



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

Monday, the fifteenth Day of January 2016

Appeal No. 82 of 2015

Preferred against Order Dt. 18-09-2015 of CGRF In

CG.No: 77/2015 of Mahaboobnagar Circle

Between

Sri. Kalyan Murthy, Indanoor village, Kodangal mandal, Indanoor post
Mahaboobnagar Dist. Cell.No 9949839060.

... Appellant

AND

1. The AAE/OP/Kodangal/TSSPDCL/Mahaboobnagar Dist.
2. The ADE/OP/Kodangal/TSSPDCL/Mahaboobnagar Dist.
3. The DE/OP/Mahaboobnagar/TSSPDCL/Mahaboobnagar Dist.
4. The SE/OP/Mahaboobnagar Circle /TSSPDCL/Mahaboobnagar Dist.

... Respondents

The above appeal filed on 29.12.2015 coming up for hearing before the Vidyut Ombudsman, Telangana State on 10.02.2016 at Hyderabad in the presence of Sri. T. Kalyan Murthy - Appellant and Sri. M. Mallesh - ADE/OP/Kodangal, Sri. V. Raghuveer - AE/OP/Kodangal for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant claimed that he approached the CGRF for taking steps against misrepresentation of facts by the then AE/OP/Kodangal and also non implementation of the order in CG.No. 229, MBNR circle dt.13.2.2013. He has also

complained about the need for replacement of 3x10KVA DTR by 25 KVA three phase and this was not carried out by the respondents.

2. The AAE/OP/Kodangal/TSSPDCL/Mahaboobnagar District through his letter dt.15.9.2015 explained that against the service connection No.00125 00007 of the Appellant the arrears shown as Rs 5,290/- is not an amount, but it is the reading of the meter in the month of May,2012 as 5290 Units. He further stated that the bill was revised in the month of November,2012 and the bill amount came to Rs 4,674/- which is accounted for in the EBS report and now the bills are being issued as per the readings and the Appellant had been paying the CC charges regularly. He reported that the issue regarding replacement of DTR 3x10 KVA by 1x25 KVA 3 phase has been solved.

3. Before the CGRF, the Appellant complained about non implementation of the order Dt.19.3.2013 in CG No.229 and sought revision of his domestic consumption bill. The Respondents complained that the Appellant misunderstood the meter reading as the amount of the bill and later the bill has been revised as per the readings.

4. On the basis of the material placed on record, it is clear that the CGRF, through the impugned orders, directed replacement of 3X10 KVA DTR by 1X25 KVA 3 phase DTR and the said orders have been implemented and therefore, there is no such issue in controversy now.

5. The Appellant, not satisfied and aggrieved with the impugned orders regarding the arrears shown claimed as meter reading and not the amount and that no order was passed by the CGRF on this aspect, preferred the present Appeal contending that the AE/OP/Kodangal vide his letter dt.25.2.2013 falsely made an allegation that the service No.7/domestic of the Appellant was disconnected (not physically though) in December,2010 and was restored in April,2011 after payment of Rs 5,290/- which is absolutely false statement and this subject was decided by the CGRF. The Appellant is also demanding the record from the Respondents about the alleged payment made by him towards arrears of Rs 5,290/-.

6. The 1st Respondent filed a report in the Appeal stating that the record regarding the alleged misrepresentation of facts made by the then AE/OP/KOdangal is not available in his office and that it would be available in the office of CGRF. He further alleged that the office records disclose that the service of the Appellant was billed from January,2011 to April,2012 with minimum bill,

because the meter reader entered this service in disconnected status in the billing system and that there is no record about this disconnection in his office.

7. The 1st Respondent further stated that the meter reader issued the bill for the month of May,2012 with final reading as 5290 (KVH : 1404 units amounting to Rs 7,898/-) as live service (Status 1) which is an abnormal bill in one month. He stated that there were no arrears pending as on December,2010 against the service. He finally stated that the CC bill was revised from January,2011 to May,2012 by adjusting all units during this period and they have withdrawn the abnormal bill as JE Credit amounting to Rs 4,674/- during the month of December, 2012.

Arguments heard.

8. The Mediation is not successful because the parties stood their ground and there was no meeting point on the aspect of compensation for misrepresentation. Hence the matter is being disposed of on merits.

9. Based on the material on record, the following points arise for determination:

i) Whether the then AE/OP/Kodangal and ADE/OP/Kodangal made misrepresentation before the CGRF and harassed the Appellant by showing the service connection of the Appellant with arrears of Rs 5,290/-, which figure was later discovered as 5290 meter closing reading?

ii) Whether the then AE/OP/Kodangal and ADE/OP/Kodangal made misrepresentation before the CGRF that the service was disconnected and later on payment of Rs 5,290/-, the service was restored, while it was not so as alleged by the Appellant?

iii) Whether the impugned orders which are silent on the aspect of misrepresentation by the AE/OP/Kodangal and ADE/OP/Kodangal, are liable to be set aside?

ISSUES 1 to 3

10. The Appellant is aggrieved that the CGRF has not addressed the false report given by the then AE/OP/Kodangal and ADE/OP/Kodangal alleging arrears of Rs 5,290/- to his Service Connection No. 00125 00007, the alleged disconnection for non payment of arrears, subsequent payment and restoration of supply.

11. The 1st Respondent the present AE/OP/Kodangal through his letter dt. 15.9.2015 gave the correct picture of the issue to the effect that the arrears stated as Rs 5,290/- is actually the meter reading in the month of May, 2012 as 5290 units and the CC bill was revised in the month of November,2012 for the bill amount of Rs 4674/-. In his reply dt.30.1.2016 in the Appeal, the present AE/OP/Kodangal(R1), countersigned by the present ADE/OP/Kodangal(R2), gave the details to the effect that as per the office records, the service of the Appellant was billed from January, 2011 to April,2012 at the minimum, because the meter reader entered this service in disconnected status in the billing system. Both of them reported that there is no record in the office as to whether the service was physically disconnected or not. They have further stated that the meter reader issued the bill during the month of May,2012 to the final reading of 5290 (KWH: 1404 units amounting to Rs 7,898/-) as live service (status 1) which they claimed was abnormal in one month. They have added to say that as per the records, there were no arrears pending as on 2010. They have also stated that the CC bills were revised from January 2011 to May,2012 for adjusting all the units, withdrawing the abnormal bill and have issued a revised bill for Rs 4,674/- during the month of November,2011. The 1st and 2nd Respondents have filed an extract of Energy Billing System (EBS) to the present service showing that during the month of May,2012 the closing meter reading was 5,290 with consumed units as 1404. This record shows that from January,2011 to April,2012, the consumption was shown as '0' because the meter reader entered the service as 'disconnected in the billing system'.

12. The Appellant suffered due to misrepresentation of facts by the then AE/OP/Kodangal and ADE/OP/Kodangal. The Appellant further suffered the entries in the billing system showing the disconnected status, arrears etc and alleged payment. There is no record placed in the Appeal about disconnection and restoration of power to the service in question.

13. The claim of the Appellant regarding setting up of DTR has been settled already. The Appellant is now seeking compensation for the loss and harassment suffered at the hands of the then AE/OP/Kodangal and ADE/OP/Kodangal.

14. The Appellant pleaded, based on the material placed on record and also the admissions of the Respondents, about the handiwork of the then AE and ADE/OP/Kodangal who were stated to have been responsible for the deliberate

recording of these false meter readings, fictitious entries about arrears due and fictitious payments to show that everything was normal and there were no dues, which is on the face of it is illegal and liable to be proceeded against.

15. The acts of the then AE and ADE prima facie appear as deliberate and malicious acts against the Appellant for the reasons better known to them. If these omissions and commissions are condoned, there is likelihood of repetitions. Therefore, it is found appropriate to order CGM(commercial) to initiate disciplinary action against the then concerned AE and ADE/OP/Kodangal which would act as a deterrence to others, with a view to create the consumer confidence.

16. The impugned orders do not show that the CGRF has considered the acts of the then AE, ADE/OP/Kodangal regarding misrepresentation and false allegation made by them before it, which omission is serious enough capable of eroding the consumer confidence. To this extent, the impugned orders are liable to be set aside. The issue 1 to 3 are answered accordingly.

17. In the result, the Appeal is allowed:

- a) Setting aside the impugned orders to the extent of not deciding the omission and commissions of the then AE and ADE/OP/Kodangal regarding the CC bills from January 2011 to May 2012.
- b) Directing the CGM(commercial) to initiate disciplinary proceedings against the concerned AE and ADE/OP/kodangal by giving an opportunity to the Appellant to present his version, in an expeditious manner.

18. 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 15th day of February, 2016.

Sd/-

VIDYUT OMBUDSMAN

1. Sri Kalyan Murthy, Indanoor village, Kondangal mandal, Indanoor post Mahaboobnagar Dist. Cell.No 9949839060.
2. The AAE/OP/Kodangal/TSSPDCL/Mahaboobnagar Dist.
3. The ADE/OP/Kodangal/TSSPDCL/Mahaboobnagar Dist.
4. The DE/OP/Mahaboobnagar/TSSPDCL/Mahaboobnagar Dist.
5. The SE/OP/Mahaboobnagar Circle /TSSPDCL/Mahaboobnagar Dist

Copy to:

6. The Chairperson, CGRF -1, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad.
7. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills,Hyderabad.
8. The CGM, Commercial, TSSPDCL, Corporate Office, Hyderabad, for taking necessary action as directed.