

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

Present

**K.Sanjeeva Rao Naidu**  
Vidyut Ombudsman

**Dated 15 – 12 - 2011**

**Appeal No. 58 of 2011**

Between  
Sri L.V.S.Murthy  
Door No.1-159, near High School  
Chinchinada (V), Elamanchili (M), WG Dist.

**... Appellant**

**And**

1. Asst. Engineer / Operation / EPDCL/ Yelamanchili
2. Assistant Divisional Engineer / operation / EPDCL / Narsapuram
3. Divisional Engineer / operation / EPDCL / Bhimavaram.
4. Asst.Accounts Officer / ERO/ EPDCL/ Palakol

**....Respondents**

The appeal / representation dt.05.09.2011 (received on 08.09.2011) against the CGRF order of APEPDCL (in CG No.141/2011-12 dt.19.08.2011). The same has come up for hearing before the Vidyut Ombudsman on 29-11-2011. Sri.L.V.S.Murthy, appellant present and Sri K.Satyanarayana, AAE/O/Yelamanchili, and Sri S.Bapi Raju, JAO/ERO/Palakol 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:

*“He has filed a complaint stating that wrongly short billing was assessed against Sc.No.985/Cat-II Chinchinada (V), Yelamanchili (M), W.G.Dist and requested the Forum to rectify the anomaly and cancel the unjustified order.”*

2. The 2<sup>nd</sup> Respondent filed his written submission as hereunder:

*“the Sc.No.985/Cat-II at Chichinada (V) is inspected by Asst. Divisional Engineer/Operation/Narasapuram on 10-08-2011 and the meter particulars are make: Uniler, Sl.No.1522419, Cap:5-20 A, Reading 970 in the presence of Sri L.Venkata Suresh, S/o L.V.S.Murthy who made representation to the Honorable CGRF for rectification of wrong Assessment made by the ADE/O/Narasapuram as per the Inspection report issued vide Lr.No.ADE/DPE-II /Eluru/Doc.No.W.G-8152/D.No.90/11 Dt.29-01-2011 at the time of inspection, the consumer stated that their prawn tank including the power supply service is given to lease to others from 09/2010 to 12/2010. At that time the lease holder is utilized power supply to the prawn tank so that the meter has recorded the actual consumption. The original consumer has also stated that their service meter is healthy and no fault when given to the lease holder. But the original consumer is unaware about the heavy consumption during the least period. During the inspection by ADE/DPE-II/Eluru, the actual reading noted and made assessment then issued inspection report to ADE/O/Narasapuram. As per the inspection report, ADE/O/Narasapuram issued to the original consumer then approached the CGRF.”*

3. The 4<sup>th</sup> Respondent has filed his written submissions as hereunder:

*“the consumer service No.985 Cat-II of Chichinada Distribution in Elamanchili Section is being billed in ERO/Palakol under LT Cat-II with connected/contracted load of 2.984 KW.*

*The consumer service under grievance Sc.No.985 of Chinchinada, Cat-II in Elamanchili section was inspected by ADE/DPE-II/Eluru on 21-01-2011 and it is was observed that the consumer availing supply and meter is working satisfactorily. On detailed observation it was noticed that the check reading in meter was 6048 where as the final reading in CC bill for the month of January-2011 was issued with 580 as final reading. Hence, short billing case is booked for suppressed units.*

*The ADE/O/Narasapuram issued notices to the consumer of Sc.Nos. 985 of Chinchinada vide Letter No.ADE/OSD/NSP/D.No.213/11, Dt.07-02-2011 (Copies enclosed) and the revenue loss of the company has been assessed at Rs.35,216/- with a request to arrange to make payment of Shortfall amount and due to failure by the Consumer, the shortfall amount was included in CC bills for the month of April, 2011.*

*The consumer however did not make payment for shortfall amount raised till to date.”*

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

- *“The complainant is liable to pay the short billing amount as per the Provisional Assessment Notice issued.*
- *The Forum is herewith directed the respondents to collect the short billing amount as per Provisional Assessment Notice issued to the consumer.*
- *The Forum is herewith directed that the compliance report should be furnished within 15 days.*

*With the above directions CG.No.141/11-12 is disposed off.”*

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the notice issued by the respondent - 2 is bias, capricious and not in accordance with GTCS and the inspection of respondent - 3 on 21.01.2011 at 1650hrs at the time of sunset is fictitious and void under law. No person is present to witness the inspection and the inspection notes was written by him at his whims and fancies. Respondent - 3 nor respondent - 2 submitted their check reading details at the time of their visit to the premises to the service no. 985 of the appellant and also failed to call upon to witness the check reading inspection of the service on behalf of the appellant. The respondent - 2 visited the appellant premises on 10.08.2011 and made confusion with his questions to Sri L.Venkata Suresh S/o of the appellant. The check reading noted by the inspecting officer is false. He has also submitted the patten of reading recorded since May 2010 for perusal of this authority and the assessment made for shortfall for Rs.35,066/- is quiet unjust and bias. The reading recorded from 5/2010 to 2/2011 shows the final reading of 580 is correct and the appeal is to be allowed by setting aside the impugned order.

6. Now, the point for consideration is, "whether the impugned order is liable to be set aside? If so, on what grounds?"

7. The appellant is present before this authority and stated he has got service connection for coconut garden and it is under Cat-II, it never crossed 500 units and the inspection notes is a fabricated note and that his son is an uneducated person and obtaining his signature without informing the contents and the contents of the notes shown to him is not correct and the appeal is to be allowed by setting aside the impugned order.

8. The respondents are represented Sri K.Satyanarayana, AAE/O/Yelamanchili, and Sri S.Bapi Raju, JAO/ERO/Palakol and categorically stated that the inspection was made and it was clear and suppression was made by the appellant and the same is categorically mentioned and in the test report the signature of the appellant's son is taken and the Forum has rightly considered these aspects and the appeal is liable to be dismissed.

9. Having admitted that his son was present at the time of inspection he cannot turn around and say that his son was uneducated and the inspection notes was fabricated. In the inspection when there is a specific reading with regard to usage of the electricity and when there is a clear cut suppression made by the representative, appellant has to pay the same. The appellant has not produced his son before this authority to put the real facts actually happened. Moreover, it is categorically mentioned that the motor was fixed to draw the water to the prawn culture. Even to ascertain this admission, the appellant has not produced his son. This shows that the appellant has not approached with clean hands. So he is not entitled to the relief as sought for.

10. In the light of the above said discussion, the appeal preferred by the appellant is not sustainable and is liable to be dismissed.

11. In the result, the appeal is dismissed.

This order is corrected and signed on this day of 15<sup>th</sup> December 2011

**VIDYUT OMBUDSMAN**