

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu, Director (Law) and
Vidyut Ombudsman**

Dated: 02-03-2010

Appeal No. 1 of 2009

Between

M/s. Astha Power Corporation (P) Ltd.,
Redg. Off: B-1, Industrial Estate,
Sanath Nagar, Hyderabad – 18.

... Appellant

And

The Asst. Accounts Officer / ERO/APCPDCL/Sangareddy/
The Asst. Engineer / operation / APCPDCL / Isnapur / Medak Dist
The Asst. Divisional Engineer / Operation / APCPDCL / Sangareddy
The Divisional Engineer / Operation / APCPDCL / Sangareddy
The Superintending Engineer / Operation / APCPDCL / Medak Circle/Medak Dist
The General Manager / Customer Services / APCPDCL /Corp.Office / Hyderabad.

....Respondents

The appeal / representation dated 29.12.2008 received on 31.12.2008 of the appellant has come up for final hearing before the Vidyut Ombudsman on 06.02.2010 in the presence of Sri. K.C.Unni Krishnan, Authorised agent, Sri P.Pundari Kakshaya employee of the appellant and Sri. A.Lakshmin Narayana, ADE (Operation), Sangareddy, Sri P.Butchi Reddy, AAO, ERO, Sangareddy present for respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

Aggrieved by the order passed by the Forum in C.G. No.26 / 2008-09 of Medak Dist dated 29.11.2008, the appellant herein preferred this appeal on 31.12.2008.

2. The appellant / complainant stated that they are having the power connection S.C.No.391 at Plot Nos. 282, 283, Phase-II, IDA, Pashamylaram. There is no industrial activity in the above said plant as the project has been put on hold pending APERC clearance and the electricity is used for the purpose of maintenance and security purpose. The average power consumption is in the range of 400 units to 600 units per month. Whereas, the bill for the month of April, 2008, the consumption shows 2411 units which was exorbitantly high, even though the activity remains the same and furnished details of monthly consumption as per the electricity bills from Jan'08 to July'08 for comparison purpose.

S.No.	Month	Consumption/ unit	Bill amount: Rs.
1	January, 2008	367	1403
2	February, 2008	464	1942
3	March, 2008	400	1585
4	April, 2008	2411	12768
5	May, 2008	575	2623
6	June, 2008	551	1988
7	July, 2008	575	2560

They have paid the bill for April, 2008 under protest to avoid disconnection of service and requested AAO by addressing a letter dated 30.05.2008 to check the meter and to verify the possibility of mis-use by any third party and to send the corrected bill for the month of April 2008. The representative of the appellant Sri Pundarikakshudu, when he met APCPDCL officials and informed him that they will depute the technician to check the meter. They have again sent a letter on 04.08.2008 to check the meter but the officials have neither deputed the technician to check the meter nor corrected their bill or replied to the letters.

3. The respondents have submitted their written submissions and the gist of their submissions is extracted as hereunder:

“The S.C.No. 391 of Pashamylaram is in the name of M/s. Astha Power Corporation Pvt. Ltd. It is being utilized for domestic and motor pump. There are 4 nos. residential blocks and security person, used to stay there. The meter particulars and check reading taken by him on 30.10.2008 are as follows:

*Meter No. : APO56522
 Make : Secure
 Capacity : 200/5 Amps
 CT Ratio : 200/5 Amps
 MF : 1
 Reading : 20845*

4. On the representation of the same, the Divisional Engineer/LT Meters / Sangareddy inspected the service on 15.10.2008 and tested the meter in the presence of consumer representative and found the meter normal. The meter reading particulars during his inspection was 20684. The MD was recorded 9.7 kVA i.e, on 09.04.2008. The meter reading particulars of the service from 10/2007 to 9/2008 are as follows:

Month/Year	Closing reading	Consumption
10/2007	12851	663
11/2007	13273	422
12/2007	13707	434
01/2008	14015	308
02/2008	14382	367
03/2008	14846	464
04/2008	15246	400
05/2008	17657	2411
06/2008	18232	575
07/2008	18783	551
08/2008	19358	575
09/2008	20354	996

There is a compound wall around the consumer premises. The recorded consumption might have been utilized by the persons who are staying at the

premises. The MRT report shows that MD recorded during the April 2008 is high i.e, 9.7 kVA, hence, the meter has registered the high consumption during the month of April'08.

5. After hearing both sides and after considering the material placed by both the parties, the Forum observed that the ends of justice would be met if a direction is issued to the respondents to get the meter tested in MRT laboratory in the presence of consumer's representative, if the appellant / complainant so desires, remitting the prescribed fee and take further action to revise the bill based on the MRT laboratory test results.

6. Aggrieved by the order, the appellant preferred this appeal projecting the same grounds narrated in the complaint itself. The representative of the appellant Sri P.Pundarikakshudu has admitted before the Forum on 28.11.2008 that the meter was tested by the MRT officials on 15.10.2008 in the presence of Sri Jaihind Babu, Senior Assistant deputed by him and the copy of the MRT report was also given to him subsequently.

7. Whereas, the respondents stated that the consumption registered against the meter is in the order of 400 units (4/08), 663 (10/07), 996 (9/08), 1540 (9/07), 1690 (1/05), 1799 (4/06) and hence, there is a possibility of consuming 2411 units in the month of April'08 billed in May'08. The MRT report dt.15.10.2008 revealed that the MD recorded on 09.04.2008 was 9.7 kVA which was all time high from the date of fixing the present meter, in which month the consumption registered against the meter 2411 units. It was also brought to the notice of APCPDCL that the meter was jumping once in an year and on their complaint new meter was installed in September '05. Even after changing the meter it was jumping. It is the duty of service provider to go into details as to why the meter is jumping once in an year, even though it has been checked and found to be in satisfactory condition. The Forum has neither gone into the merits of the case nor considered the licensee's own submission that the SC No. 391 of Pashamylaram is being utilized for domestic and motor pump. The total units

billed was 5440 units excess. The Forum has not gone into the merits of their case and they also ignored the inspection report of the APCPDCL. This authority has to direct the APCPDCL officials to investigate and find out why the meter has been randomly jumping once in an year and thereafter, take necessary corrective action including free replacement of meter. The excess amount billed and collected for 5440 units may be either refunded / adjusted in future bills.

8. Now the point for consideration is, whether the impugned order is liable to be set aside by ordering refund of the amount as claimed and also direct the respondents to take necessary corrective action including free replacement of meter to avoid randomly jumping? If so, on what grounds?

9. Sri M.Unni Krishnan, authorized agent along with Sri P.Pundarikakshudu, employee of the appellant present Sri A.Lakshmi Narayana, ADE, Sangareddy, Sri P.Butchi Reddy, AAO, ERO, Sangareddy present for the respondents at the time of hearing of the appeal on 06.02.2010.

10. The representatives of the appellant have argued that the meter has been randomly jumping once in an year and huge units are shown as the usage and record filed by him has clearly established that there is randomly jumping and excess amount has to be reimbursed either by refunding or by adjusting the same in future bills.

11. Whereas the respondents have submitted that they have thoroughly checked the meter and infact they have changed the meter once and even the meter checking was also done in their presence and there is no defect in the meter and same is known to the appellant and they are simply harping upon that the connection, they are using for domestic purpose and there is radical jumping once in an year. Radical jumping even if it is there by virtue of the defect of the meter, it would have been reflected in the report itself. The appellant has approached the authority without any basis and appeal preferred by him is liable to be dismissed.

12. The MRT report dt. 15.10.2008 clearly disclosed the MD recorded on 09.04.2008 was 9.7 kVA which is all time high from the date of fixing the present meter showing 2411 units. When the meter itself is in good condition and when no evidence is produced by the appellant before the Forum or before this authority to point out the deficiency on the part of the respondents and how the appellant is entitled to the relief as claimed in the appeal. It must be established before the Forum or before the authority that there is a deficiency in service of the respondents.

13. The very contention of the appellant is that there is an abnormal recording of the units once in an year and particularly when there is no fault on the part of the consumer, there is a possibility to attribute deficiency of the service on the part of the respondents. It is not the case that the meter is jumping on a particular day or in a month. There is no possibility for checking the meter by staying day and night to look at the meter as to when and how it is jumping by the officials of the respondents. It is for the petitioner to go and approach the Forum with calculated units that there is an abnormal change in the recording once in a month though it would have been approached with the authorities with particular data by presenting their grievance. Moreover, the evidence of the respondents shows that for so many months there is upgradation of usage of units and it cannot be said that there is an abnormal recording and the Forum can come to a conclusion that there is a jumping of the meter without any basis or material. At the same time this authority cannot assess the same in order to appoint an individual of the respondent officials to check the meter throughout day and night at the premises. When there is no deficiency of service, the appellant cannot ask for redressal, if at all he can ask to change the meter still to avoid their doubt. He can approach the authority by filing an application to change the meter.

14. In the light of the above said discussions, I am of the opinion that there is no deficiency of service on the part of the respondents and the appeal is liable to be dismissed. This authority directs the respondents to change the meter, if the appellant so desires by approaching the respondents with an application by paying necessary charges. No order as to costs.

This order is corrected and signed on this day of 2nd March, 2010

VIDYUT OMBUDSMAN