

VIDYUT OMBUDSMAN
O/o: ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4th Floor, Singareni Bhavan, Red Hills, Hyderabad – 500 004

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated 23 – 12 - 2011

Appeal No. 81 of 2011

Between
Sri Sathya Sai Central Trust
Prasanthi Nilayam – 515134
Anantapur Dist (A.P)

... Appellant

And

1. Asst Engineer/Operation/Puttaparthi (Urban)/APCPDCL/Anantapur
2. Asst Divisional Engineer/Operation/Puttaparthi /APCPDCL/Anantapur
3. Asst. Accounts Officer/ERO/ Puttaparthi /APCPDCL/Anantapur
4. Divisional Engineer/Operation/ Kadiri/APCPDCL/Anantapur
5. Superintending Engineer / operation/Anantapur Circle/APCPDCL/Anantapur

....Respondents

The appeal / representation dt.20.11.2011 (received on 24.11.2011) against the CGRF order of APCPDCL (in CG No.158/2011-12 of Anantapur circle dt.24.10.2011). The same has come up for hearing before the Vidyut Ombudsman on 20-11-2011. Sri.P.Ramulu, Retd. Chief Engineer on behalf of the appellant present and Sri S.Sreenivasulu, ADE/O/Puttaparthi and Sri K.Venkateshwarlu JAO/EROPuttaparthi on behalf of respondents present, heard and having stood over for consideration till this day, the Vidyut Ombudsman passed/issued the following:

AWARD

The petitioner filed a complaint against the Respondents for Redressal of their Grievances and stated as hereunder:

“Meter No.915 has been installed in Tractor Shed in the Prasanthinilayam ashramam premises. The Shed lodges an air compressor and water spray for cleaning of vehicles in ashramam. The consumption is about 4-5 hours in the entire month when vehicles are either cleaned or when the tires need to be filled. The

electricity bill for this meter has always been around Rs.500/- some times going to as low Rs.164/-. Suddenly, we found that the bills for the month of June, July and August 2011 (in respect of readings taken in May, June and July 2011) are Rs.16,448/-, Rs.36,910/- and Rs.23,527/- respectively.

When they looked in to the matter we realized that it is on account of the tariff pattern. In pursuance of the order from APERC the tariff pattern appears has to be changed from KWH to KVAH for categories II and III. On account of the position of the capacitor (as demonstrated in the diagram A below), the meter is showing continuous consumption on the revised basis. After we realised the situation, we got the capacitor shifted as per diagram B below. The consumption has automatically come down. This clearly shows that our normal consumption is nominal and that the abnormal reading for the two months is only on account of the change in the pattern of billing and the location of the capacitor.

Diagram - A

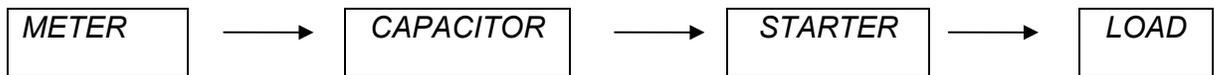
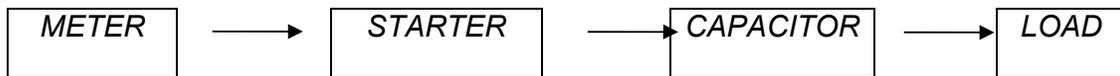


Diagram - B



They enclosed the complete list of billing of the meter from April 2009 to August 2011. The respondents will kindly notice that only abnormal readings are in June, July and August 2011.

The local Assistant Engineer is pressing us for recover of these abnormal items. As you would have already noticed the abnormal readings are on account of special circumstances.

Therefore the complainant prayed the Forum to kindly (a) stay the collection of amount involved in these bills till the matter is looked into by the Forum (b) Scale down the amounts of the bills for these months taking into account the average of the previous 3 - 4 months at the discretion of the Forum. They shall be grateful for an early hearing of matter. The complainant authorizes Sri P. Ramulu CGM (Ret.) APCPDCL, to represent them before the Forum.”

2. The 2nd Respondent has filed his written submission as hereunder:

“On scrutiny of the billing pattern it is found that the billing was done with KVAH Parameter instead of KWH from April 2011 as per the Tariff Order effective from Financial Year 2011-12.

Based on the consumer’s representation the C.T. meter was tested by M&P Wing, Kadiri and found that the meter was OK. On verification of the consumer premises, they identified that the capacitors were connected before the load and made always “ON” without load and hence the KVAH consumption was recorded

heavily. This was demonstrated to the representatives of the Complainant and the connections changed correctly.

In view of the above, the proposals sent for revision of bill was returned by the SAO/Op/Anantapur stating that it was not possible to revise the bill as the billing was done as per the Tariff Conditions. Therefore the Complainant was advised to pay the bill accordingly.

3. The 3rd Respondent has filed his written submission as hereunder:

“The billing is being done based on KVAH consumption recorded in the Trivector meter fixed in respect of SC.No.915 of Puttaparthi. Consequent to KVAH billing, the power factor surcharge was stopped for recording power factor less than the prescribed minimum as per the approval of Regulatory Authority. Based on the complaint given by the consumer the meter was tested in the LT Meter Lab and found no abnormality. The Meter Test Report is submitted for perusal. Hence, bills issued on KVAH consumption are in order.”

4. The Forum examined Sri P.Ramulu and recorded his statement on behalf of the complainant. S.Srinivasulu ADE/O/Puttaparthi was examined on behalf of the respondents. This was endorsed by AAO/ERO/Puttaparthi and DE/O/kadiri.

5. After hearing both sides and after considering the material placed before the Forum, the Forum passed the impugned order as here under:

“The consumption recorded by the meter is found correct. The Tariff made applicable is not disputed. As far as the consumption recorded is by the healthy meter and the Tariff applied is correct, there will not be a reasonable ground to intervene in the billing pattern adopted by the Respondents, as the same was approved by the APERC. In view of the above, the complaint is dismissed. The Respondents are directed to explain the Complainant regarding the billing pattern and collect the bills due if any giving the proper notice within one week from the date of receipt of this order.

The complaint is disposed off accordingly.”

6. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the appellant is a trust and the connected load is one Air Compressor Motor rated 15HP of 80% efficiency at full load which is sparingly used for inflating air for the tyres of vehicles and washing the same and aggregate usage of 4-5hours in the entire month. This was continued till March 2011 as the average monthly consumption was 110.08KWH and the meter readings recorded between April 2010

to March 2011 were also submitted. This was abruptly increased manifold and on the advice of CPDCL officials position of the shunt capacitors were changed and connected after the motor starter and old energy meter was replaced with new energy meter. The energy consumption reading in the month of August, September and October 2011 are also shown in Annexure – A. It is observed that the leading KVAH blocking was not taken care of while switching over to the pattern of billing based on kVAH reading required by the Tariff Order March dt.30.03.2011. Hence, the appeal is to be allowed by setting aside the impugned order.

7. Now, the point for consideration is, whether the impugned order is liable to be set aside or modified, if so, on what grounds?

8. The appellant is represented by Sri P.Ramulu, who appeared before the authority and stated that by mistake the capacitor was fixed immediately after meter instead of starter, thereby the meter is on for 24 hours though there was no consumption but the reading would be increased abnormally and that was detected by the in-charge of the shed and reported to the CPDCL officials and they have visited and rectified the same by putting the capacitor after starter and thereafter there was no abnormal reading recorded due to fixation of the capacitor i.e, in the months of May, June and July and that there was no loss to the department as there was no direct consumption and the impugned order may kindly be set aside.

9. Whereas, the respondents represented by Sri S.Sreenivasulu, ADE/O/Puttaparthi and Sri K.Venkateshwarlu JAO/EROPuttaparthi appeared before this authority and stated that there was no consumption practically but as per the conditions of the tariff and KVAH reading has to be billed and the billing is made accordingly and the appeal is liable to be dismissed.

10. It is an admitted fact that capacitor is fixed immediately after the meter. It is the duty of the appellant to fix the same in correct position, but it is a trust and nobody is having the responsibility to fix the liability or to take care of the fixation, etc. There are some meters which are not fixed with capacitors but the reading may be high due to the consumption. Here in this case, no consumption as such but the reading is shown due to the wrong fixation of the capacitor. If there is any loss to the

department, no doubt, it can be considered that this is the loss sustained, this is the consumption used. No doubt the claim made by the appellant is only due to the technical fault. However, there is no loss to the department and the organisation is a religious trust and the organisation is taking care of by the devotees. It is not the personal property of any individual to fix up the liability or shoulder the responsibility of fixing the capacitor correctly. This cannot be compared with other service connections and used by the consumers personally. Till officials have visited and rectified the same, the appellant is not in a position to know the wrong fixation as there is no such loss to the respondents and the same is also admitted by the respondents who appeared before this authority, there is no point in rejecting the request made by the appellant.

11. When there is a possibility of fixation of capacitor in terms of the tariff conditions, a duty is also cast upon the respondents to explain the same as there is a possibility of wrong fixation as in the above said case and the department officials are hereby directed to verify fixation of the capacitor as and when they are to be fixed and even if they are fixed they have to be verified whether they have put correctly or not and guide the persons using the capacitors for their service connections in future.

12. In the light of the above said discussion, the appeal preferred by the appellant is to be allowed by setting aside the impugned order. The respondents have to calculate the average consumption for these three months and the balance amount if any paid by the appellant shall be adjusted in future bills.

13. In the result, the appeal is allowed directing the respondents to calculate the average consumption for the disputed 3 months and balance amount shall be adjusted in the future bills.

This order is corrected and signed on this day of 23rd December 2011

VIDYUT OMBUDSMAN