

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 25 -08-2010

Appeal No. 32 of 2010

Between

M/s. Venkata Janaki Rice Mill
Yeleswaram (V)
Yeleswaram (M),
E.G.Dist-533427

... Appellant

And

1. Assistant Engineer/Operation/APEPDCL/ Yeleswaram
2. Asst. Divisional Engineer / Operation / APEPDCL / Jaggampeta
3. Divisional Electrical Engineer / Operation / APEPDCL / Jaggampeta

....Respondents

The appeal / representation dt. 17.07.2010 received on 21.07.2010 of the appellant has come up for final hearing before the Vidyut Ombudsman on 18.08.2010 at Visakhapatnam, appellant present and Sri K.Prasada Rao, ADE/Op/Prathipadu, Sri L.Satish Naik, AE/O/Yeleswaram on behalf of respondents present, and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following:

AWARD

Sri V.Srinivasa Rao representing M/s. Venkata Janaki Rice Mill complained that consequent on inspection of his premises by the DE/DPE/Rajahmundry, he received a demand notice demanding to pay Rs.9963/- and he deplored that they are promptly paying the bills and DE/Op/Jaggampeta did not give any reply to the notice given by him. Hence, he

approached the Forum by filing a complaint for redressal. It was registered as CG No. 44/10 and notices were sent to the respondents.

2. The respondent No.1 has submitted his written submissions as hereunder:-

“ On 09.09.2009, the Divisional Engineer,DPE, Rajahmundry has inspected the SC No. 211, Cat IIIA, 3ph load 57.08HP of M/s. Venkata Janaki Rice Mill, Prop: T.Venkateswarlu, Yeleswaram (V)&(M) and the existing meter is tested with Accu Check and found that the meter is having an error of -20.51% due to this the meter is recording less consumption. Hence back billing has made for an amount of Rs.9963/- by ADE/O/Jaggampeta.

After inspection by the DE/DPE/Rajahmundry the meter recording consumption with an average of 2000 units per month and before inspection the meter recording consumption with an average of 1495 units per month only. It clearly shows that the meter recording less consumption and hence made back billing.

Hence it is to submit that there is no need to withdraw the back billing amount since the consumer has utilized the supply but meter records less consumption”.

3. After hearing both sides and after considering the material available before the Forum, the Forum considered that there is no point to consider the case of the complainant and this Forum cannot interfere with the notice served on him demanding to pay Rs.9963/- towards less units recorded by the defective meter and also held that the amount demanded by the licensee is for the energy he actually consumed and directed the respondents to collect the demand as per rules.

4. Aggrieved by the said order, the appellant filed this appeal, questioning the same, that the DE who inspected the premises reported that the meter was wrongly fixed by the staff and there is no fault on his part and the variation is only due to season and unseason, but not on account of wrong reading of the meter

and the appeal preferred by him is to be allowed by setting aside the impugned order.

5. Now, the point for consideration is, “whether the impugned order, dated 29.06.2010, is liable to be set aside? If so, on what grounds?”

6. The appellant appeared before this authority at the time of hearing of appeal on 18.08.2010 at Visakhapatnam and represented that he has been regularly paying the bills and there is no much variation and he reported the same to the authorities immediately after receiving the notice.

7. The respondents Sri K.Prasada Rao, ADE/Op/Prathipadu, Sri L.Satish Naik, AE/O/Yeleswaram who were present at the time of hearing of appeal filed proceedings of the DE/DPE/Rajahmundry along with the statement of meter readings.

8. As per the said statement of the DE/DPE, the ADE /CT Meters/Bommuru has tested the meter and found the meter is having an error of -20.51% and due to the said error back billing is necessitated. The ADE/CT Meters has rectified the problem of wrong association and tested with Accu Check and found the error as +0.88% which is within the limits and it is a case of back billing and the Forum has no authority to entertain the matter and the appeal is liable to be dismissed.

9. The contention of the appellant is that he has no knowledge about the same and it is within the department and there is no variation as such in the meter readings and the variation is on account of season and unseason and not on account of any other defect and it is a fact that it has not been considered by the Forum and the appeal is to be allowed by setting aside the impugned order.

10. It is clear from the record that the meter is tested and found defective. It is the case of the respondent that it is a case of back billing. In the very notice itself it is clearly mentioned that if the appellant is not agreeable to the above assessment, he may make an appropriate representation to the SE/O/Jaggampeta within 15 days from the date of this notice, who will dispose off his representation after giving opportunity to him for being heard, if he so desires.

11. If it is a case of deficiency of service, the Forum is competent to entertain the matter. It is nowhere mentioned that there is a deficiency of service. When the appellant's meter is wrongly connected by the officials, no doubt, there is a deficiency of service, but no material is there to that effect. The reason is also assigned as to why the wrong recording is made and it is not on account of any interpolation either by the officials of the respondent or any body else. It is only on account of defect in the mechanical device, while running the variation is made. The statement filed before this authority is also in support of their version. No doubt, the respondents responded immediately but it is not on account of the defect but on account of deficiency of service. Therefore, the Forum has rightly considered the said aspect and there are no points to be considered by this authority to interfere with the said order. It is the appellant who has to approach the competent authority for redressal. Instead of approaching SE/O/Jaggampeta by filing an appeal before him and by placing the above statistics before him, he filed the complaint before the Forum, which has no jurisdiction to entertain the same. If that is so vis-à-vis, the authority is also not competent to entertain the appeal.

12. However, I am of the opinion that it is appropriate and justifiable to afford an opportunity to the appellant to approach the SE/O/Jaggampeta by filing an appeal if he so desires as contemplated under para 3.2 of the impugned notice.

13. In the result, the appeal is dismissed. The appellant is at liberty to prefer an appeal within 15 days from the date of receipt of this order before SE/O/Jaggampeta, if he so desires, and on receipt of the said appeal, the SE/O/Jaggampeta is directed to dispose off the appeal on merits by affording an opportunity to the appellant to submit his case and dispose of the matter on merits. No order as to costs.

This order is corrected and signed on this day of 25th August 2010

VIDYUT OMBUDSMAN