



**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 Twenty Ninth Day of January 2018

Appeal No. 36 of 2017

Preferred against Order Dt.30.04.2017 of CGRF in  
C.G.No.713/2015-16/Hyderabad North Circle

Between

Sri. Shaik Saboul Hammed, Plot No.7,8,9, Gafoor Nagar, Madhapur,  
Hyderabad - 500 081. Cell:9989534442.

**... Appellant**

**AND**

1. The AE/OP/Jubilee Hills/TSSPDCL/Hyderabad.
2. The ADE/OP/Banjara Hills/TSSPDCL/Hyderabad.
3. The AAO/ERO/Banjara Hills/TSSPDCL/Hyderabad.
4. The DE/OP/Erragadda/TSSPDCL/Hyderabad.
5. The SE/OP/Hyd.North Circle/TSSPDCL/Hyderabad.

**... Respondents**

The above appeal filed on 01.11.2017, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 04.01.2018 at Hyderabad in the presence of Sri. Shaik Saboul Hammed - Appellant and Sri. K.Srinivas - AE/OP/Madhapur, Sri. P. Shiva Krishna Prasad - ADE/OP/Jubilee hills 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 SC No. A9052873. According to him, he has been paying the CC bills regularly. He received a short billing notice dt.13.9.2014 stating that B phase current disclosed '0' Amps against the required phase current of 17.8 Amps as measured by the Tong tester. The meter was referred to MRT lab for testing and its report disclosed the error as (-)45.89% and therefore, short billing was proposed for the missing units from 20.02.2012 with 20464.1 KVAH to 19.06.2014 to 63083 KVAH. The short billing for Rs 2,94,572/- has been made during the defective meter period. The Appellant preferred a complaint before CGRF on 16.10.2014 seeking waiver of the bill amount. The DISCOM officials have to periodically check the

condition of the meter and change it if necessary. The consumer is not responsible for the faulty meter. He sought a direction to the DISCOM not to disconnect the service and not to harass him.

2. The 1st Respondent AE/OP/Jubilee Hills through letter dt.4.4.2016 stated that the service was inspected by the DPE wing on 17.6.2014 and found the meter display in the B phase current was 0 Amps, but as per the tong tester, the current was 17.8 amps. The meter was referred to MRT lab and as per the test report, the % of error found was 45.89% and therefore, short billing was proposed for the missed units from 20.02.2012 to 19.06.2014. A notice was issued for Rs 2,94,572/- on 13.09.2014 and Final order was passed by the 4th Respondent DEE/OP/Erragadda on 21.03.2016 for payment of Rs 2,94,572/-.

3. At the hearing, the 2nd Respondent ADE/O/Jubilee Hills stated before the CGRF about inspection of the service by the DPE wing, finding B phase not recording consumption in the meter, though the consumer was getting 3 phase supply and therefore, back billing was proposed based on the MRT test results. He stated about levy of back billing amount and Final Assessment Order passed by the 4th Respondent/DE/O/Erragadda for Rs 2,94,572/-, adding that the MRI data would be furnished shortly.

4. On consideration of the material on record and rival contentions, the CGRF came to a finding that the Final Assessment Notice issued by the Respondents to the Appellant is based on the error recorded by the ERS testing kit, which is genuine and the Appellant has to pay the back billed amount as demanded and disposed of the complaint through the impugned orders.

5. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal claiming that there was a promise of waiving of the entire short billed amount when he submitted a representation dt.11.3.2015 and that when a new DE took charge, he demanded the amount approved by the CGRF to be paid and on the advise of the ADE, he paid half of the short billed amount Rs 1,47,286/- on 6.4.2016 as per the assurance and that he received an electricity bill for Rs 1,47,286/- on 8.10.2017.

6. The Appellant claimed that the ADE ought to have inspected the service every 6 months and instead, he inspected the service very late. The Appellant was not advised to contact ADE/MRT and ADE/OP at the time of release of the transformer and due to the manufacturing fault of the C.T.Meter, the problem

started and that it was the responsibility of the officials of the DISCOM to inspect the meter every 6 months, which has not been not done. He claimed that he is not responsible for the defect in the meter and sought waiving of the back billing amount and a direction not harass or disconnect the service and refund the already paid amount.

7. The 2nd Respondent/ADE/O/Jubilee hills filed a report dt.10.11.2017 stating that when zero current in the B phase of the meter was found when tested in the laboratory, a back billing case was booked for an amount of Rs 2,94,572/- for the period from 20.2.2012 to 19.6.2014 and the Appellant paid Rs 1,47,286/- representing 50% of the back billing amount on 6.4.2016 and the Final Assessment notice was issued based on the error recorded by the ERS testing kit, which is genuine and the Appellant is liable to pay the back billing amount.

8. The Appellant pleaded that the service connection was in the premises let out by him to a third party who paid the electricity bills promptly and vacated the premises. He claimed that had the correct bills been issued, his tenants would have paid the money and now he is being taxed for no fault.

9. The steps at mediation have not succeeded and therefore, the matter is being disposed of on merits.

10. The following issues arise for determination:

1. Whether the back billing resorted to by the Respondents for Rs 2,94,572/- for the period from 20.2.2012 to 19.6.2014 is valid?
2. Whether the claim of the Appellant that his tenants paid the CC bills promptly and vacated the premises, has any bearing on the liability of the Appellant and the Respondents?
3. Whether the impugned orders are liable to be set aside?

### **Arguments Heard**

#### **Issues 1 to 3**

11. The Appellant/Consumer Shaik Saboul Hammed having the Service Connection bearing No. A9052873 at Gafoor Nagar, Hyderabad pleaded for issue necessary orders for withdrawal of the back billing assessed at Rs 2,94,574/- and also for refund of the 50% of the assessed amount Rs 1,47,286/- paid by him on 6.4.2016.

12. The ADE/DPE-I-Hyd North inspected the service on 17.6.2014 in the presence of Sri. S.A.Kareem stated to be the owner and found further that B-Phase current was recorded as 0 Amps in the meter, as against the actual phase current of 17.8 Amps measured by the tong tester and based on the error of -45.89%, short billing was proposed for less recorded consumption from 20.2.2012 with reading 20464.1 KVAH to 19.6.2014 with reading 63083 KVAH.

13. It is on record that on 19.6.2014 AE/MRT/CT Meters inspected the service A9052873 and reported that the B phase current was missing in the C.T.Meter and whereas, the consumer was availing healthy B Phase supply of 22.3 Amps recorded through the tong tester at the outgoing of the meter, which means that the meter is not recording B phase current and the consumption to that extent is not being billed. The CT meter was tested with the ERS kit, which produced the % error of recording in the meter to an extent of -45.89%.

14. The ADE/DPE-1/Hyderabad(North) calculated the loss at Rs 2,94,572/-. Based on the estimated loss, ADE/OP/Banjara Hills issued the Provisional Assessment for short billing for an amount of Rs 2,94,572/-. This assessment is based on the following calculation:

Contracted load	22000 W	Connected load	16220 W
Assessment from	20-Feb-2012	Assessment to	19-Jun-2014
Units Assessed	78764 Units	Units Recorded	42619 Units
Units Lost	36145 Units		
Amount	Rs 2,92,403.00		
Electricity Duty Charge	Rs 2169.00		
Total Amount	Rs 2,94,572.00		

15. . The Annexure XII(VII)(C) of GTCS shows the Guidelines for assessment of short billing cases

“i. Short billing arising out of defective meter

Meter is to be tested with Accu Chek/Electronic Reference Standard(ERS) meter at site and % error is to be arrived at and billed for the period when the meter was defective. If the period of the defect can be established with the aid of production figures of consumer and MRI

dumps(Meter Reading Instrument), the assessment is to be undertaken for the period when the meter was defective as per the formula.

	Unit of measurement	Formula
Number of units recorded by the defective meter due to two phases defect from.....to	Units	A
Number of units that would have been recorded if the meter had been working normally in three phases	Units	$B = A * 100 / (100\% + \% \text{ error})$ Where the % error is a negative value
Energy lost during the period	Units	$B - A = C$
Cost of energy	Rs per Units	D
Value of energy lost	Rs	$C * D = E$
Total Electricity charges payable	Rs	E

The above guidelines for short billing cases mandates assessment based on testing with the Electronic Reference Standard (ERS) meter. In this case, the % of error arrived at was -45.89% and the period of defect can be established with the aid of production figures of consumer and MRI dumps (Meter reading instrument). The data retrieved through MRI in this case shows that the phenomenon of B Phase current missing was first started from 20.2.2012 at 09.45 Hrs.

16. Regarding the period of back billing, Clause 7.5.1.4.4 of GTCS governs the subject which has been amended by proceeding No. APERC/Secy/96/2014 dt.31.05.2014 which is as follows:-

“7.5.1.4.4 The assessment shall be made for the entire period during which the status of defective meter can be clearly established, however, the period during which such status of defective meter cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection.”

In view of the above amended Clause, the assessed amount and the period of assessment in the present case is found to be in line with the General Terms and Conditions of Supply approved by ERC.

17. The Appellant, though paid 50% of the assessed amount, has opposed the short billing stating that the negligence of the department officials has resulted in the

accumulation of the short consumption and made him liable to pay the whole amount in a lump sum which is unjustified when he was not at fault. He claimed that his tenants paid the electricity bills/ dues promptly and vacated the premises. On the other hand, the Respondents submitted that the AE/C.T.Meter had 3000 similar connections at that time under his jurisdiction, which was a heavy load preventing him to carry out periodical testing of the meters. If there is heavy load of work on the meter reader/AE, should it cast a burden on the consumer? The DISCOM has to decide this issue.

18. The reliable record discloses that the consumer has availed the energy and if so, he has to pay the charges, notwithstanding his claim that his tenant consumed the power, paid bills promptly and vacated the premises and therefore, he is not liable to pay the arrears alleged by the DISCOM. There is no relief available to him in either GTCS, Regulations or Tariff Orders under the present circumstances. Therefore, it is the consumer who has to bear the burden, under the facts and circumstances of the case. Thus, the back billing resorted to by the DISCOM is found to be legal and the Appellant is liable to pay the assessed amount.

19. The plea of the Appellant that his tenant paid the CC bills promptly and vacated the premises and therefore, he is not liable to pay the arrears demanded is untenable.

20. In view of the facts, the Appellant is found entitled to 12 equal monthly instalments as permitted under Clause 9 of Regulation 7 of 2013. He shall not be liable to pay the interest charges on the due amount and no additional charges for the delayed payment on the outstanding amount. The prescribed interest in the Clause 9 shall be borne by the concerned AE/OP who was responsible for the present issue, after due enquiry. All the issues are answered accordingly.

21. In the result the Appeal is disposed of as follows:

1. The back billing resorted to by the DISCOM demanding the Appellant to pay Rs 2,94,572/- is valid and legal. (Less the amount of Rs 1,47,286/- already paid on 6.4.2016.)
2. The claim of the Appellant that his tenants occupied the premises, during the relevant time and vacated the premises has no bearing on his liability.
3. The Appellant is found entitled to 12 equal monthly instalments as permitted under Clause 9 of Regulation 7 of 2013. He shall not be liable for interest charges on the due amount and additional charges for delayed

payment of the outstanding amount. The prescribed interest in the Clause 9 shall be borne by the concerned AE/OP who was responsible for the present issue, after due enquiry.

4. The impugned orders are accordingly confirmed.

22. 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 29th day of January, 2018.

Sd/-

**Vidyut Ombudsman**

1. Sri. Shaik Saboul Hammed, Plot No.7,8,9, Gafoor Nagar, Madhapur, Hyderabad - 500 081. Cell:9989534442.
2. The AE/OP/Jubilee Hills/TSSPDCL/Hyderabad.
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6. The SE/OP/Hyd.North Circle/TSSPDCL/Hyderabad.

**Copy to :**

7. The Chairperson, Consumer Grievance Redressal Forum, Greater Hyderabad Area, TSSPDCL, Vengal Rao Nagar, Erragadda, Hyderabad - 500 045.
8. The Secretary, TSERC, 5<sup>th</sup> Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.