



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: R. DAMODAR

Monday the Eleventh Day of December 2017

Appeal No. 25 of 2017

Preferred against Order Dt.28.04.2017 of CGRF in

CrI.MP.No.8/2016-17 in C.G.No.722/2012-13

Between

Sri.N.Mallesh S/o.Sri.N.Chandraiah, H.No.1-131, Maddur (Post), RR District.

Cell : 8897472516.

... Appellant

AND

1. The ADE/OP/Chevella/TSSPDCL/RR district.
2. The AAO/ERO/Vikarabad/TSSPDCL/RR District.
3. The DE/OP/Vikarabad/TSSPDCL/RR District.
4. The SE/OP/RR South Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 04.08.2017, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 12.10.2017 at Hyderabad in the presence of Sri. N. Mallesh - Appellant and Sri. P. Srinivas - AAO/ERO/Vikarabad for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant is a consumer with LT-I SC No. 5100400263. This is an appeal against a petition filed in CG No. 722/2012-13 before the CGRF for implementation of its orders. The grievance of the Appellant is about an excess/abnormal consumption bill issued in the month of December,2011. In the Award dt.04.02.2013 in CG No.722/2012-13, the Respondents were directed to revise the abnormal bill and collect the correct consumption amount by issuing notice to the consumer as per the departmental procedure and taking action against the meter reader, who furnished fictitious reading and if the meter reader is a private employee, by levying the necessary penalty and recover from the contractor. When this award in the

CG 722/2012-13 dt.4.2.2013 has not been implemented, the present MP has been filed by the Appellant.

2. During the enquiry, the Appellant requested for revision of the abnormal bill and rectification of the bill at an early date. The 2nd Respondent/AAO/ERO/Vikarabad represented that the bill will be revised in two days and detailed report will be submitted by 16.2.2016. Instead he filed a report by way of a letter dt.23.3.2017 stating that there is no need for revision of the bill.

3. The 2nd Respondent revised the bill from December,2003 to December,2011 wherein the total units came to 17521 with an average consumption at 166.87 units per month for the period of 105 months which came to Rs 40,627/- and stated that the Appellant has been directed to pay an amount of Rs 40,627/-. Regarding taking action against the meter reader, he stated that a Memo has been given to the concerned meter reader for doing table reading terming the action as not sufficient and stated that after receipt of explanation he would report about the action taken.

4. After considering the material on record and contentions, the CGRF found that the Respondents have not taken action against the meter reader and therefore, directed them to take action and submit report along with the records within 15 days through the impugned orders.

5. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal stating that he has been paying the energy bills regularly ever since 2003 without leaving any dues and demanding payment of Rs 40,627/- at one time is unjust.

6. The Respondents filed record which was already filed during the hearing of the impugned petition before CGRF. From the record, it is seen that the 2nd Respondent/AAO through letter dt.27.03.2017 stated that on the directions of the Chairman/CGRF the AE/OP inspected the service, recorded the meter particulars, took check reading showing 20842 with the meter working normally. He further stated that the bill revision took place for the period from 12.03.2003 to 12.12.2011 and there is no need for further bill revision. He stated that an abnormal consumption was shown in the month of December,2011 due to non furnishing of actual reading by the meter reader. He stated that the meter was tested at the LT meter Lab by the ADE/LT-Meter and AE/LT-Meter and they found the performance of the meter satisfactory and therefore, he claimed that there is no need for the bill revision again.

7. In view of the nature of the rival contentions, the efforts at mediation failed and therefore, the matter is being disposed of on merits.

8. Based on the material on record, the following issues arise for determination:

1. Whether there are any grounds for revision of the consumption bill amounting to Rs 40,627/- representing average units for the period from Dec,2003 to Dec,2011?
2. Whether the meter reader was responsible for furnishing fictitious(table) reading thereby causing loss to the Appellant by way of huge consumption bill for Rs 40,627/- at one time?
3. Whether the Appellant is entitled to any compensation for the harm suffered by him at the hands of the meter reader/readers?

Heard.

Issues 1 to 3

9. The Appellant is a consumer with SC No.5100400263. He filed CG No.722/2012-13 before the CGRF and secured an order a) to revise the abnormal bill(check reading 20,842; load 1400 watts) for the month of December,2011 and collect the balance amount b) to take action against the meter reader and in case of a private meter reader, impose necessary penalty on the contractor. When no action is taken on revision of his bill, the Appellant filed a miscellaneous petition for implementation of the Award in CG and sought withdrawal of the abnormal bill raised during the month of December, 2011 for an amount of Rs 40,627/-.

10. It can be seen that the amount of Rs 40,627/- was raised in one month on accumulated units not billed as a result of repeated wrong (table) readings furnished by the concerned meter reader, who until November, 2011 furnished meter reading as 2378 units (based on EBS for the month of November,2011). The discrepancy came to light during the intensive inspections, wherein the actual meter reading in the meter of the Appellant was revealed as 17523 units. There was a major discovery of difference in the reading furnished for billing and actual reading existing in the meter. Consequently, the demand was raised for the unbilled units duly proportioning for each month. The bill was revised taking the period from 12-7-2003 to 12-12-2011 and the shortfall was calculated reaching an amount of Rs 40,627/- for the month of December, 2011.

11. The Appellant questioned and demanded revision of the bill for Rs 40,627/-. He questioned the credibility of the existing energy meter. The meter was found working satisfactorily when tested in the lab.

12. Apart from directing disciplinary action against the meter reader, the CGRF in the CG No. 722/2012-13 directed the respondents to revise the abnormal bill and collect the balance amount. The direction of the CGRF for revision of bill does not show on what grounds the bill has to be revised further. Since the amount of Rs 40,627/- itself was a revised bill raised as per the actual meter reading available, duly proportioning the units for each month with the MRT lab test revealing that there was no defect in the meter, the demand for revision of the bill loses steam.

13. The meter was inspected/checked in two instances:

- a. During intensive inspection, the reading found in the meter was 17523. Thereafter a demand was raised for an amount of Rs 40,627/-.
- b. The meter was tested in the MRT lab in the presence of the Appellant Sri. N. Mallesh on 31.12.2012. The % error in the meter found was -4.45%, which is under permissible limits. The final reading of the meter noted was 20842.

14. It is also noteworthy that the premises was inspected by AE/OP/Shabad and he reported the following load and check reading:

The Service of the SC No.5100-263 Maddur(V) has been inspected and the existing meter particulars have been recorded as hereunder:

Meter No.895521

Make : TTC limited

Cap: 2.5-10 amps

Check reading : 20842

Meter working normally.

The consumer is having 3 rooms (each room 10x15" size approx) and connected load is:

1 No. 80 Watts TV	- 80 Watts
2 Nos. 60 Watts Bulbs	- 120 Watts
3 Nos. 15 Watts CFL Bulbs	- 45 Watts
2 Nos. 80 Watts Fans	- 160 Watts
1 No. 1000 watt rice cooker	- <u>1000 Watts</u>

Total - 1405 Watts

This load shows that it existed only on the date of inspection and it can not be with certainty stated to have existed in 2003. Because the DISCOM is relying on the actual meter reading, no weightage now can be given to the present load for the purpose of the bill revision.

15. The impugned petition is filed for non implementation of the direction given by the CGRF in CG No.722/2012-13. The CGRF found that any further revision giving relaxation on the demand raised for Rs 40,617/- is not feasible.

16. The Appellant contested the a) Demand raised in the month of December,2011 for an amount of Rs 40,627/- and b) The working condition of the meter.

17. The demand raised for Rs 40,627/- is for the unreported units recorded during the period from 2003 to 2011 in the meter, which was not correctly billed by the meter reader. Firstly there is no discrepancy found when the units were billed proportionately with 166.87 units per month. Secondly, the meter testing results also deny any possibility of defect in the meter. The only difficulty for the Appellant is the demand of the DISCOM to pay the unbilled units from the year 2003 to 2011 at one time, as a result of the callous, careless and irresponsible meter readers, obviously official and contract workers, resulting in great difficulty to the consumer.

18. Based on the existing load at the time of inspection by the AE/OP Shabad on 9.1.2013, which was around 1.405 KW, the proportionate units levied at 166.87 per month is found reasonable and with no scope for any abnormality. Due to the negligence in billing, the payment of the short billing amount of Rs 40,627/- at one time is found not justified.

19. In view of the record, there is no doubt about the consumption of power and the demand raised for Rs 40,627/- as representing the short billing. This conclusion is arrived at because of what the meter readers have been doing/not doing from 2003 to 2011. Even if there is an excuse of shortage of staff, at least once in a year or 2 years the meter reader ought to have noted the meter reading, which has not been done, revealing a callous, careless, contemptuous negligence which needs to be curbed and contained. On this aspect, it is found reasonable to compensate the Appellant/Consumer with an amount of Rs 20,000/- to offset his harassment/difficulty. The DISCOM has to pay for the harassment its officials have

subjected the Appellant by slapping a bill for Rs 40,627/-. The DISCOM shall recover an amount of Rs 20,000/- paid to the Appellant by virtue of this order , by ordering an enquiry to find out the officials responsible for the harassment of the consumer. The DISCOM however shall adjust the amount Rs 20,000/- in the amount due and recover the balance Rs 20,627/- from the Appellant in 12 equal monthly instalments starting from the month of February,2018 bill. Failure to pay even one instalment would make the entire balance amount payable by the Appellant in a lump sum with its consequences. The issues are answered accordingly.

20. In the result, the Appeal is disposed of as follows:

- a. The Appellant is found liable to pay Rs 20,627/- (Rs 40,627/- minus Rs 20,000/-) representing the unbilled amount due payable in 12 equal instalments @ 1719/- per month starting from the month of February,2018 bill. Failure to pay even one instalment shall make the entire balance amount fall due with its consequences.
- b. The DISCOM shall order an enquiry to find out the meter readers responsible for not recording the meter from 2003 to 2011 and recover Rs 20,000/- from them.
- c. The impugned orders are answered accordingly.

21. The licensee shall comply with and implement this order within 15 days for the date of receipt of this order under clause 3.38 of the Regulation 3 of 2015 of TSERC.

TYPED BY Clerk Computer Operator, Corrected, Signed and Pronounced by me on this the 11th day of December, 2017.

Sd/-

Vidyut Ombudsman

1. Sri.N.Mallesha S/o.Sri.N.Chandraiah, H.No.1-131, Maddur (Post), RR District. Cell : 8897472516.
2. The ADE/OP/Chevella/TSSPDCL/RR district.
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5. The SE/OP/RR South Circle/TSSPDCL/Hyderabad.

Copy to :

6. The Chairperson, Consumer Grievance Redressal Forum, Greater Hyderabad Area, TSSPDCL, Vengal Rao Nagar, Erragadda, Hyderabad - 500 045.
7. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapool, Hyd.