

## **BEFORE THE VIDYUT OMBUDSMAN**

Present

**K.Sanjeeva Rao Naidu**  
**Vidyut Ombudsman**

Dated: 29-04-2010

**Appeal No. 8 of 2010**

### **Between**

The Executive Club  
Near Polytechnic College  
ITI Road,  
Vijayawada – 520 008.

***... Appellant***

### **And**

The Superintending Engineer/ Operation / APSPDCL/Vijayawada  
The Senior Accounts Officer/Operation/APSPDCL/Vijayawada  
The Divisional Engineer/Operation/Town/Vijayawada

***....Respondents***

The appeal / representation dt.28.01.2010 received on 01.02.2010 of the appellant has come up for final hearing before the Vidyut Ombudsman on 23.04.2010 at Tirupathi in the presence of Sri K.Raghava Rao, General Manager, Sri D.L.R.Balakrishna Satyam, Advocate for the appellant present. Sri Ch.Vasu, ADE/Op/Padamata present for respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

### **AWARD**

The appellant filed a complaint before the Forum that the CC bills issued for the last 4 months and they are with abnormal charges because of the faulty maintenance of the department and also stated several reasons for charging with abnormal amounts, finally requested to reduce the following CC bills:

- (i) Short fall units 9000 raised in June'09
- (ii) August bill by 67247/-
- (iii) September bill by 23001/-
- (iv) October short fall bill for 1496 units

2. The respondent submitted written submissions on the following lines:

- (i) Based on the complaint, the ADE/O/Gundala (i.e) about B-phase current missing in the meter display of HT Sc No.637/Vijayawada M/s. Executive Club, Vijayawada, the said service was inspected by the ADE/HT metes/Amadala on 25.05.2009 and noticed that the B-phase current has intermediately missing in the meter display and hence declared as defective meter and replaced with healthy meter on 25.05.2009.
- (ii) After thorough review of the MRI data defectives of the meter took place from 03.05.2009 at 23.02 to 22.05.09 at 20.01hrs
- (iii) accordingly, the short fall units were arrived as 9807 units and included in the CC bill
- (iv) Again due to failure of the meter cubicle, short fall of units 1496 was arrived at and raised the bill. Cubicle was also replaced on 24.09.2009.
- (v) Finally stated that the short bill as above was levied based on the MRI data only.

3. The Forum has inspected the report of the ADE, the back billing notice, MRI tamper data and also reviewed the remarks of the respondents and after hearing both sides and after considering the material placed before the Forum disallowed the complaint without costs on the following grounds:

- (i) As per the clause 7.5.1.5.4 of TCS supply approved by the APERC, whenever the test results indicate a clear level of error, the bills for the defectiveness of the meter, Bills for the period prior to the month in which the dispute has arisen may be adjusted as per test results.

Here, in this case, respondents took action and issued the short billing notice based on the MRI data and it is very clear that the occurrence of the

defectiveness has taken place from 03.05.2009 to till the date of inspection (i.e) upto 25.05.2009.

(ii) Further on thorough verification of the MRI data, it is also observed that the active current recorded in B-phase was more than one-third as contended by the respondents in the back billing notice. Hence, it is established that the complainant having huge load on B-phase. In view of this, it cannot be said that B-phase has been recording one-third consumption at the time of healthy condition.

(iii) Respondents issued the back billing notice in general phenomena on the above grounds only.

(iv) It is of the opinion that the respondents have collected the back billing amount which is much less than that the respondents ought to collect.

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that they had 3-ph electrical connection and one phase meter was intermittently not functioning and displayed faulty reading and requested to go through the MRI reports and reduce the excess billed units of 9807. The meter was declared faulty by APSPDCL and changed the same after noticing fault. Again, after replacing the meter, the cubical was declared as faulty and it was changed by APSPDCL. The SE/O/Vijayawada pointed out that the shortfall units levied due to defective meter and defective cubicle. The MRI data clearly reveals that the meter exhibits power failed, occurred and some times power failed restored. For the restored period also, it was considered as it was power failure occurred. Hence, it was wrongly charged and the penal units charged are 9807 units may be deducted after considering their appeal; and that they are not responsible for the failure of the equipment and they have not committed any default. There are no lapses on their side and a sum of Rs.1,57,612/- is charged in excess, to their bills from 06/09 to 09/09. Neither the SE report nor their submissions were considered by the Chairperson and the appeal is to be allowed by setting aside the impugned order.

5. Sri K.Raghava Rao, General Manager and Sri D.L.R.Balakrishna Satyam, Advocate for the appellant present and Sri Ch.Vasu, ADE/O/Padamata on behalf of the respondents present.

6. The appellant submitted that they are not responsible for the failure of the meter or cubicle and the respondent have not considered the meter working period and merely they paid the amounts under protest and the SE has clearly mentioned in this report about the defect in the meter and therefore they are entitled for refund of the amount. Whereas the respondents represent merely because the meter is not functioning, it cannot be said that they have not utilized the electricity and the Forum has rightly considered the same and is on correct lines with the GTCS and rejected the request made by the appellant and there are no grounds to interfere with the same and the appeal is liable to be dismissed.

7. It is clear from the report of the SE that there is a shortfall units and the same is levied due to defective meter. It does not mean that they have not utilized the electricity during the said period. The period is only from 03.05.2009 at 23.02hrs to 22.05.2009 at 20.01hrs nearly 19 days. Whereas the appellant has claimed in their grounds of appeal from 06/09 to 09/09 which is not the subject matter of this appeal. Clause 7.5.1.5.4 which reads as follows:

*“Wherever the test results indicate a clear level of error, the bills for the period of defectiveness of the meter, Bills for the period prior to the month in which the dispute has arisen may be adjusted as per the test results. In case the meter is found to be fast, the refund shall be adjusted in the next bill. In case meter is found to be slow, additional charges shall be recovered along with the next bill. “*

8. When the test result indicate a clear level of error, the bills for the defectiveness of the meter bills for the period prior to the month in which the dispute has arisen may be adjusted as per test results. The data is given basing on the MRI report and also observed that the active current recorded in B-phase was more than one-third as mentioned by the respondents in the back billing notice. Therefore, it is clear that the complainant is having huge load on B-phase

so it cannot be said that the B-phase has been recording one-third consumption at the time of healthy condition.

9. It may be an admitted fact that there may be a heavy usage in one-phase and less usage in another phase and they cannot show any disparity and irregularity in the MRI data when the result is basing on MRI test report. I do not find any ground that the appellant has got any case to represent. I do not find any merits in the appeal and the appeal preferred by the appellant is liable to be dismissed. No order as to costs.

This order is corrected and signed on this day of 29<sup>th</sup> April 2010

**VIDYUT OMBUDSMAN**