



VIDUYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

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

Wednesday, the Second day of September 2015

Appeal No. 36 of 2015

(Old Appeal No. 74 of 2014-15)

Preferred against Order Dt. 30.09.2014 of CGRF In

CG.No: 246/2014 of Hyderabad South Cricle

Between

Sri. K Srinivas Rao,
H.No 23-6-918/5/A/1 to 5,
Shalibanda Main Road ,
Hyderabad - 500 065.

..... Appellant

AND

1. The AE/OP/Mogulpura/TSSPDCL/Hyderabad.
2. The ADE/OP/Charminar/TSSPDCL/Hyderabad.
3. The AAO/ERO/Charminar/TSSPDCL/Hyderabad.
4. The DE/OP/Charminar/TSSPDCL/Hyderabad.
5. The SE/OP/Hyderabad South/TSSPDCL/Hyderabad.

..... Respondents

The above appeal filed on 05.11.2014 came up for final hearing before the Viduyut Ombudsman, Telangana State on 03.08.2015 at Hyderabad in the presence of Sri. K Srinivas Rao - Appellant and Sri. J Jangaiah - AAO/ERO/Charminar, Sri P Srinivasulu - AAE/OP/Moghalpura, for the Respondents and having considered the record and submissions of both the parties, the Viduyut Ombudsman passed the following;

AWARD

The Appellant has a service connection No. X2 011085 Commercial. He claimed that he has been paying CC bills regularly. During 2010, the Respondents fixed another meter in series connection mode to the meter fixed on a pole. The average monthly consumption has been 160 to 300 units. From February, 2010 to May,

2012 the meter reading had shown 4823 units on the pole mounted meter. The meter reader issued the bills with an average of 205 units per month till August, 2013 with different statuses i.e., 01, 02, 08, 05, 11, 12 i.e. burnt out, struck up, sluggish etc. These stages disclosed that the meter was not working properly. Later the meter displayed 22,400 units in a short time and the appellant got a huge bill dt. 7.8.2013 for Rs 1,69,751/-. The Appellant claimed that he was issued one more bill dt. 13.8.2013 for Rs 3,41,549/- (within 6 days). The Appellant claimed that the meter fixed to the pole had recorded 23,400 units and it had no security, lock or seals and it was accessible to everyone to misuse the meter. The complainant further claimed that he noticed that his service meter was connected to another meter bearing SC.No X2-011084. The Appellant showed this another meter to the Respondents with photographs and they have not taken any action. In the meanwhile, the Appellant claimed that he met with an accident and could not pursue the matter immediately. He claimed that he paid Rs 50,000/- on 3rd August, 2013 when the service connection was disconnected and the officials forced him to pay the balance amount, as against the consumption of 23,400 units displayed in the meter which had no security, locking and accessible to everyone who can connect to any other connection. The Appellant paid the consumption bill on 25.3.2014 and got reconnection on 27.3.2014. The pole mounted meter was removed and a new meter was fixed, as the pole mounted meter had shown 'NO DISPLAY' in the premises of the Appellant. The Appellant claimed that a bill for Rs 12,434/- with status 04 (Meter Change) on 15.4.2014 was issued about which the Appellant had complained to the Respondents 1 and 2 on 15.4.2014 demanding rectification of bill, as the service connection was disconnected from September, 2013 to 27th March. The Appellant pleaded with CGRF for refund of the excess amounts he paid and for protection of pole mounted meter.

2. The 3rd Respondent submitted a report before CGRF stating that as per the report of the Respondent No. 1 dt.30.8.2014 the concerned meter reader, due to oversight, had issued a wrong bill for Rs 3,39,558 in August, 2013 by taking the meter reading as 41,791 instead of 23,392. He claimed that the bill was revised for the period from May, 2012 to December, 2013 and an amount of Rs 2,29,252/- was withdrawn as excess billed amount. He claimed that the service was disconnected for 2 months i.e. January and February, 2014 due to non payment of bills. He claimed that the Appellant paid the bills in March, 2014. The meter was changed for the reason of " No display" in April, 2014. Because the meter was not displaying the reading, the spot billing machine took the system average and a bill was issued for 1,358 units. The 1st Respondent proposed an average consumption of 268 units for

May, 2014 and the bill was revised, withdrawing the excess billed amount of Rs 8972/-.

3. The Appellant claimed that the Respondents also raised a huge ACD amount of Rs 77,442/- based on wrong bills in August, 2014 and had not rectified their action upto the date of hearing.

4. The CGRF, after going through the material on the record, directed the Respondents a) To withdraw ACD claim raised on wrong bills for Rs 77,442/-, b) shall revise the Appellants bill from March, 2010 to March, 2014 with final reading 23,392 for 49 months with average of 477 units per month and refund the excess amount by way of adjustment in future bills. c) Further, the CGRF directed payment of compensation to the Appellant at Rs 50 per day for 150 days starting from 15.08.2013 to 14.01.2014 amounting to Rs 7,500/- and Rs 50 each day of default for 120 days from 15.04.2014 to 14.08.2014 amounting to Rs 6,000/- totalling Rs 13,500/- by way of adjustment in CC bills, for the delay in rectification of wrong bills as per clause X1, schedule II of Regulation No. 9 of APERC 2013.

5. Aggrieved for the non implementation of the directions by the Respondents, for non payment of compensation, for excessive average consumption taken towards calculation of arrears, the Appellant preferred the present appeal.

6. The Appellant claimed that the impugned orders do not say who among the officials has to pay the compensation and that his average consumption is not more than 160 units per month upto the extent of 300 units .

7. The AAE/OP/Moghulpura/D-IX/C-III Charminar, addressed the AAO/ERO-III/Salar Jung and explained the matter in the following words:-

“ A new meter was provided on the pole mounted box without noting the meter located inside the premises. The meter reader was usually taking the reading from the pole mounted meter from March, 2010 and the bills were being issued based on consumption recorded in the pole mounted meter. (The inside meter was also getting progressive reading since the meter was connected in series with the pole mounted meter. The meter reader, in August, 2013 issued the bill based on the meter located inside the premises.)

8. On 7.8.2013, a bill was generated based on the pole mounted meter with initial reading as 4823 and final reading as 23097 for Rs 1,69,751. Again on 13.8.2013 one more bill was generated based on the consumption recorded from the inside meter with initial reading as 4823 and final reading as 41,791 and a bill was issued to the

appellant for an amount of Rs 3,41,549/- . The AAE admitted that the bills were being issued from March, 2010 to 7.8.2013 based on the consumption reading from the pole mounted meter and the Appellant paid the bills regularly.

9. The 3rd Respondent/ AAO, submitted a report in the following words:-

The service was disconnected for a period for 2 months, January and February, 2014 due to pendency of huge bills. The Appellant paid the dues in March, 2014. The meter was changed as it was not displaying the reading in the month of April, 2014. The spot billing machine took wrong reading as 1358.

The AE proposed revision of the bill for 268 units as per the consumption of May, 2014 instead of 1358 units. This proposal was approved in the month of August, 2014. An amount of Rs 8972/- was credited to the account of the Appellant in August, 2014.

As directed by the CGRF, the Respondents have prepared a bill for 49 months w.e.f March, 2012 to March, 2014 and credited the amount of Rs 3,833/-

10. The 2nd Respondent, ADE submitted a report to the following effect:-

a) The old meter was not defective. The meter reading was correct. The then meter reader was found to be responsible for giving wrong description of the condition of the meter. The meter reader was warned and transferred.

b) Regarding the allegation that one phase on the pole mounted meter was adjusted to the adjacent meter in the premises occupied by a tenant, the 2nd Respondent stated that the meter reader was not responsible for outgoing from the meter.

c) The CC bills were revised as per the instructions of CGRF and the monthly bills were being issued as per the new meter readings.

11. The efforts made to bring in a settlement, were not successful and therefore, the matter is left for a decision based on merits.

ARGUMENTS HEARD.

12. The points for determination are:-

i) Whether the impugned orders are liable to be set aside to the extent of direction to revise the service bills from March 2010 to March 2014 with

final reading 23992 for 49 units and average of 477 units per month?

ii) Whether the Appellant is entitled to pay consumption charges from March 2010 to March 2014 for 49 months with an average of not more than 160 units to 300 units per month?

13. POINTS 1&2.

14. The following facts in the para are not disputed :-

i) Pole mounted meter and another meter fixed inside the premises were running in a series at one time from the same service connection of the Appellant.

ii) The outgoing terminal of the pole mounted meter was connected to the incoming terminal of another service (the service connection for the premises rented out by the Appellant in which an electronic showroom was located).

iii) Wrong bills were issued based on the consumption recorded from the pole mounted box (which includes one phase consumption of the other meter) because the outgoing terminal was connected to an incoming terminal of another service connection resulting in less reading for the other service connection.

iv) Based on the wrong consumption bills on the service connection, huge ACD mount was levied.

15. The fact that the pole mounted meter and another series meter running simultaneously came to light in the month of Aug 2013 when huge amount of bill was raised for 36,968 units amounting to Rs 3,39,558/- .

16. When the mistake of two parallel meters came to light and it was referred to AAO for rectification, he has observed that the bills were continuously being issued based on consumption recorded on the pole mounted meter since March, 2010 and the meter situated inside the premises was also getting progressive reading. In the Month of August, 2013 the meter reader initially took the reading from pole mounted meter on 7.8.2013 with:-

IR (Initial Reading)	4823 Units
FR (Final Reading)	23097 Units

and a bill was generated for an amount of Rs 1,69,751/- . (FIRST BILL DURING AUGUST)

On 13.8.2013 the meter reader got one more bill generated based on the consumption recorded in the inside meter:-

IR	4823 Units
FR	41791 Units

and issued a bill for Rs 3,41,549/-.(SECOND BILL/ON READING IN AUGUST 2013)

17. The 1st Respondent had finally recommended revision of bills based on consumption recorded by the pole mounted meter for the period from the date of meter change i.e., 3/2010 by taking average units proportionally every month with initial reading (IR) 00000 and final reading (FR) 23,392. The 3rd Respondent revised the bills for the period from May, 2012 to Dec, 2013. From May, 2012 the reading on the meter showed 4823 until July, 2013 with various statuses as struck up(02), Sluggish (12), Burnt out (11) which clearly disclose that the reading was taken wrongly and the proposal of the 1st respondent was not taken into account.

18. Based on the letter of AAE/OP/Moghalpura dt. 7-12-2013, AAO/ERO revised the bill in the following manner:-

The reading on the pole mounted meter in May, 2012 was	4823 units
The reading as on Dec, 2013 was	<u>23,392 units.</u>
The total units for 19 months	18,569 units.

$18,569 \div 19 \text{ months} = \text{Average } 977 \text{ units per month.}$

On the basis of this average 977 units, the bill amount arrived at was Rs 1,49,915/- by the AAO/ERO to be paid by the Appellant and this amount was subtracted from the abnormal bill amount of Rs 3,79,167/-(In the EBS the figure shown is Rs 3,39,558/-) which worked out to Rs 2,29,252/- and this amount was withdrawn from the account of the Appellant shown in EBS billing history. The Appellant had paid an amount of Rs 84,868 in the month of March, 2014.

19. There was change of meter on 1.4.2014, because the earlier meter was replaced on the complaint of "no display". The bill for the month of April 2014 and May 2014 was revised taking the units as 268 and the CC bill for an amount of Rs 8926 was withdrawn.

20. The complaint of the Appellant was that one of the outgoing phase connection from the pole mounted meter was connected to incoming phase of another service connection No. X2-11084 intended for an electronic showroom run by tenant of the Appellant. This illegal diversion was allegedly done by the staff of the Respondents when a complaint was made referring to SC No. x2-11084 that there was no power in one phase. The staff member who attended to this complaint had tapped one phase supply from the pole mounted meter from outgoing phase to the incoming phase of the other meter X2-11084. Therefore, this outgoing phase from the pole mounted

meter caused excess recording than the actual consumption to the present service connection, leading to recording of 23392 units (Shown in EBS billing history). This mischief was shown to the officials of the Respondents by the Appellant getting no further reaction across the bench of this office. The Appellant claimed that his tenant bribed the officials and got the one phase tapped from the present service connection to the service connection of the electronic showroom, happily paying the reduced power consumption bills with impunity, which has created the present problem.

21 . The Appellant claimed that he was forced to pay Rs 50,000 on 3.8.2014 when the service was disconnected.

22. The Appellant contended that CGRF has rightly imposed costs of Rs 13,500 on the Discom for negligently handling the pole mounted meter, leading to excessive and abnormal bills and subsequent disconnection etc. The Appellant further pleaded that it was the mischief of the staff of the Respondents, who illegally tapped one phase power from the outgoing terminal of the present service connection to another service connection No. x2-11084 causing excessive consumption reading from the present service connection leading to abnormal power bills and therefore, the Respondents should be directed to take into consideration average between 160 and 300 units per month.

23. The Appellant had requested to take into consideration the meter reading of a healthy meter fixed in March 2010 and take consumption from March, 2010 to May, 2012 to arrive at units from 160 to 300 to calculate the present dues as follows:-

March 2010	0000
May 2012	4823 Units
26 Months	4823 Units

The Average consumption for 26 months = $4823/26$ Months = 185 units per month. The request of the Appellant to rely on this average to fix the dues between 160 and 300 units is too distant and based on speculation, which is untenable.

24. There was a change of meter in April, 2014 as shown in the energy billing system report showing power consumption, the bills and the arrears w.e.f. January, 2006 to May, 2015. After fixing new meter, from April 2014 to May, 2015, the consumption of power was from zero 0 to 4759 units for 13 months. This shows that consumption per month is higher, when compared with 2010-2012 period. The Appellant sought the consumption from 2010 to 2012 to be taken to arrive at an average consumption per month based on EBS report, which would come to 4823 units for 26 months = 185

units per month. This period can not be taken because the status of meter for same month is shown as struck up(02).

25. The average consumption per month during April, 2014 to May, 2015 was 0-4759 units for 13 months. The total units to be taken as 4759 units divided by 13 months. The average units per month can be taken as

$$= \frac{4,759}{13} = 366 \text{ units per month.}$$

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26. The average consumption with latest figures for April, 2014 to May, 2015 is 366 units per month, which is higher than the consumption when compared with 2010-2012 period, which can be taken as basis for fixing the average consumption of power in the present case. This period is being taken as basis, because there was no allegation of mischief or mishandling etc, for fixing the average consumption during the period in question, which is also compatible with the claim of the Appellant in the Appeal that their consumption was about 160 to 300 units per month from February, 2010 to May, 2012 along with other allegations.

27. The average consumption of 366 units P.M to be taken as basis appears reasonable also in view of the fact that his meter was tapped in one phase to give power to another Service Connection of the Appellant, which was being used by a Tenant to run an electronic showroom, who get the benefit with the help of no doubt the lower rung officials of the Respondents with impunity, causing loss and excess bills to the Appellant, who has to be compensated in terms of money or otherwise.

28. The CGRF has rightly awarded compensation of Rs 13,500/- to the Appellant which was ordered to be adjusted in the future bills, which is upheld. The relief by way of direction to withdraw ACD claim raised on wrong bills for Rs 77,442/- is also upheld, because as per the CGRF order, the existing CD was enough as per consumption pattern for the year 2014-15.

29. Regarding the relief of revision of bills from March, 2010 to March, 2014, in view of various allegations made by the Appellant and facts, which have substance, there shall be a direction to the Respondents to revise the bills of the Appellant's Service Connection from March, 2010 to March, 2014 with final reading 23392 for the purpose of record, in view of the loss sustained by the Appellant vis-a-vis another Service Connection Number, in which his tenant was running an Electronic showroom who was benefitted by the illegal tapping of power in 'B' phase in the

present Service Connection Number, fix the average consumption of 366 units per month (instead of 477 units arrived by CGRF), w.e.f. March, 2010 to March, 2014 to calculate the bill for 49 months and issue fresh bill with resultant consequences like giving credit for the excess payment made if any etc. The impugned orders to the extent indicated above shall stand modified .

30. It is clear from the material on record that the Respondents have caused delay in rectification of wrong bills(issuing 2 bills for the same month), negligence in issuing wrong status of the meter several times, causing mental agony to the consumer who was directed to be compensated by the CGRF through the impugned orders. The 4th Respondent shall cause an enquiry into the matter, fix the responsibility and recover the compensation of Rs 13,500/- from the delinquent staff member, to the credit of the DISCOM.

The Appeal is allowed accordingly.

Corrected, Signed and Pronounced on this 2nd September 2015.

VIDYUT OMBUDSMAN

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Hyderabad - 500 065.
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Copy to:

7. The Chairman, CGRF, TSSPDCL, Greater Hyderabad Area, Erragadda, Hyderabad.
8. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.