

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 17 -04-2010

Appeal No. 22 of 2009

Between

Sri. A. Rajeswara Rao,
Technical Officer (Retd),
73-7-4- / 3 A, Narayanapuram,
Rajahmundry – 5.

... Appellant

And

The Asst. Engineer / Operation / APEPDCL / D-5 / Rajahmundry
The Asst. Divisional Engineer / Operation / APEPDCL / Town / Rajahmundry
The Asst. Accounts Officer / ERO / APEPDCL / Town / Rajahmundry
The Divisional Electrical Engineer / Operation / APEPDCL / Rajahmundry

....Respondents

The appeal / representation dated 17.04. 2009 received on 21.04.2009 of the appellant has come up for final hearing before the Vidyut Ombudsman on 07.04.2010 at Kakinada the appellant being absent and Smt.L.Satyanarayanamma, AAO/ERO/Town/Rajahmundry and Smt.Y.Kiranmayi JAO/ERO/Town/Rajahmundry 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 complaining about raising of shortfall consequent on meter stuck up.

2. The 2nd and 3rd respondents filed their counter to the effect that the meter was stuck-up during 10/08 to 12/08 showing reading 8202. The faulty meter was changed on 31.12.2008 with initial reading as 0000.

3. The appellant has prayed for adjustment of Rs.1014/- already paid by him against the demand of Rs.1471/- on the ground that the statement of AE is sheer presumptive and it cannot be presumed unilaterally in the form of shortfall units without establishing the fault in the old meter by getting tested in the presence of consumer/owner. The bill means actual consumption only but not for including any arbitrarily calculated presumptive consumptions eventhough not consumed one sidedly. Short consumption is not a crime while calculation with arbitrary means especially when the meter was in motion is forbidden and not justified by any act or law. As per the bills produced by him the status of meter shows as stuck-up for the months of 10/08 to 12/08. On 31.12.2008 new meter was replaced. On 09.02.2009, the meter reading was 193 units. Basing on the record and the submissions, the Forum ordered that the CC bill was issued basing on the previous consecutive 3 bi monthly average consumption in order and it is well within the rules and practice in vogue.

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same taking the status of meter as stuck-up by the Forum is not factually correct. By un-true facts rolled, the Forum's order became infirm and basically void. The EPDCL misconstrued the less consumption in 10/08 and 12/08 was only due to meter stopped. Neither the EPDCL nor the Forum did not want to recognize the factual submission that lead to lesser units is due to removal of highly consuming old fridge and their outside stayal for sufficiently long period of 15 days, etc. They tried to make up the situation advantage. The calculation of shortfall units outside the meter readings will not arise without proving their consumption by consumer. Shortfall units as per AAO are 359, whereas as per AE (D5 Section) are 349. The average consumption arrived by AE at 270 units is not correct. Since the consumption decreased to 190 units from 218 units and any assumption shall lie in between these two 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 24.03.2009, is liable to be set aside? If so, on what grounds?”

6. When notice was issued, the appellant was asked to appear before this authority, he failed to attend on 03.02.2010 at Eluru but he sent a representation on 03.02.2010 received on 06.02.2010 with a request that he is a retired pensioner and order may be passed by adjusting the irregularly collected amount in the next CC bill.

7. Again the matter was adjourned to 07.04.2010 at Kakinada, even on that date, he did not attend but respondents represented by Smt L.Satyanarayanaamma, AAO, and Smt. Y.Kiranmayi, JAO, they stated before this authority that the bills were issued basing on the particulars given by the revenue section and information furnished by the respective Engineers.

8. Whereas, the appellant in his representation dated 03.02.2010 stated at the time of recording the reading on 11.12.2008 it was observed that the meter was stopped and it would clearly reveal that it worked till then in which case the EPDCL will not have any moral right to speak of unfaithfulness of meter and make any claim on assumption or arbitrary means for the past period when the power was not consumed actually. Recovering for unconsumed units especially when the meter was working and not dead stopped (02) or removed at no fault of the consumer is sheer infringement of supply conditions, it is only in between 11.12.2008 and till 31.12.2008. Hence, appeal is to be allowed and the impugned order is liable to be set aside.

9. As per the notice and data sheet submitted the meter was stuck-up at reading 8202 for the month of 10/08 and the same was continued till 12/08. The calculation was made to 349 units. The appellant has submitted that the AAO had demanded 359 units and one is contrary to other is not correct, since it is a mistake in the arithmetical calculation instead of 349 units it was typed as 359

units. The meter reading may be 8202 right from October till December 2008. If it is seen in between on any day it will be 8202. So the calculation cannot be made from the day when it was observed by any other person or by reader at the time of taking reading. It is to be calculated from the date of earlier by-monthly bill to the present by-monthly bill. The appellant has clearly made so many remarks contributing more to the department which are unwarranted. Merely, there is a arithmetical error, it cannot be make a case to the appellant in any manner and it cannot improve his case. Further, he says that he paid an amount and the same has to be adjusted.

10. In the light of the above said discussion, having more has been paid, the same may be adjusted at the time of collecting arrears. There are no merits in the appeal preferred by the appellant. I do not find any irregularities in the impugned order and the appeal preferred by the appellant is liable to be dismissed.

11. In the result, the appeal is dismissed with a direction to the respondents of adjusting any amount if paid by him towards arrears of collection in excess. No order as to costs.

This order is corrected and signed on this day of 17th April 2010

VIDYUT OMBUDSMAN