

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 20-01-2011

Appeal No. 54 of 2010

Between
Smt.M.Ratnakumari
Amadalavalasa Gate,
Behind Ram Mandir,
8th ward, Amadalavalasa,
Srikakulam Dist.

... Appellant

And

1. Asst.Engineer/Operation/ Amadalavalasa
2. Asst.Divisional Engineer/Operation/ Amadalavalasa
3. Divisional Engineer/Operation/ Amadalavalasa
4. Asst.Accounts Officer/ERO/ Town/Srikakulam

....Respondents

The appeal / representation filed on 10.12.2010 of the appellant has come up for final hearing before the Vidyut Ombudsman on 11.01.2011 at Visakhapatnam in the presence of Sri M.Krishna Murthy, husband of the appellant present and Sri D.Phani Kiran Kumar ADE/O/Amadalavalasa, Sri N.Srinivasa Rao, AAO/ERO/Srikakulam and Sri K.V.Krishna Rao JAO/Sub-ERO/Amadalavalasa for respondents present 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 stating that the CC bill was issued in 7/10 for an abnormal amount and prayed for redressal of her grievance by

the Forum. The same was registered as CG No. 151/10-11 and notices were served on the respondents.

2. The respondent No.2 filed his written submissions as hereunder:

“The stuck up meter for the service No.3333 was replaced with tested meter on 17.03.2010, the old and new meter particulars are as follows:

	OLD METER PARTICULARS	NEW METER PARTICULARS
<i>Make</i>	<i>Havells</i>	<i>HPL</i>
<i>Sl.No.</i>	<i>716472</i>	<i>427407</i>
<i>Capacity</i>	<i>5-20A</i>	<i>5-20A</i>
	<i>Final reading: 7336</i>	<i>Initial reading:zero</i>

It is to submit that the old meter Sl.No is entered as 2056 mistake only. The check reading of new meter as on 11.10.10 is 510.

Hence, the average consumption for two month = $510/217 \times 61 = 146$ units per 2 months.

But as per the billing particulars for the last 2 years it is obvious that only one time it is billed 148 units and 23 times it is very much lesser than 146 units.

In view of the above it is very clear that the reading in the meter was suppressed by the meter reader. It is to submit that the meter was replaced during replacement of the conventional meters with Hi accuracy meters in 2008.

In view of the above it is kindly requested the ERO authorities for issuing the revised bill for previous two years on average and proportionate basis of 146 units for two months.”

3. The respondent No.4 has filed his written submissions as hereunder:

“It is to submit that as per the recommendation of ADE/O/Amadalavalasa, against SC No. 7364of Amadalavalasa the bill is revised on average basis for the period from 5/2009 to 3/2010 and arrived at an amount of Rs.1727/- instead of Rs.5824/- and approved RJ vide RJ No. 52/10-2010 of ERO Srikakulam”.

4. After hearing both sides and after considering the material placed before the Forum, the Forum resolved the grievance by revising the bill by taking average for the period from 5/09 to 3/2010 and arrived at an amount of Rs.1727/- instead of Rs.5824/- and directed respondent No.2 to collect Rs.1727/- from the appellant.

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same, that on enquiry, the meter was changed and they found the reading of 7336; and that he utilized 4000 units in addition and issued the bill for the said amount. The bill was issued on 11.03.2010 for Rs.266 for units of 126 and the meter was changed on 17.03.2010 and found the reading as 7336 and how can the reading be 4000 units for the small residential house for short period of six days. When he approached they have taken the average and revised the bill for Rs.1727/- and issued as if it is it was consumed by the appellant without issuing any notice of demand amount and the imposition of Rs.1727/- is also not correct and the appeal preferred by him is to be allowed by setting aside the impugned order.

6. Now, the point for consideration is, "whether the impugned order dt.22.10.2010 is liable to be set aside? If so, on what grounds?"

7. Sri M.Krishna Murthy, husband of the appellant present and categorically stated that there is no fault on him and he has been regularly paying the bills but he has received a bill all of a sudden as if the meter reading was 7336 which itself is an impossibility as it is not possible for him to utilize 4000 units within a period of six days; and that he has requested the department to produce the meter but they have reported that the meter was dismantled. The revised estimate may be made by the respondents is against to proof of law and natural justice and the appeal preferred by him is to be allowed by setting aside the impugned order.

8. Whereas the respondents are represented by Sri D.Phani Kiran Kumar ADE/O/Amadalavalsa, Sri N.Srinivasa Rao, AAO/ERO/Srikakulam and Sri K.V.Krishna Rao JAO/Sub-ERO/Amadalavalasa and submitted that the reading was taken manually after verifying the meter and there were no latches on the part of the respondents and on the enquiry made by the Forum, it was disclosed that it was revised by taking average monthly bills from 5/09 to 3/10 and the same was in

accordance with law and the appeal preferred by the appellant is liable to be dismissed.

9. It is clear from the material placed before this authority that the appellant has approached the authorities within time and has been agitating the same right from the beginning projecting impossibility of using 4000 units within a period of six days. So the burden is on the respondent to disprove the assertions made by the appellant by producing the meter and reading thereon. But from the submissions made by the respondents, it is clear that the said meter was dismantled. So an important right of the appellant is lost and he cannot be penalized, though the burden cast on the respondents. The method of taking average monthly bills is also not known to law, when there are latches on the part of the respondents. If there are any technical latches like meter stuck or less recording and if the same is established, no doubt the average estimate can be made. Therefore, the claim made by the appellant is quite reasonable and same has to be considered by this authority. The Forum has lost sight of for the above said analogy and resolved the dispute confining the claim for average bills of Rs.1727/- instead of Rs.5824/-, even that analogy is also incorrect. Further, it can not be said that the appellant has not consumed anything during that period of six days.

10. In the light of the above said discussion, it is necessary to reduce the amount to Rs.500/- instead of Rs.1727/- by applying the principle of *ratio descendi*.

11. In the result, the appeal is allowed in part reducing Rs.1727/- to Rs.500/- and if any excess amount is paid, the same may be adjusted by the respondents in future bills and if he has not paid, the said amount of Rs.500/- can be collected in the place of Rs.1727/- without imposing interest.

This order is corrected and signed on this day of 20th January 2011

VIDYUT OMBUDSMAN

VIDYUT OMBUDSMAN

4th Floor, Singareni Bhavan, Red Hills, Hyderabad-500 004

From

K.Sanjeevarao Naidu,
Vidyut Ombudsman,
'Singareni Bhavan' 4th Floor,
Red Hills, Lakdikapool, Hyderabad.

To

Smt.M.Ratnakumari
Amadalavalasa Gate,
Behind Ram Mandir,
8th ward, Amadalavalasa,
Srikakulam Dist.

Lr.No.VO/Appeal No.54/ 2010 dated 24.01.2011

Sir,

Sub: - Appeal No. 54 of 2010 – Appeal filed by Smt.M.Ratnakumari
Amadalavalasa Gate, Behind Ram Mandir, 8th ward, Amadalavalasa,
Srikakulam Dist.

A copy of the Order passed by Vidyut Ombudsman, on 20.01.2011, in
Appeal No.54 of 2010 is forwarded herewith.

Yours faithfully,

Vidyut Ombudsman

Encl: as above

Copy to:

1. Asst.Engineer/Operation/ Amadalavalasa
- 2 Asst.Divisional Engineer/Operation/ Amadalavalasa
3. Divisional Engineer/Operation/ Amadalavalasa
4. Asst.Accounts Officer/ERO/ Town/Srikakulam
5. The Chairperson, Forum for Redressal of Consumer Grievances of APEPDCL,
Visakhapatnam
6. The Chairman & Managing Director, APEPDCL, Visakhapatnam.
- 7.The Secretary, APERC, Hyderabad.
- 8.The JD/IT, APERC – with a request to keep this order in the Commission's
Website.