



## VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV substation, Hyderabad Boats Club Lane  
Lumbini Park, Hyderabad - 500 063

:: Present:: **R. DAMODAR**

Tuesday, the Twelfth Day of July 2016

Appeal No. 27 of 2016

Preferred against Order Dt. 16-04-2016 of CGRF In

CG.No: 666 /2015-16 of Ranga Reddy East Circle

Between

M/s LKS Classic Restaurant and Bar, represented by Sri.P.Kumar,  
#37-126/1/1, Sree Colony Main Road, Opp: SBI Defence Colony,  
Malkajgiri, RR District - 500 056. Cell No. 99499 60001.

... Appellant

**AND**

1. The AE/OP/Neredmet/TSSPDCL/RR District.
2. The ADE/OP/AS Rao Nagar/TSSPDCL/RR District.
3. The AAO/ERO/Sainikpuri/TSSPDCL/RR District.
4. The DE/OP/Sainikpuri/TSSPDCL/RR District.
5. The SE/OP/RR East Circle/TSSPDCL/RR District.

... Respondents

The above appeal filed on 05.05.2016, coming up for hearing before the Vidyut Ombudsman, Telangana State on 02.06.2016 at Hyderabad in the presence of Sri. P. Kumar - Appellant and Sri. E.S. Suchendernath-DE/OP/Sainikpuri, Sri. N. Keval Kumar - ADE/OP/A.S. Rao Nagar, Sri. G. Saidulu - AE/OP/Neredmet, Sri. G. Narasimha Reddy - AAO/ERO/Sainikpuri for the Respondents and having considering the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

**AWARD**

The Appellant Bar and Restaurant has service connection No. 1206 37 11754 Category II B. The Appellant alleged that his service connection was inspected by ADE/DPE/RR East on 12.11.2014 and found the seals of the meter intact but

claimed that “Y” phase current missing in the display resulting the meter reading less than the actual consumption. The short billing was determined from 25.3.2014 to 19.11.2014 and the value is shown as Rs 68,979/-. The Appellant submitted objection through his letter dt.6.2.2016 and no final orders were received from the Respondents and on other hand, the 3rd Respondent AAO/ERO/Sainikpuri issued the bill of Jan,2016 showing the amount of Rs 68,979/- as the case amount and sought deletion of this short billing amount and lodged a complaint before the CGRF.

2. Before the CGRF, the 1st Respondent/AE/OP/Neredmet through letter dt.21.3.2016 stated that the bills were being issued to the service connection regularly and for the months of March,2014 and April,2014, the ‘Y’ phase current displayed in the meter had shown ‘0’. He stated that the meter was observed for 2 months and even for the month of May,2014 the display was ‘0’ and therefore, he informed ADE/DPE/RR East circle who inspected the service on 12.11.2014 found the meter defective and the ADE/OP issued the provisional assessment order.

3. Before the CGRF, the Appellant stated that the service connection was disconnected on 30.12.2015 without any notice and for not making payment for one month. He sent a legal notice to the 1st Respondent stating the disconnection was not correct but however after making payment, the service was restored. The Appellant further stated that on 12.11.2014 the Respondents visited the premises thrice and issued a short billing notice to him demanding payment of Rs 68,979/- on the ground of short billing due to missing of ‘Y’ phase current. The Appellant further stated that the meter was not tested at MRT lab and it was not replaced with a healthy meter. They have received a bill in January,2016 for 38 days which changed the slab.

4. The 2nd Respondent stated before the CGRF that the final assessment order would be issued by the 4th Respondent /DE/O/Sainikpuri within two days.

5. On the basis of material on record and on hearing, the CGRF found the claim of the Respondent for one phase missing in the meter as genuine and the Appellant has to pay the amount as demanded in view of short billing and disposed of the complaint through the impugned orders.

6. Aggrieved and not satisfied with the impugned orders, the Appellant

preferred the present Appeal alleging that the CGRF has failed to examine the original representation dt.6.2.2016, failed to understand the rules and regulations relating to cases of defective meters, no information about MRT testing report is filed before the forum and no reasons are given by the CGRF for the conclusions, the provisional assessment is illegal and sought the order of short billing assessment set aside.

7. The 3rd Respondent AAO/ERO/Sainikpuri filed a report dt.23.5.2016 stating that on the basis of the software development program, the amounts involved in the cases are noted separately in the bills and there are no additional charges raised and there is no threat of disconnection until final assessment order is passed.

8. The 1st Respondent stated that he has been taking recording of CT meter services every month and issuing bills every month to the consumers which is part of SC No. 1206 37 11754 Category II in the name of Sri. P. Krishna. He stated that for the months of March and April,2014 the 'Y' phase current displayed in the meter as '0' and for the 3rd month also the 'Y' phase current also displayed '0'.

9. The 1st Respondent further stated that when in the 3rd month also he observed '0' current is 'Y' phase, he got doubt about the health of the meter and immediately informed the concerned and also to the Department of Pilferage of energy(DPE) wing of RR east circle. He stated that if there is any defect in the meter, it has to be personally inspected by the Meter Relay Testing(MRT) wing and after submission of inspection report, further proceedings will be taken up. He further stated that out of 3 phases in the meter, Y phase current display was missing and calculation was done based on percentage error of the consumption of energy in meter.

10. The efforts made to bring both parties to a settlement by way of mediation failed to succeed and therefore, the matter is being disposed of on merits.

11. On the basis of the material on record, the following issues arise for determination:

- i. Whether short billing resorted to by the Respondents holding that there is Y phase current missing and issuing a demand notice for Rs 68,979/- is valid?
- ii. Whether the impugned orders are liable to be set aside?

## Issue 1 & 2

12. The Appellant's service connection was inspected by ADE on 12.11.2014 at 12.30 PM. He found that the meter body seals were intact and only 'Y' phase current is missing in the display under load condition, which was recording less than the actual consumption and hence, based on the MRT test report, he proposed short billing.

13. The procedure for short billing is mentioned in Clause 7.5.1.1 of GTCS and an opportunity was given to the appellant to reply/submit objections towards the defect found in the meter. The Appellant filed representation dt.6.2.2016 before the 4th Respondent/DE/OP who disposed of the application rejecting the plea of the Appellant relating to assessed amount of Rs 68,979/- vide final assessment order dt.20.4.2016.

14. The defect discovered was in 'Y' phase of the meter. The meter relay testing (MRT) wing responsible for investigation of the defect confirmed the duration of irregularity since March,2014 and this data can be obtained from the Meter Reading Instrument(MRI) which can be downloaded. Based on the MRT report, the short billing was proposed as mentioned in the inspection notes. No penal charges were levied and only shortfall consumption, not recorded in the meter, was assessed and amount was derived demanding payment from the Appellant.

15. The Respondents claimed that the power used by the Appellant was unrecorded in the 'Y' phase to the extent of -33.2% and the short billing was proposed for an amount of Rs 68,979/- at one instance, even though there was no fault of the Appellant.

16. The meter seals were found intact and now the current phase was found missing. The inspecting officer, in the notes in Column IX(b) of inspection notes regarding "whether the meter referred to MRT lab" noted as 'Yes', which appears to be not true as the procedure for such testing of the meter has to be done in the presence of the consumer or his representative as per clause 7.5.1.2 of GTCS and this was not done. The record shows that the meter was not referred to the lab and there was no issue with the meter seals being intact. The defect is found to be in the meter display in 'Y' phase to the extent of -33.2% which has resulted in recording less consumption.

17. The final assessment for short billing states that short billing based on MRT test report was resorted to. It also mentions that no case was booked under Section 126 of the Electricity Act.

18. In the Annexure XII(VII)(C) GTCS, the guidelines for assessment for short billing cases are found. For the application of these guidelines, the meter has to be tested with Accu Chek/Electronic Reference Standard(ERS) meter at site and % error has to be arrived at and billed for the period when the meter was defective. If the period of the defect can be established with the aid of production figures of consumer or MRI dumps(Meter Reading Instrument), the assessment has to be undertaken for the period when the meter was defective as per the formula:

**Guidelines for assessment of short billing cases**

**i. Short billing arising out of Defective Meter:**

	Unit of measurement	Formula
Number of units recorded by the defective meter due to two phases defect from.....to	Units	A
Number of units that would have been recorded if the meter had been working normally in three phases	Units	$B = A * 100 / (100\% + \% \text{ error})$ Where the % error is a negative value
Energy lost during the period	Units	$B - A = C$
Cost of energy	Rs per Unit	D
Value of energy lost	Rs	$C * D = E$
Total Electricity charges payable	Rs	E
	Unit of measurement	Formula

19. The Assessment calculation of the Appellant service of the period from 25.3.2014 to 19.11.2014 is given as follows:

Contracted load	45000W	Connected load	38980 W
Assessment from period	25-Mar-2014	Assessment to period	19-Nov-2014
Units assessed	22619 Units = $\frac{100}{(100-33.21)} \times 15109$ = 22619	Units Recorded	15109 Units
Units lost	7510 units		
Amount	Rs 68528.00		
Electricity duty charges	Rs 451/-		
Total Amount	Rs 68979.00/- Rupees Sixty Eight Thousand Nine Hundred and Seventy Nine only.		

20. The short billing amount of Rs 68,979/- is in line with GTCS Annexure XII(VII)(C). It is clear that inspection notes were not given to the Appellant in time and the Appellant had an opportunity to be heard on his objections before DE/OP and CGRF.

21. As far as the objection regarding whether the inspection was conducted in the presence of the consumer/representative in concerned, the inspection notes disclose the presence of one Sri. T.Karthik, Assistant Supervisor and his signature was present on the fourth page. The copy of notes was not given as required under clause 7.1.1.1 which has to be sent on the next working day, but the presence of representative of the Appellant at the time of inspection is found to be clear and any allegation contrary is found to be untenable.

22. The Appellant had vehemently contended that the power was disconnected on 30.12.2014 without any proper notice as the next day happened to be the last day of the year and the Appellant being a Bar and Restaurant, major business of the Appellant was disrupted due to deliberate action of disconnection of the service connection. The short billing is found to be correct in view of the facts mentioned supra and it is for the Respondents to take action for non payment of the assessed amount. May be the disconnection of the service connection at an inappropriate time might have hit the business of the Appellant, but it cannot be

said that the Respondents acted illegally or with an ulterior motive.

23. In the result, the short billing for Rs 68,979/- is found to be legal and correct based on assessment of defect in 'Y' phase in the meter from 25.3.2014 to 19.11.2014. The disconnection caused just before new year eve caused difficulty to the Appellant, but it cannot be said that the action of the Respondents is illegal. The impugned orders do not disclose the reasons for arriving at the conclusion and mere observation that the claim of the Respondents for the meter's one phase missing is genuine and the complainant has to pay the amount as per the short billing notice issued, is found to be devoid of reasons which cannot be sustained. The issues are answered accordingly.

24. In the result, The short billing assessment of Rs 68,979/- issued by the DISCOM is found to be sustainable and valid and the Appellant has to pay this amount relating to missing of 'Y' phase current in the meter display.

25. This award shall be implemented within 15 days of its receipt at the risk of penalties as indicated in clauses 3.38, 3.39, and 3.42 of the Regulation No. 3/2015 of TSERC.

Typed by CCO, Corrected, Signed and Pronounced by me on this the 12th day of July, 2016.

Sd/-

**VIDYUT OMBUDSMAN**

1. M/s LKS Classic Restaurant and Bar, represented by Sri.P.Kumar,  
#37-126/1/1, Sree Colony Main Road, Opp: SBI Defence Colony,  
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6. The SE/OP/RR East Circle/TSSPDCL/RR District.

**Copy to:**

7. The Chairperson, CGRF, Greater Hyderabad Area, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad.
8. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.