



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

Saturday, the Eighteenth Day of February 2017

Appeal No. 73 of 2016

Preferred against Order Dt. 07.11.2016 of CGRF In

CG.No: 435/2016-17 of Ranga Reddy East Circle

Between

Sri. P. Nageswara Babu, Plot No. 246, 3rd Street, Phase -I, Venkatadri Township,
Chowdary Guda Village, Ghatkesar, RR District. 500 088.
Cell 9000794659.

... Appellant

And

1. The ADE/OP/Ghatkesar/TSSPDCL/RR Dist
2. The AAO/ERO/Habsiguda/TSSPDCL/RR Dist.
3. The DE/OP/Habsiguda/TSSPDCL/RR Dist.
4. The SE/OP/RR East Circle/TSSPDCL/RR Dist..

... Respondents

The above appeal filed on 09.12.2016 coming up for final hearing before the Vidyut Ombudsman, Telangana State on 25.01.2017 at Hyderabad in the presence of Sri. D.Nageshwara Babu - Appellant and Sri. M.V.Ramana Reddy - ADE/OP/Ghatkesar and Sri. Ch.Shekar Reddy - AAO/ERO/Habsiguda 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. 1606 03012 and SC No.1606 00629. He claimed that for one service connection SC No. 1606 03012 which was released to his premises in September,2015 the 1st CC bill was issued in October,2015 for Rs 93/- on consumption of 12 units and that a bill for Rs 2188/- was issued in November,2015 for consumption of '0' units. On his complaint, the Respondents installed a new meter and issued CC bill for Rs 2203/- for December,2015 towards consumption of 20 units. On his enquiry, the AE informed him that the bills were issued based on the software in the

spot billing machine. The Appellant claimed that presently, a CC bill was issued for September,2016 for Rs 4867/- towards consumption of '0' units ,which was communicated to him on 8.9.2016. He claimed that the meter got struck up, when the consumption was less. He claimed during the hearing before CGRF that though the meter was showing no consumption, the officials have issued excess bills in November,2015 and December,2015. He further claimed that excess bills were issued in July and August,2016 even though the meter has not shown any consumption.

2. The Appellant claimed that in respect of SC No. 1606 0629, wrong bills have been issued from the months of January,2016 to April,2016 and sought revision of the excess/wrong bills and a direction not to disconnect the service till the dispute is resolved.

3. The Respondents are represented by the 2nd Respondent AAO/ERO who stated through letter dt.4.10.2016 that for the SC No. 1606 03012 the bill for Sep,2016 was issued for 642 units under the 'struck up status' by taking 3 months previous average i.e. April,May,June 2016. He stated AE/O/Narapally submitted a proposal to revise the bills for Aug,2016 and Sep,2016 by taking average units of 401 units per month and no amount was withdrawn, because the amount to be withdrawn is more than the already billed amount.

4. On the basis of the material on the record and representation, the CGRF by observing as follows:

"It is a specific case of the consumer in respect of his Service Connection No. 1606 0629 that wrong bills were issued in January,2016 to April,2016. The Respondents admitted that due to recording of units under struck up status, the average of last three months consumption has been taken at 401 units and revised bills have been issued. At the instance of the Appellant, the meter was sent for testing at the laboratory. The Respondents after receipts of MRT report from the lab, submitted a detailed report on 31.10.2016 as per the admission of R2 i.e. AAO/ERO/Habsiguda dt.05.10.2016. According to the said report and as per the proposal dt.19.10.2016, the bills of the complainant/consumer of SC No. 160603012 have been revised for the period of 10/2015 to 12/2015 and 07/2016 to 11/2016 for the average of 215 units

per month as proposed by the AAE and had withdrawn an amount of Rs 7607/- by passing credit entry in the EBS”

accepted the report and disposed of the complaint through the impugned orders.

5. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal stating that the Respondents, after accepting the defects noticed in the bills and after agreeing to revise all the bills, failed to do so and on the other hand, issued excess bills and further the Respondents have not submitted any detailed MRT lab report and the details of the criteria for revising the excess bills and sought to revise the bills by taking average consumption units as 61 per month.

6. In the Appeal, the 2nd Respondent/ADE/O/Ghatkesar submitted a report dt.20.01.2017 stating that the meter under SC No. 1606 03012, Category - 1, P.H.3, with Contracted load of 5 KW was struck up in the month of November,2015 and the service was billed for 375 units during the struck up period. The meter change “4” period from December,2015, the average of 375 units have been taken based on the contracted load, as there was no previous three billing cycles because the service was released in the month of September,2015. Further in the 2nd instance, during September,2016 and October,2016,under status ‘4’ the service was billed in an average of 642 units based on 3 billing cycles (normal consumption of April,May,June 2016) $(397+784+745/3=642)$. The 2nd Respondent further stated that the Appellant got excess bills due to non availability of the previous average consumption and in the 2nd instance, due to summer consumption covered by March,April and May. The service was billed in the month of July,2016 for 196 units under status “09” and in the month of August,2016 for ‘0’ units under status “09”. The service was not properly billed for July,2016 and August,2016. Further the service was billed under normal status i.e. “1” from January,2016 to June,2016 and based on the connected load and average power factor, the assessed units would be 953 per month.

7. Efforts at mediation have not been successful and hence, the matter is being disposed of on merits.

8. On the basis of the material on record and rival contentions, the following issues arise for determination.

1. Whether the Appellant is entitled to revision of the CC bills by taking three months average consumption only?

2. Whether the Appellant is entitled to rectification of the bills as claimed by him?
3. Whether the impugned orders are liable to be set aside?

Issues 1 to 3

9. The dispute in this Appeal is on the higher average units adopted for the SC No. 160603012, during struck up and meter change period in two instances i.e., in the month of Nov,2015 & Sep,2016. The bills were issued for 375 units and 642 units respectively.

10. The EBS consumption billing statement including the average consumption adopted for meter struck up and meter change period is as follows;

Month/Year	Status	Closing Reading	Units in KWH/MF	Demand	Collection	Arrears
Dec/2016	01/IR	303	92/1	245.00	0.00	2821.00
Nov/2016	01/IR	211	97/1	424.00	0.00	2576.00
Oct/2016	04/IR	114	642/1	4892.00	0.00	2152.00
Sep/2016	02	2604	642/1	4867.00	0.00	4867.00
Aug/2016	09	2604	0/1	215.00	215.00	0.00
Jul/2016	09	2604	196/1	652.00	652.00	0.00
Jun/2016	01/IR	2408	745/1	5327.00	5327.00	0.00
May/2016	01	1663	784/1	5660.81	5616.00	0.00
Apr/2016	01	879	397/1	2375.00	2375.00	0.00
Mar/2016	01	482	187/1	619.00	619.00	0.00
Feb/2016	01	295	150/1	484.00	484.00	0.00
Jan/2016	01	145	125/1	418.00	418.00	0.00
Dec/2015	04	20	375/1	2203.00	2203.00	0.00
Nov/2015	02	12	375/1	2188.00	2281.00	0.00
Oct/2015	01	12	12/1	93.00	0.00	93.00
Sep/2015	00	0	0/1	0.00	0.00	0.00

11. Clause 7.5.1.4.1 of the GTCS mandates resorting to average billing during meter defective period by taking 3 consecutive preceding period billing cycles. The Clause is reproduced here under:

“The number of units to be billed during the period in which the meter ceased to function or became defective, shall be determined by taking the average of the electricity supplied during the preceding three billing cycles to the billing cycle in which the said meter ceased to function or became defective provided that the condition with regard to use of electricity during the said three billing cycles were not different from those which prevailed during the period in which the Meter ceased to function or became defective”

12. **First instance:** For the meter struck up in the month of November,2015 and meter change period in December,2015, the service was billed for 375 units based on the contracted load.

Second instance: The second instance of meter struck up occurred during the period of September,2016 bill. The average units adopted in the bill issued was 642 units which was arrived at by taking the consumption of April,May and June,2016 i.e. preceding continuous 3 billing cycles as per the GTCS Clause 7.5.1.4.3

$$\frac{397+784+743}{3} = 642 \text{ units}$$

13. The two instances of the average billing adopted were 375 and 642 units. The DISCOM by citing reasons that there was no previous monthly consumption in the 1st instance and whereas, in 2nd instance, the 3 months consumption taken was of high consumption summer period, revised the bills in both the instances by taking 215 units as average units and withdrew an amount of Rs 7607/- from the dues which was accepted and recorded by the CGRF.

14. The Appellant objecting to the billing resorted to by the DISCOM submitted the following calculation sheets in support of his claim seeking withdrawal of Rs 11,643/- to be adjusted in the future bills as follows:

Calculation sheet - 1 submitted by the Appellant

Average to be calculated taking into consideration of 3 months consumption

Month	Units	
Jan-16	-125	
Feb-16	-150	Average for 1 month 462/3 = 154 units
March-16	-187	
Total	-462	

Calculation of the Amount

From October,2015 to July,2016 = 10 months x 154 = 1540 units

					Amount already paid	
Slab	Months	Units	Rate	Amount	Month	Amount
1 to 50	10	500	2.6	Rs 1300	October -15	93
51 to 100	10	500	3.25	Rs 1625	Nov-15	2188
100 to 150	10	500	4.9	Rs 2450	Dec-15	2203
150 to 200	10	40	5.65	Rs 226	Jan-16	418
CC 40 X 10				Rs 400	Feb-16	484
S/C 10 X10				Rs 100	March-16	619
Total				Rs 6101	April-16	2375
					May - 16	5660
					June 16	5327
					July -16	652
From August 2016 to October 2016 = 3 months x 154 = 462 units					August - 16	215
					Total	Rs 20234
Slab	Months	Units	Rate	Amount		
1-200	3	462	5.00	Rs 2310		
		CC 60 X 3		Rs 180		
		Total		Rs 2490		
Total from October,2015 to July,2016				Rs 6101		
Total from August 2016 to October,2016				Rs 2490		
Amount				Total	Rs 8591	
Total amount paid in 13 months				Rs 20234		
Total amount to be collected for 13 months				Rs 8591		
Excess collected				Rs 11643		
Amount to be adjusted in future bills				Rs 11643		

15. On the other hand, the Appellant submitted a calculation sheet No.2 based on the proposal of AAE/OP/Narapally for an average units per month as 215 units and calculated the amount from October,2015 to October,2016 i.e. 13 months i.e. from the beginning of the installation of SC No. 160603012 as follows:

Calculation of the Amount

From October,2015 to July,2016 = 10 months x 215 = 2150 units

					Amount already paid	
Slab	Months	Units	Rate	Amount	Month	Amount
1 to 50	10	500	2.6	Rs 1300	October -15	93
51 to 100	10	500	3.25	Rs 1625	Nov-15	2188
100 to 150	10	500	4.9	Rs 2450	Dec-15	2203
150 to 200	10	500	5.65	Rs 2825	Jan-16	418
201 to 250	10	150	6.80	Rs 1020	Feb-16	484
CC 40 X 10				Rs 400	March-16	619
S/C 10 X10				Rs 100	April-16	2375
Total				Rs 9720	May - 16	5660
					June 16	5327
					July -16	652
					August - 16	215
					Total	Rs 20234

From August 2016 to October 2016 = 3 months x 215 = 645 Units

Slab	Months	Units	Rate	Amount	
1-200	3	600	5.00	Rs 3000	
201-300	3	45	7.20	Rs 324	
CC 60 X 3				Rs 180	
Total				Rs 3504	
Total from October,2015 to July,2016					Rs 9720
Total from August 2016 to October,2016					Rs 3504
Total Amount					Rs 13224
Total amount paid in 13 months					Rs 20234
Total amount to be collected for 13 months					Rs 13224
Excess collected					Rs 7010
Amount to be adjusted in future bills					Rs 7010

The Appellant opposed the above revision of the bills and asserted that he is entitled to withdrawal of Rs 11,643/- instead of Rs 7607/- as revised by the AAO/ERO/Habsiguda as per the calculation sheet submitted by him shown in para 14 supra.

16. The main plea of the Appellant is:

i) To adopt 3 months average i.e. from Jan,16 to April,16 months normal consumption which works out to 154 units and

ii) These 154 units so arrived shall be levied from Oct,2015 to Oct,2016 i.e. for 13 months.

17. As per the Respondents calculation: The 215 average units was proposed by the AAE/Op/Narapally by taking 4 months i.e., normal units from Jan-16 to Apr-16 $(125+150+187+397) / 4 = 215$ Units. Then the total amount to be withdrawn worked out to Rs.7607. The period assessed was for 7 months, from Oct,15 to Dec,15 and July,16 to Oct,16.

As per the Appellant's Calculation: He insisted on taking 3 months average instead of 4 months i.e $(125+150+187) / 3 = 154$ Units. The total amount to be withdrawn thus worked out to Rs.11,643/-. The period assessed was for 13 months from October,15 to October,16.

18. The plea of the Appellant to revise the bills by taking average units for total 13 months from oct'15 to oct'16 is not acceptable owing to the reason that the healthy meter consumption period should have to be ignored. The average units billing shall only be done in the event of defective meter, where the actual consumption of units cannot be ascertained. The proposal of the Respondents in adopting only seven months without normal status '1' i.e. 02,04 and 09 has to be accepted.

19. Further GTCS Clause 7.5.1.4.1 mandates taking of three billing cycles (though preceding cycle adoption is not possible in this case), and then taking of 4 months average by the DISCOM is not correct. Under these circumstances, taking of 3 months average, which works out to 154 units, which should be applied in the present case to put an end to the controversy. The following is the revised billing to be adopted in the present case:

October -15 to Dec-15 and July-16

Aug-16 to Oct-16

616 Units (154 x 4)

462 Units (154 x 3)

Slabs	Months	Units	Rates	Amount	Slabs	Months	Units	Rates	Amount
1 to 50	4	200	2.60	520	1 to 200	3	462	5.00	2310
51 to 100	4	200	3.25	650					
101 to 150	4	200	4.90	980					
151 to 200	4	16	5.65	90.4					
EC				1772.4	EC				2310
ED		616	0.06	37			412	0.06	27.72
CC (40 * 4)				160	CC (60*3)				180
S/C (10*4)				40	S/C				0
TOTAL				2009.4					2517.72
To be bill 10/15 TO 12/15 and 07/16				2009.4					
To be bill 08/16 and 10/16				2517.72					
Total to be billed				4527.12					

	UNITS	AMOUNT
Already billed	2242	Rs 15,110/-
Ought to have been billed	1078	Rs 4527/-
To be Withdrawn	1164	Rs 10,583/-

The above calculation of units based on average consumption of 154 units is reasonable and based on correct application of Clause 7.5.1.4.1 of GTCS to which the Appellant is entitled to.

20. **SC No 1606 00629:** The meter got struck up in the month of March,2016. The average units were arrived at by taking November, December & January, 2016 months consumption i.e $268+252+103/3=208$ units. The February, 2016 month's consumption has not been taken, which was around 6 units only and thus not fit for taking sample. Thus the average billing resorted to this Service Connection during struckup '02' and meter change '04' status of 208 units is fully in conformity with Clause 7.5.1.4.1 of GTCS and no interferences in this Service Connection is warranted. The issues 1 to 3 are answered accordingly.

21. In this result, the Appeal is disposed of holding:

1. The Appellant is entitled to revision of CC bills by taking 3 months average consumption only.
2. The Appellant is entitled to rectification of the bills relating to SC No. 1606 03012. He is entitled to withdrawal of Rs 10,583/- instead of Rs 7,607/- towards average consumption units based on Clause 7.5.1.4.1 of GTCS.
3. The calculation of average units for SC No. 1606 00629 based on Clause 7.5.1.4.1 of GTCS by the DISCOM is confirmed.
4. The impugned orders are liable to be set aside to the extent indicated.

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 CCO, Corrected, Signed and pronounced by me on 18th day of February, 2017.

Sd/-

VIDYUT OMBUDSMAN

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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.