

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 08-10-2010

Appeal No. 36 of 2010

Between

M/s. Bhadradi Co-operative Urban Bank Ltd
Bhadrachalam Branch
Bhadrachalam, Khammam Dist.

... Appellant

And

1. Assistant Accounts Officer / ERO/ NPDCL / Bhadrachalam
2. Divisional Engineer / Operation / NPDCL / Bhadrachalam

....Respondents

The appeal / representation dt. 22.06.2010 received on 30.06.2010 of the appellant has come up for final hearing before the Vidyut Ombudsman on 28.09.2010 for respondents represented by Sri R.Srinivas, ADE/Op/Bhadrachalam, Sri G.N.Satyanarayana, JAO/ERO/Bhadrachalam and 05.10.2010 for the appellant represented by Sri S.Dhanam Jayudu, Manager present, heard and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following:

AWARD

The appellant filed a complaint before the Consumer Grievance Redressal Forum (Forum), APNPDCL for rectification of heavy bills during the period of March 2003 to December 2003.

2. The contention of the appellant is that the following table discloses that the average consumption is 6643 units (average of last 3 years) and 9710 units (average of last six years) and the billing of 18273 units during the year 2003 is exorbitant and requested for reimbursement of excess billing is genuine and not an ecstatic and the same may be noted and the impugned order may be set aside. It is also further contended by him that an amount of Rs.600/- to 700/- is being charged every month as charges and several times they have consulted the CE,SE,DE, ADE for rectification of the problem, but in vain. The Forum has failed to observe the said aspect and confirmed the orders of the authorities and being aggrieved by the said order the appeal is preferred.

	2004		2005		2006		2007		2008		2009	
Jan	810	6466	324	2718	428	3237	609	4431	626	4670	727	4904
Feb	296	2380	348	2827	341	2559	732	5209	361	3011	444	3135
Mar	683	4700	334	2726	639	3944	1282	8587	882	6176	1154	7520
Apr	576	4256	639	4703	865	5364	1986	13060	1256	8554	1358	8825
May	739	5084	725	5488	871	6009	1818	12007	1514	10064	1672	10793
Jun	359	2917	1595	18343	914	5683	2033	13334	1366	8964	1186	7950
Jul	343	2859	592	4478	936	5825	1641	10856	988	6542	787	5835
Aug			584	4240			1420	9759	639	4394	1472	9117
Sep	580	4341	345	2698	533	7206	1374	9457	641	4403	1338	8228
Oct	396	3260	532	3969	947	5737	669	4496	1233	8088	1034	6521
Nov	336	2846	347	2720	621	4364	669	4496	492	3446	1186	7951
Dec	310	2613	428	3237	613	3637	444	3504	559	3840	738	4987

3. The respondent have submitted their case that the SC No.9138 released in the name of Sri R.Satish under Cat-II on 24.01.2000 and billed under by monthly from the date of release to February 2004 and thereafter monthly to monthly. As per the instructions of the higher authorities, the AE/Op/Town/Bhadrachalam removed the meter and sent the same for testing. The meter was tested in the presence of departmental officials and it was found that it was in good condition and recorded accurately. The consumption pattern

of the meter is not uniform on verification of records and the particulars as shown from the year 2001-2005 is as follows:

Sl.No.	Month & Year	Recorded consumption
1	08/2001	1086
2	04/2002	1241
3	06/2002	1763
4	10/2002	1147
5	06/2005	1595
6	07/2005	1138

4. It is clear from the record that for the year 01.01.2003 to 31.12.2003 it was charged an amount of Rs.1,20,692/- for the rest of the ears 2004-2006 average is Rs.41,613/- to Rs.43,386/-. The department has charged an amount of Rs.38,960/- as charges. The Forum has observed that the meter was tested and it was in good working condition and the performance of the meter is also O.K and rejected the request made by the appellant by confirming the orders.

4. Aggrieved by the said order, the appellant filed this appeal, for rectification of heavy bills during the year 2003, by looking into the facts on record and requested that order passed by the Forum is liable to be dismissed.

6. Now, the point for consideration is, "whether the impugned order, dated 14.06.2010, is liable to be set aside? If so, on what grounds?"

7. The appellant is represented by Sri S.Dhanum Jayudu, the Manager of the Bank has not attended before this authority on 07.09.2010, but appeared on 05.10.2010 and submitted a bunch of papers ventilating his grievances before this authority. The respondents were represented by Sri R.Srinivas, ADE/Op/Bhadrachalam and Sri G.N.Satyanarayana, JAO/ERO/Bhadrachalam

appeared and reported that the impugned order passed by the Forum is liable to be confirmed as there are no grounds to interfere with the said finding.

8. The contention of the appellant is that when the meter is changed the bills are coming in the normal form, but prior to that, it was showing abnormal recording; and that he was not present at the time of testing the meter and the impugned order is liable to be set aside.

9. It is clear from the papers submitted by him that the meter was changed by the department authorities on 05.01.2004. The material placed by the appellant also discloses that the readings are normal readings and there is no grievance for the year 2004. The reading particulars submitted by the respondents are normal from the year 2004. So, it is evident that prior to changing of the meter, it was abnormal. No such readings are there subsequent to 2004.

10. It is crystal clear from the above said facts that the meter attached to the premises of the appellant in the year 2003 is not in good working condition and the same is not working properly as the readings are apparent and directly supports the version narrated by the appellant. If the actual consumption is similar to 2003 the subsequent years also shows the same equivalent readings, but that is not the case herein. So it is very clear that there is deficiency of service and the respondents have failed in discharging their duties properly and in spite of the correspondence entertained by the appellant, they have not made any effort to trace out the realities, but the facts are crystal clear and the abnormalities are apparent on the face of it. It has to be construed that there is deficiency of service. It is also clear that without rectifying the same they have also charged an amount of Rs.38,960/- towards other charges. They have to collect only the normal charges as shown by the period subsequent to 2003 and the balance amount collected by them has to be adjusted towards future bills for an amount in addition to the additional charges of Rs.38,960/-.

11. In the result, the appeal is allowed and the respondents are directed to calculate average consumption for the year 2004 and the additional amount calculated shall be deducted from the amounts collected and the balance amount should be given credit in future bills of the appellant's service. The additional amount of Rs.38960/- shall also be adjusted in the future bills of the appellant. No order as to costs.

12. The compliance report shall be submitted to this authority within 30 days from the date of receipt of this order.

This order is corrected and signed on this day of 8th October 2010

VIDYUT OMBUDSMAN