

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 19 – 12 - 2011

Appeal No. 76 of 2011

Between
Sree Krishna Academy,
27-1-235/1, Mango grove,
Srinagar, 61st ward (GVMC)
Gajuwaka (PO), Visakhapatnam - 530026

... Appellant

And

1. Asst. Divisional Engineer / Operation / EPDCL/ Gajuwaka
2. Divisional Engineer / operation / Zone-II/EPDCL /Visakhapatnam.
3. Senior accounts Officer / operation / EPDCL/ Visakhapatnam

....Respondents

The appeal / representation dt.29.09.2011 against the CGRF order of APEPDCL (in CG No.110/2011-12 dt.20.09.2011). The same has come up for hearing before the Vidyut Ombudsman on 01-12-2011. Sri.T.Srinivas, Secretary, Sree Krishna academy on behalf of the appellant present and Sri P.Tirumala Reddy, ADE/O/Gajuwaka 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 his Grievances and stated as hereunder:

“Sree Krishna Academy, D.No.27-235/1, Mango Grove, Srinagar, Gajuwaka, Visakhapatnam District has filed a complaint stating that excess and wrong bill was issued for the period for 22/04/2011 to 22/05/2011. Hence made represented for rectification of wrong billing and do justices.”

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

“that MC of the service was failed on 21-05-2011 and the failed Meter was replaced on 27-05-2011. The CC bill for the month of 5/2011 was issued up to 27-05-2011 as on the date of replacement of defective MC.

1) Units recorded from 22.4.2011 to 21.5.2011 - 6516 units

Average consumption recommended due
to MC failure (from 21.5.11 to 27.5.11) - 5585 units

Total consumption billed in 5/11 for the
Period from 22.4.11 to 27.5.11 12101units

2) Units billed in 6/11 for the period from
28.5.11 to 22.6.11 7182 units

It is informed that the bills were issued as per the recommendation of the ADE/Gajuwaka in the month of 5/2011 up to the replacement of failed MC i.e. on 27-05-2011 and the excess consumption billed in the month of 5/2011 was proportionately reduced in 06/2011. Hence, the CC bills issued in the month of 05/2011 and 06/2011 were correct and there was no excess billing made and revision does not required.”

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

- *“Due to failure of M.C on 21/05/11 against HT Sc.No.VSP 456, Sree Krishna Academy, the excess consumption billed in the month of May, 2011 was proportionally reduced in the June, 2011 CC bill. Accordingly the CC bills issued in the monthly of May and June, 2011 are in order.*
- *The respondents are herewith **WARNED** that such type of rectifications in billing should be done on war footing basis as it is involved huge financial implications.*

Accordingly, the CG.No.110/11-12 is disposed off.”

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the Forum without giving any opportunity to the appellant simply adopted the written submissions of the respondent and dismissed the petition. The Forum did not consider the summer vacation from 01.05.2011 to 15.06.2011. The Forum casually accepted the average consumption units recommended by ADE. The finding of the Forum that excess consumption billed in the month of May 2011 was proportionately reduced in June 2011 and factually incorrect and not borne out

of facts. The Forum passed an incorrect observation that the CC bills issued in the month of May and June are in order, but they have paid amounts under protest on 06.06.2011 by addressing a letter to the respondents and the appeal preferred by the appellant is to be allowed by setting aside the impugned order.

5. Now, the point for consideration is, "whether the order passed by the Forum is liable to be set aside or modified ? If so, on what grounds?"

6. The appellant Sri.T.Srinivas, Secretary, Sree Krishna academy attended before this authority narrated all the grounds mentioned in the grounds of appeal. No representation was made on behalf of the respondents.

7. But after completion of the hearing, Sri P.Tirumala Reddy, ADE/O/Gajuwaka present and stated that the bills are in order and the appeal is liable to be dismissed.

8. It is clear that there is failure of MC against HT SC No.VSP 456. The Forum has observed that the excess consumption billed in the month of May 2011 is proportionately reduced in the month of June 2011. The units from 21.04.2011 to 21.05.2011 it is only 6516 units average consumption recommended due to MC failure from 21.05.2011 to 27.05.2011 is 5585 units. The total consumption was billed at 12101 units. The total consumption for the period of one month is 6516 units but for 6 days the claim was shown 5585 units. The record clearly revealed the abnormality and callous attitude on the part of the respondents in looking into the realities.

9. The Forum has erroneously observed that the said units are adjusted in the month of June is also incorrect as the consumption from 21.05.2011 to 22.06.2011 is shown as 7182 units. Though the Forum has rightly warned the officials of the respondents for such defects and failure on rectification but nothing is culled out in the form of correction or issuing modified /reduced CC bill.

10. In the light of the above said discussion, the order of the Forum is hereby set aside. The respondents are directed to calculate average consumption for that excess and reduce the excess billing i within 15 days from the date of receipt of this

order. The excess payment made by the appellant is to be adjusted in the future bills and the same is to be communicated to the appellant by addressing a letter. The compliance of the report shall be communicated to this authority within 15 days from the date of receipt of this order. No order as to costs.

This order is corrected and signed on this day of 19th December 2011

VIDYUT OMBUDSMAN