



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

Friday, the Nineteenth Day of August 2016

Appeal No. 44 of 2016

Preferred against Order Dt. 24-05-2016 of CGRF In

CG.No: 06/2016-17 of Medak Circle

Between

Sri Ch.Jai Ram, S/o. Sri Ramji, Dobbagunta (V), Dobbagunta Thanda,
Kondapur Mandal & post, Medak Dist. Cell No:9959783374.

... Appellant

AND

1. The AAE/OP/Kondapur/TSSPDCL/Medak Dist.
2. The ADE/OP/Sadasivpet/TSSPDCL/Medak Dist.
3. The AAO/ERO/Sangareddy/TSSPDCL/Medak Dist.
4. The DE/OP/Sangareddy/TSSPDCL/Medak Dist.
5. The SE/OP/Medak Circle/TSSPDCL/Medak Dist.
6. The DE/DPE/Medak/TSSPDCL/Medak Dist.

... Respondents

The above appeal filed on 14.06.2016 coming up for hearing before the Vidyut Ombudsman, Telangana State on 10.08.2016 at Hyderabad, in the presence of Sri. Jai Ram - Appellant and Sri. P. Karunakar Babu - DE/OP/Sangareddy, Sri. K. Vinod Kumar - JAO/SUB-ERO/Sadasivpet for the Respondents and having considering the record and submissions of both the parties, the Vidyut Ombudsman passed the following:

AWARD

The Appellant has SC No. 00841 00041 LT I (B) - Domestic(Telescopic) - above 50 units since June,2000. From the date of installation, the meter reading has not been taken. When the ADE/DPE inspected the service connection on 18.12.2015, he found excess meter reading and short billing for Rs 51,211/-. The Appellant pleaded waiving of assessment charges on the ground that he is a poor person and cannot pay such

huge amount. He lodged a complaint before the CGRF to that effect. The 1st Respondent submitted a letter dt. 6.5.2016 before the CGRF stating that there was inspection by AAE/DPE who found excess reading in the energy meter at 11,109 units and whereas, the billing as per EBS (Energy Billing System) was only upto 4231 units and therefore, a short billing assessment was resorted to.

2. At the hearing, the Appellant was absent and whereas, the 1st Respondent AE/OP/Kondapur stated that there was an inspection, a short billing case was discovered and a report was sent to ERO sangareddy for bill revision. The 3rd Respondent AAO/ERO/Sangareddy claimed that a bill revision without assessment amount was received from 1st Respondent, AE/OP/Kondapur and after working out the withdrawal amount, the amount due was arrived at Rs 30,000/- approximately. He claimed that this proposal would be sent to AO/Revenue for approval and thereafter, the rest of the amount would be withdrawn.

3. On the basis of the record, the CGRF directed the Respondents to revise the bill by withdrawing the excess amount and inform the Appellant for arranging payment, through the impugned orders.

4. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present appeal claiming that he took electricity meter on 21.6.2000 and that he has not used the power even for one hour in an average day and that he has no other property except the house in which he lives and that he is not in a position to pay the arrears bill and that instead of taking the reading from time to time, the Respondents resorted to billing the meter reading at one time and that so far he paid Rs 30,000/- towards CC bills and that he has not been using more than 60 units per month and that he is not in a position to pay even Rs 51,211/- the assessed amount and that he would be ready to pay the CC bills if issued every month and sought setting aside of the assessed demand for Rs 51,211/-

5. During the Appeal, the Respondents pointed out the fact that the meter reading has not been taken right from the start of the installation of the service connection and that the problem arose because of the absence of correct billing every month.

6. Efforts at mediation could not succeed, because the Appellant has been pleading total waiver of the assessed amount, which is not agreeable to the Respondents.

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

I. Whether the Appellant is entitled to waiver of the assessed amount ?

li. Whether the impugned orders are liable to be set aside?

Issues 1 & 2

8. The service connection of the Appellant was given in the month of June,2000. All along, it is found that the correct meter reading has not been taken and the meter reader had indulged in billing the Appellant on some assumed consumption. This fact came to light only when AAE/DPE inspected the service and found the reading of the energy meter as 11109 units but billed in EBS upto 4231 units only and then he submitted a report of short billing for Rs 51,211/-. The 3rd Respondent AAO/ERO Sangareddy claimed that he received a proposal for bill revision without assessment amount from the 1st Respondent's AE/OP/Kondapur and after working out the withdrawal amount, he arrived at the due amount as Rs 30,000/- only and that he sent the proposal to the AO for approval. This is the position obtaining by the time of passing of the impugned orders.

9. It is significant to note that right from the start of installation of the service connection in question till the date of inspection on 18.12.2015, there is no proper recording of the meter/consumption of units per month and issue of CC bills. The Appellant pleads that had the bills been issued regularly, he would have paid the amount. He claimed that suddenly he faced the demand for payment of Rs 51,211/- towards arrears, which is beyond his means. In the impugned orders, the AAO/ERO/Sangareddy claimed that he worked out the arrears and arrived at the figure Rs 30,000/- approximately and a proposal to that effect would be sent to AO/Revenue for approval and claimed that after receipt of the approval, the rest of the amount would be waived. What happened to this proposal is not on record.

10. During the hearing, the Respondents claimed that the arrears have been worked out from 2008 till Dec,2015 and arrived at Rs 21,971/- as dues. Keeping in view the fact

that right from the time of installation of the service connection, the correct consumption has not been recorded, a direction has been given to the Respondents to revise the bills from June,2000 onwards and accordingly, the Respondents revised the bills right from the month of June,2000 upto April,2016 and arrived at the due amount as Rs 10,720/- as the less billed amount. The Appellant also has been informed about the total short billing amount of Rs 10,720/- which he should pay. The Appellant pleaded that he is a daily wage earner and has no fixed income. Keeping in view the plea of the Appellant and the report of the Respondents giving the revised assessment amount towards short billing as Rs 10,720/-, the Appellant is found not entitled to waiver of the short billing amount and that he is liable to pay this amount to the DISCOM, but in instalments as permitted under clause 9 of Regulation 9/2013 amending clause 4.6 of Regulation 5/2004.

11. The impugned orders merely speak about a direction given to revise the bill for withdrawing the excess amount in the form of a recommendation, without arriving at the short billing amount, which is not tenable. The impugned orders to that extent are liable to be set aside. Both the issues are answered accordingly.

12. In the result, the Appeal is allowed holding that:

- a. The short billing amount is arrived at Rs 10,720/-, which the Appellant is liable to pay to the DISCOM.
- b. Keeping in view the plea of the Appellant, his position as a poor person and his inability to pay the amount in a lump sum and also the fact that no regular bills were issued to him, the appellant is found entitled to pay the short billing amount of Rs 10,720/- in (11 monthly installments as per Clause 9 of amended Regulation 7 of 2013), 10 installments starting from September 2016 with Rs 1,000/- per month and the last and 11th installment being Rs 720/- to the DISCOM. Failure to pay even one instalment would make the entire amount due recoverable in a lump sum.
- c. The impugned orders are set aside.

13. 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 19th day of August, 2016.

Sd/-

VIDYUT OMBUDSMAN

1. Sri Ch.Jai Ram, S/o. Sri Ramji, Dobbagunta (V), Dobbagunta Thanda, Kondapur Mandal & post, Medak Dist. Cell No:9959783374.
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7. The DE/DPE/Medak/TSSPDCL/Medak Dist.

Copy to:

8. The Chairperson, CGRF - Rural, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda,Hyderabad.
9. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills,Hyderabad.

