

BEFORE THE VIDYUT OMBUDSMAN

Present
K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 19.04.2010

Appeal No. 4 of 2010

Between

R.V.NagaJyoti & RVGK Varma
Penumaru, Elamanchali (M),
W.G.Dist

.....Appellant

And

The Asst. Engineer / Operation / APEPDCL / Elamanchili
The Asst. Divisional Engineer / Operation / APEPDCL /Narsapuram
The Asst. Accounts Officer / ERO / APEPDCL/ Palakollu
The Divisional Electrical Engineer / Operation / APEPDCL / Bhimavaram

....Respondents

The appeal / representation dated 29.01.2010 of the appellant has come up for final hearing before the Vidyut Ombudsman at Kakinada on 08.04.2010 in the presence of Sri RVGK Varma, appellant , Sri K.Madhusudhan Reddy, Partner of the appellant present and Sri D.Srinivasa Rao, ADE/C&O/Narayanapuram, Sri A.Murali, AE/O/Elamanchali and Sri K.Ramu, UDC/ERO/Palakol present for the respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following

AWARD

The appellant and her husband jointly filed a complaint for inspection of their premises against the Provisional Assessment Notice issued for back billing and change of category from category III(A) concessional tariff to Cat-III(A)

industrial tariff and to regularise the additional load by paying development charges and ACD.

2. After hearing both sides and after considering material placed before the Forum, the Forum disallowed their prayer with a direction to pay the dues. Against that order, they preferred an appeal to this authority in appeal 20/09 this directed the Forum to hear the case afresh after issuing notices to both the parties and also issued certain guidelines while remanding the matter. Again it was registered as CG No.52/2009 and issued notices to both the parties. The appellant filed certain documents on 22.08.2009 to the effect that on 23.04.2007 Sri R.John Babu, the then ADE without inspecting the motors checked the RMD meter only when approached the Chairperson who instructed the SE and DE on phone to solve the problem.

3. The appellant and her husband got 3 service connections 604,681 and 682 by laying lines, distribution transformer and invested Rs.2.5lakhs . Their service covered under special guarantee of Rs.1500 has been deposited for each 1HP load. Their motors connected to their services are within 9.5 HP only. During 2007, he paid short fall amounts and represented on 19.01.2009 stating that there was no such load. He sustained a loss of about Rs.5 lakhs on disconnection of service, default in payment on 25.12.2008. He requested on 19.01.2009 to verify the load and enclosed the applications dt.29.07.2007 and 19.01.2009. During pendency of the appeal before this authority the service was disconnected. 6 tons of fish were perished and he sustained a loss of Rs.3 lakhs.

4. The respondent No.3 filed his counter and stated that the ADE inspected the 3 service connections on 23.04.2007 and AAE/O/Narsapur issued an additional load notice and to recover for change of tariff rate 0.90 to 3.75ps and the consumer did not come forward to regularise the additional load till 04/2009. Non-regularisation of additional load and amounts due are shown hereunder

1. 681 of Gumparru – short fall from 5/07 to 1/09 =32292-00
2. 682 of Gumparru – short fall from 5/07 to 1/09 =43160-00
3. 604 of Gumparru – short fall from 5/07 to 4/09 =45945-00

5. The respondent No.2 filed his counter on the same lines. As per the suggestions made by this authority in appeal 20/09, the first committee was constituted with Sri RSVK Mohana Rao, DE/M&P/Rajahmundry and Sri G.Ananda Rao, Consumer Activist. The second committee was constituted with the retired officers with the consent of the complainants. Out of 2 members in the first committee, the consumer activist Sri Ananda rao did not participate in the team. The DE/M&P/Rajahmundry has alone conducted the verification on 31.10.2009 and the second committee also filed its report.

6. After hearing both sides and after considering the material placed before the Forum, the Forum held that

"On examination of the several points raised by the complainants, with reference to the GTCS, Regulations Act, Rules and precedent, the Forum is of the opinion that there is no need to physically verify the loads of the consumer while registering a case purely basing on the readings of a Trivector meter, so far relates to the point raised about the defectness of the meter, the present consumption is not a measuring gauge to prove that there was no additional load connected at the time of inspection of their premises by the Inspecting officer on 23.04.2007."

7. Aggrieved by the said order, the appellant preferred this appeal questioning the same as it is unsustainable. This authority in appeal 20/09 has remanded the matter by giving specific directions to constitute a committee etc., and the Forum also communicated written submissions of the respondent No.2 for filing a rejoinder from the appellant side and submitted a rejoinder narrating all the facts as mentioned in their complaint and also consequent changes occurred at the time of inspection, etc. It is also mentioned in the remarks of appeal that the additional load to their service is biased, illegal and capricious. The defective

RMD meters fixed to their services without necessity and the respondents have removed the said RMD meters when there was no display on the meters. The refusal of reinspection of their 3 nos. services only to safeguard the fictitious inspection conducted by the respondent No.5, ADE/DPE/ELR to reach his target of inspections. The second committee constituted has inspected and observed that his load utilisation is only 3 HP for each service and the consumption recorded in his meters are coincided with the capacity of the motors existed and utilizing.

8. Now, the point for consideration is, “whether the impugned order dt.31.12.2009, is liable to be set aside, if so, on what grounds?”

9. Sri RGVK Varma and Sri Madhusudhana Reddy partner of the appellant present at the time of hearing of the appeal and Sri D.Srinivasa Rao, ADE, Sri A.Murali, AE and Sri K.Ramu, UDC present and they submitted written arguments and some documents. The respondents have submitted a report of Sri K.Vishnu Vardhana Lingam, Retd.ADE/APTransco/Narsapuram and Sri PVV Satyanarayana Murthy, Retd JAO/APEPDCL/Narasapuram. In the said report it is clearly mentioned that SC No. 604 recorded its reading from 4/09 to 09/09 and it is within limits of sanctioned load of 9.5 HP+ 340Watts as concluded and available to the date of ADE/DPE inspection on 23.04.2007 as follows:

Load x units x Diversity factor x No. hours 3-Ph supply x No. of days in a month
= 9.5 HP x 0.8 x 7 x 30
= 1190 units.

The variation of 7/09 consumption may be reconciled by taking the average consumption of 6/09 and 7/09. They have averaged motor capacity but no readings were taken on SC Nos. 681 and 682 as they were disconnected and consumption was taken as nil. The copy of the other report is not placed before this authority. However, the very observation made in the report for SC No. 604 is that there is no excess reading as such hence, there is no need for him to pay

additional load charges as demanded by the department officials. So far as other two connections ie., 681 and 682 are concerned there is no data to test by this authority since no inspection report is made available by the first committee. The report of the 2nd committee does not focus any light on SC No.681 and 682. However, it is for this authority to do justice to the party who approached to this authority on the ground of deficiency of service and to curtail the callous attitude of the officials.

10. In the light of the above said observation and material placed, it is necessarily to pass an order directing the appellant to pay half of the demanded amounts for additional load for each connection in the form of deposit and soon after deposit of the amount, respondents are directed to restore service connections for the above said numbers and watch the PF for one year from the date of restoration of service connection and if it is in excess load as pointed out, during that period the said deposit can be adjusted towards additional load and collect remaining amount, if any. If there is no excess load during this period of one year, the amount deposited at the time of restoration shall be adjusted in future CC bills of those two service connections. The eligible tariff has to be fixed to appellants.

11. With the above said observation, the appeal is disposed. No order as to costs.

This Order is corrected and signed on this 19th day of April 2010

VIDYUT OMBUDSMAN