto 12-01-2014 and bill stopped in the same month.

Up to 12-01-2014 power consumption is billed and from this bill onwards, no payment has been made by the Appellant/Complainant. In view of the above readings and billing, there are no assumptions and presumptions.

11. From the above it is seen that the bill is stopped in the month of January 2014 with final reading kWh: 547589 and kVAH: 6201418. This service was transferred from ERO/Town/Karimnagar to ERO/Rural/Karimnagar on 26.4.2014 without posting final reading and communicating it to the Appellant/Complainant. The readings of the service is obtained in September 2014 as kWh: 654825 and kVAH: 738768 and billed for kWh units: 107236 and kVAH units:118350 for 8 months.

12. The meter of service connection was tested on 15-11-2014 by ADE/CT Meters-11/Karimnagar in the presence of the representatives of the consumer and the performance of the meter was found satisfactory. Sample MRI data from MRT wing from 10-10-2014 to 14-11-2014 is submitted. Thus there is no question of hypothetical or assumptive billing in the matter. There is no question of arithmetical errors in the bills. The bills were issued as per the norms set down by the APERC for LT category- II(B) tariff.

13. The payment of bill for the service connection was stopped by the Appellant/Complainant in January 2014 with final reading: kWh: 547589, kVAH: 620418. The service has been transferred from ERO/Town/Karimnagar to ERO/Rural/Karimnagar in September 2014. While billing, the wrong kWh initial

reading was taken for both kWh and kVAH billing by ERO/Rural/Karimnagar and a bill was issued for Rs.17,83,518/-. After knowing that the bill was issued with wrong initial reading, a revised bill was issued with correct reading for Rs.12,63,468/- by deleting Rs.6,64,910/- to the consumer, demanding payment as per terms and conditions of GTCS.

14. Only because of transfer of service from ERO/Town/Karimnagar to ERO/Rural/Karimnagar, ERO/Rural has issued a wrong bill for 1,91,179 kVAH units for 8 months by OVERSIGHT, and after discovering the correct initial readings for kWh and kVAH, the consumer was issued a revised bill for 1,18,350 kVAH units for Eight (8) months at an average of 14,794 units per month. Only based on actual readings, the bill has been revised from RS.17,83,518/- to Rs.11,18,608/- plus arrears of Rs.1,20,386.67 Ps of January 2014 and FSA amount of Rs.24,398/81 of march 2014 totaling Rs. 12,63,393/-.

15. The contracted load is 36 KW and the connected load is 99.339 KW. The consumer has issued a Cheque No.879386 dt.11-03-2015 for Rs.2 Lakhs only towards the pending bills from January, 2014.

16. The Assistant Accounts Officer, ERO, Karimnagar filed reply with the following working sheet for bill revision.

SC No. 2220-02530, Cat-II, Load : 36 kW

Calculation	To be billed		Already billed		To be withdrawn	
	kWh	kVAH	kWh	kVAH	kWh	kVAH
F/R 09/2014	654825	738768	654825	738768		
I/R 01/2014	547589	620418	547589	547589		
Consumption	107236	118350	107236	191179		72829

Average units p.m.	14797.00 (kVAH Units)
= 50 * 8 * 6.63	2652.00
= 50 * 8 * 7.38	2652.00
= 200 * 8 * 8.13	13008.00
= 200 * 8 * 8.63	13808.00
= 14294 * 8 * 9.13	104033.76

1076453.76 or 1076454.00

Particulars	Month	Units	EC
Already billed	09/14	191179	1741364.00
To be billed	09/14	118350	1076454.00
To be withdrawn		72829	664910.00

Total bill Rs.17,83,518.00 (-) 6,64,910.00 = 11,18,608.00 + Due Arrears 12/2013 in 01/2014.

For Rs.1,44,785.00 = Rs.12,63,393.00 + RF Rs.75.00

17. There are no arithmetical errors found in the bills. Revised bills were issued for Rs.12,63,393/- plus Reconnection fee Rs.75/- vide bill dt.30-10-2014 which was ordered by CGRF for payment.

8 months consumption as per meter reading was issued as follows:

Opening reading	closing reading	Units	kVAH - Opening reading
547589	654825	1,07,231	547589
654825	660202	5,377	738768

kVAH - closing reading	kVAH unit	RMD	OB
738768	1,91,179	88	0
744944	6176	88	1928303

CMD	cash		CB
1783518	0	1,44,785	19,28,303
79613	0	6,64,910	13,43,006

18. **Settlement by agreement:**

Both parties have been heard. Efforts were made to see that both parties reach an agreement on 13-03-2015 through the process of conciliation and mediation. In view of the extreme positions, no mutually agreeable settlement could be reached. The hearing is continued on merits.

19. Heard both sides.

20. Keeping in view the facts, the allegation of the Appellant/Complainant and replies of the respondents, the following points arise for determination in this matter:-

1. Whether the CGRF erred in not giving a hearing to the Appellant/Complainant before passing orders?
2. Whether there is any dispute about functioning of the meter to the service connection?
3. Whether the previous three years average consumption has to be taken into consideration for billing the present unit disregarding the meter reading?
4. Whether there is any excess billing in this matter?
5. Whether the Appellant/Complainant is not liable to pay surcharge, penalty and interest over the due amount?
6. Whether M/s. Sreenivasa Poultry Farm is a fake unit now, since it became defunct 10 yrs back.
7. What are the units functioning in the premises under the service connection?
8. Whether the service connection had not been transferred from ERO/Town/Karimnagar to ERO/Rural/Karimnagar, the bill would have been normal as per the previous 3 years average as claimed by the Appellant/Complainant?

21. **Point No. 1:**

The representative of the Appellant/Complainant contended that CGRF has not given any personal hearing to the Appellant/Complainant, which worked out hardship and failure of justice. A perusal of the order of CGRF prima-facie discloses that based on the reports of the respondents, the matter was disposed of through the impugned order on 28-11-2014, which supports the contention of the Appellant/Complainant. Apart from this no notice appears to have been given to the Appellant/Complainant about taking up of the Complaint, which appears as unfair and unjustified. CGRF has not discharged its function as a statutory authority diligently.

22. Point No. 2:

Both parties to the dispute are certain that there is nothing wrong with the meter and its recording. The DE/CT/meters/Karimnagar on 15-11-2014 tested the meter in the presence of the representative of the Appellant/Complainant and found it's functioning satisfactory. The representative of the Appellant/Complainant fairly admitted that the meter was found, on testing, working satisfactorily. If this is the position, then the usual consequences would follow.

23. Point No. 3:

The representative of Appellant/Complainant - Sri. V. Jagapathi Rao has contended that the respondents have raised huge and abnormal energy bills, which would cripple the units in question and this position can be rectified by taking the previous three years average consumption, which would show 100% less consumption, and issuing bills accordingly. On the one hand, the Appellant/Complainant is not disputing the functioning of the meter and on the other hand she claims that huge and excess bills were issued. Barring the faux pas regarding the opening reading of the meter when the account was transferred from ERO/town/Karimnagar to ERO/Rural/Karimnagar, there is no instance of the meter or its handlers playing any mischief. Thus merely because there is excessive reading, not because of faulty meter or mishandling, but substantial consumption, it does not entitle the Appellant/Complainant to demand average consumption bill based on previous three years reading. The Appellant/Complainant is thus not entitled to the plea of issue of average consumption bill to the service connection disregarding the actual consumption.

24. Point No.6 & 7:

The representative of the Appellant/Complainant claimed that M/S Srinavas Poultry Farm is a fake identity, it is no more in existence, there are several other entities in the premises with different ownership patterns and relied upon a photocopy of an Affidavit notarized on 05-05-2014 of the Appellant/Complainant Smt. V. Saraladevi stating that M/s. Srinivas Poultry Farm was closed long back and in its place M/s. Pochampadu Cement Pipes was established. Further M/s. Pushpanjali country Resort is also one of the sister concern established in the

same premises. There is no proof that this affidavit was presented anywhere including before the respondents to carry out the change in the names/owners of the premises. The contention of the respondents, that they are not aware of the change in the ownership and the Appellant/Complainant had not applied to them regarding the change in ownership pattern, appears reasonable and believable. There is no proof that the original of this notarized Affidavit dt. 05-05-2014 was ever presented before the Respondents along with an application for change of ownership for the service connection.

25. When the Appellant/Complainant is found vague and evasive regarding the units located in the premises served by the service connection, the respondents obtained photographs of the premises and filed them in this case showing a

- a) Bar and restaurant
- b) Centralized AC function hall
- c) Non AC function hall
- d) M/s. Pushpanjali country resort (a tourism unit with several rooms) apart from a big lawn/garden
- e) M/s. Pochampadu cement pipes and
- f) Shape Shoppe Healthcare Unit with swimming pool, yoga etc... located in the premises.

These units may be being run by different persons, but being served admittedly by one service connection originally obtained by the Appellant/Complainant Smt. Saraladevi which cannot be overlooked.

26. The claim of the Appellant/Complainant that M/s. Srinivas Poultry farm is a fake unit is not correct. It may have been folded up by the Appellant/Complainant Smt. V. Saraladevi, but the service connection which is relevant matter now is true and existing. If the Appellant/Complainant wanted to isolate the service connection to her use and separate the connections, she ought to have applied to the Respondents for a fresh connection. Having allowed all the units to enjoy power through one service connection, the Appellant/Complainant cannot be permitted now to say that there is a huge spurt in meter reading and huge

consumption bills for the power used by these units. The points are answered accordingly.

27. Point No. 8:

The Appellant/Complainant claims that earlier the meter reading was found normal and it showed in the bills and that since the present dispute is regarding excessive billing/Meter reading showing abnormal units, this can be rectified by taking the previous average for 3 years consumption/units, which would come to 4,000 units per month. The representative of the Appellant/Complainant claimed that suddenly, the file was sent to ERO/Rural/Karimnagar, where it was lying for 9 months and that a number of times the Appellant/Complainant went asking why the bills were not issued and she got no response.

28. The representative of the Appellant/Complainant, by pointing out the meter reading for January 2015, February 2015 and march 2015 showing consumed units as 7,382, 7,469 and 7,605 respectively contended that the abnormal showing of units during the period in contest is totally inexplicable which need rectification.

29. On the one hand, the Appellant/Complainant is not alleging any faulty meter and on the other hand, she is pleading increased units, which appear to be a contradiction in terms. The representative of the Appellant/Complainant, when pointed out about the function hall, bar and restaurant and other power intensive facilities being serviced by one service connection has one answer. "We don't use them". Further the Appellant/ Complainant initiated recording of consumption of units from November the 17th, 2014 to January the 9th 2015, which revealed total consumed units as 11,397 and average units per day as 219 units. This was stated to be under the supervision of the transmission officials. First of all, the meter is not faulted. Secondly, the consumption of power for the function halls, AC & Non-AC and other facilities would be high during business season. Other facilities may function depending on the volume of business except the bar and restaurant, which may be running during all seasons.

30. If the utilities located in the premises are serviced by a single service connection, naturally, there would be heavy consumption of power. It is significant to not that the sanctioned load was found by DPE on 12.3.2015 as 36 kWh and whereas the connected load was found as 99.34 kWh, which explains the consumption pattern under the service connection.

31. The Respondents claimed that during town section bifurcation, the service connection was transferred from ERO/Town/Karimnagar to ERO/Rural/Karimnagar in January, 2014 and that there was a reading mistake during September, 2014 which was taken advantage of by the Appellant/Complainant. They claim that this mistake was later rectified. From this it is clear that the meter was showing correct reading. There was no complaint on this aspect. Therefore, there could be no question of taking monthly average based on previous 3 years consumption to issue bills for the energy consumption to the Appellant/Complainant.

32. Point No.4:

The Appellant/Complainant, by pointing out the act of the respondents in initially issuing a demand notice for Rs.17,83,518/- and on protest, the Respondents issuing a revised bill for Rs.12,63,468/-, contended that the Respondents reducing the bill amount by Rs.6,64,910/- on protest clearly shows that there is manipulation in the bills. The Respondents have explained this discrepancy as a result of wrong noting of the meter reading after transfer of the service connection to ERO/Rural/Karimnagar.

33. The respondents claimed that the bills of service connection were stopped in January,2014 with final reading as:

kWh: 547589

kVAH: 620418

The service connection was transferred from ERO/Town/Karimnagar to ERO/Rural/Karimnagar in September,2014. While releasing the service in ERO/Rural/Karimnagar, the Respondents claim that the final reading was entered as:

kWh: 547589

kVAH: 547589 (instead of 620418)

Thus, kVAH reading was excess billed for 72,829 units (6,20,418 - 5,47,589 = 72,829). Consequently, for the month of September,2014 there was excess billing in the bill for RS.17,83,518.00 amounting to Rs.6,64,910/- representing the value for units 72,829 which was reduced and corrected to Rs.11,18,608/-. To this amount, the difference of closing balance of September,2014 and opening balance of October,2014 amountng to Rs.1,44,785/- representing arrears against old Service Connection No.110109156 was arrived at showing total arrears as Rs. 11,18,608+1,44,785= RS.12,63,393/- (total due). A revised bill for Rs.12,63,393/- was accordingly issued as per the reply dated 12-03-2015 of the AAO/ERO/Rural, TSNPDCL, Karimnagar.

34. The Respondents have explained why discrepancy occurred in issuing demand notice and why there was an occasion for correction in the bill. There was four months delay in communication between ERO/Town/Karimnagar and ERO/Rural/Karimnagar which caused avoidable delay in issuing bill to the Appellant/Complainant, which became a cause for the dispute and an excuse for non-payment of bills by the Appellant/Complainant right from January,2014. Pending the dispute, when the Appellant/Complainant's representative was asked to pay the admitted consumption charges, an amount of Rs.2 Lakhs was stated to have been paid through a Cheque No. 879386 dt.11-03-2015 as admitted by the DE/Operation/Karimnagar, which has to be given credit against the total amount due.

35. The representative of the Appellant/Complainant has vehemently contended that the firms under the service connection have become defunct and that there is no income and that the Appellant/Complainant is entitled to 24 monthly installments if at all there are any dues. He further contended that that M/s.Pushpanjali Country Resort was started by a woman entrepreneur (the Appellant/Complainant) and other units in the premised are registered with the Tourism Department and that these firms are entitled to concessional tariff and

encouragement apart from the government subsidy and therefore, concessional tariff is applicable to the present service connection. Having claimed so, the representative could not produce any document showing that the unit is entitled to concessional tariff or any government subsidy regarding the power consumption. Therefore, the contentions of the Appellant/Complainant on Point No.4 are untenable and have no relevance to the matter on hand.

36. Point No.5:

The discussion on points 1 to 4, 6 to 8 are sufficient indicators to deny any relief to the Appellant/Complainant, save regarding the 4 months delay, which stated to have occurred during the transfer of the record from ERO/Town to ERO/Rural resulting in non issue of regular power consumption bills and the present dispute, which was taken as an excuse for not paying the bills by the Appellant/Complainant till date. The Respondents are transfixed in awe of the representative of the Appellant/Complainant, who is a very experienced person. Still, the fact that it was the casual attitude of ERO/Town and ERO/Rural which caused delay of more than 4 months in getting ready with demand notices that too with wrong noting of kVAH opening balance and the resultant faux pas giving an opportunity to the Appellant/Complainant to allege negligence on the part of the respondents. It may be noted that this is not the handiwork of the Appellant/Complainant.

37. Keeping in view of above reasons, it is quite reasonable to hold that the Appellant/Complainant is not liable to pay penalty and interest over the due amounts for the first four months, which has to be deducted from the overall total dues, less the amount paid during the pendency of the present dispute.

38. Conclusions:

(1). The claim of the Appellant/Complainant that the service connection is in the name of a fake firm which became defunct 10 years ago and that now there are Tourism units like (a) Bar and Restaurant (b) Pushpanjali Country Resort (c) Central AC function Hall (d) Non AC function hall (e) a

lawn (f) Swimming pool which are mostly in disuse, would be self explanatory for the heavy consumption of energy which the Appellant/Complainant cannot avoid and evade payment of consumption charges on any pretext.

(2). There was casual attitude on the part of the ERC/Town/Karimnagar in giving incorrect kVAH reading to ERO/Rural/Karimnagar leading to issuing of incorrect bill with inflated amount, which was later reduced giving scope to the Appellant/ Complainant to raise serious allegations.

(3). There was four months communication delay between ERO/Town/Karimnagar and ERO/Rural/Karimnagar which resulted in issuing Bills to the Appellant/Complainant with equal delay.

(4). There is nothing wrong with the meter and its recording of energy consumption from the service connection in this case.

(5). The CGRF in the present case has not given an opportunity of hearing to the Appellant/Complainant which is against the principles of natural justice. The CGRF should comply with the principles of natural justice and give an opportunity of hearing to the Appellant/Complainant in all cases.

(6). Since excessive meter reading was not because of faulty meter or its mishandling, but due to increased consumption of energy, the Appellant/ Complainant is not entitled to claim average consumption bill based on previous three (3) years consumption.

(7). The Appellant/Complainant is not liable to pay penalty and interest over the dues for the first four months, which have to be deducted from the overall total dues, less the amount paid by the Appellant/Complainant pending resolution of the present dispute. The Respondents are therefore directed to issue a fresh bill deducting penalty and interest for the first

four (4) months from the overall total dues and recover the amount from the Appellant/Complainant as per the procedure.

This Award is corrected, signed and pronounced on this the 4th day of April 2015.

Sd/-
VIDYUT OMBUDSMAN

To
Sri. T. Ratnakar, Manager,
M/s. Srinivasa Poultry Farm,
Theegalaguttapally (V), Karimnagar Dist

The AE/Operation/Karimnagar, TSSPDCL
The AAO/ERO/Rural/Karimnagar, TSSPDCL
The ADE/O/Karimnagar, TSSPDCL
The DE/O/Karimnagar, TSSPDCL
The SE/O/Karimnagar, , TSSPDCL

Copy to

1. **The Chairperson**, Consumer Grievance Redressal Forum,
Vidhyuth Bhavan, Corporate Office TSNPDCL, Nakkalagutta,
Hanamkonda, Pincode - 506001
2. **The Secretary**, TSERC, Hyderabad