



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

Tuesday, the Ninth day of May 2017

Appeal No. 78 of 2016

Preferred against Order Dt. 26-08-2016 of CGRF In

CG.No: 129/2016-17 of Ranga Reddy East Circle

Between

Sri. S. Ramachandra Reddy, C/o. Sripathi Rao, Thattiannaram,
Hayat Nagar Mandal, RR District. Cell No. 9246175688.

... Appellant

AND

1. The ADE/OP/LB Nagar/TSSPDCL/ RR District.
2. The AAO/ERO/Saroonagar/TSSPDCL/RR District.
3. The DE/OP/Saroonagar/TSSPDCL/ RR District.
4. The SE/OP/RR East Circle/TSSPDCL/RR District.

... Respondents

The above appeal filed on 31.12.2016 coming up for final hearing before the Vidyut Ombudsman, Telangana State on 20.04.2017 at Hyderabad in the presence of Sri. Ravi - on behalf of the Appellant and Sri. K. Rajender - ADE/OP/LB Nagar and Sri. M.Madhav - AAO/ERO/Saroonagar for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant has LT-II(B) Category SC No. 570300168 Non-Domestic/Commercial. The ADE has inspected the service on 3.7.2015 at 11.35 AM and found that the Appellant has been using the power supply for printing purposes. He found the meter seals intact, but the voltage missing in R and B phases in the meter display. Therefore, he proposed short billing based on MRT report and MRI dump.

2. The 1st Respondent/ADE/O/LB Nagar based on the inspection report, issued a short billing demand notice for Rs 2,29,684/-. The Appellant is aggrieved because he was not shown the meter test reports and MRI dump report and was not given any notice or opportunity to make representation and therefore, he preferred a complaint to the CGRF against short billing proposed w.e.f. 12.10.2014 to 6.7.2015.

3. Before the CGRF, the AAE/O/Bandlaguda through letter dt.16.7.2016 submitted through the 1st Respondent/ADE/O/LB Nagar that after the inspection of the service connection, back billing case was booked, final assessment orders were issued and the Appellant paid Rs 1,14,842/- on 7.5.2016. The 2nd Respondent/AAO/ERO/Saroornagar through letter dt.7.6.2016 stated about inspection of the service, short billing demand for Rs 2,29,648/- and payment of half of the demanded amount by the Appellant.

4. Before the CGRF, the Appellant made a representation that back billing may be resorted to based on the previous average consumption before the meter went defective and sought the inspection report to be furnished to him. On behalf of the Respondents, the 1st Respondent/ADE/O/LB Nagar represented about the back billing demand and payment of half the demanded amount by the Appellant and about filing MRI dumps data during the enquiry before the CGRF.

5. On consideration of the material on record and contentions, the CGRF observed that the Appellant raised a grievance about not being furnished with MRI dump and MRT report and directed that these reports be supplied to the Appellant. Further, the CGRF observed that an appeal is provided against the final orders of the DE/O/Saroornagar to the SE/O/RR East and when there is sufficient appeal time, the Appellant ought to have appealed before the Appellate authority SE/O/RR East and disposed of the complaint through the impugned orders.

6. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal claiming that the short billing proposed based on MRT report and MRI dumps is not correct and that no opportunity was given to him for hearing and therefore, the report of the 1st Respondent/ADE cannot be taken into consideration.

7. The 1st Respondent/ADE/O/LB Nagar submitted a report dt.16.1.2017 claiming that when M. Prasad Rao, ADE/DPE/RR East during the inspection of the service, found the meter seals intact while voltage missing in R and B phases and on

that basis, short billing was proposed based on MRI dump and MRI report for Rs 2,29,684/-, out of which the Appellant paid half of the amount Rs 1,14,842/-. He further stated through a letter dt.13.4.2017 that at the time of meter testing, the Appellant was present and his signature was available on the test report dt.06.07.2015. He stated that the meter has been tested with ERS meter with phantom load in each phase and found the performance of the meter defective with error of - 66.8%, R&B phase voltages are showing 0.0 V and 16.6 V instead of 248 Volts and 250.5 volts and therefore, short billing was proposed on % error and MRI dumps and not based on connected load.

8. In view of the nature of allegations and rival contentions, mediation has not been successful. Hence the matter is being disposed on merits.

9. On the basis of the material on record and rival contentions, the following issues arise for disposal:

1. Whether short billing based on MRT report and MRI dumps for an amount of Rs 2,29,684/- on the ground of missing voltages in R and B phases in the meter display is tenable and legal?
2. Whether non furnishing of MRI dumps and MRT report to the Appellant when demanded, vitiates the short billing resorted to by the Respondents?
3. Whether the back billing ought to be based on previous average consumption as pleaded by the Appellant?
4. Whether impugned orders are liable to be set aside?

Heard.

Issues 1 to 4.

10. The Service Connection of the Appellant was inspected on 3.7.2015 at 11.35 AM by the ADE and he found voltages missing in R and B phases, i.e., R Phase - 0.0V, B Phase - 16.6 V. The Meter was tested with ERS(Electronic Reference Standard) meter on phantom load in each phase and the performance of the meter was arrived at with error -66.89. Therefore, the assessment was done accordingly to recover revenue loss by way of short billing based on Clause 7.5.1 of GTCS. The short details of short billing are as follows:

Period of assessment : 12.10.2014 to 6.07.2015
 Basis of assessment : MRI data and ERS meter
 PAO issued on : 1.8.2015
 Assessment amount : 2,29,684
 Appellant paid : Rs 1,14,842/- on 20.11.2016 (50%)

DE/OP by orders dt. 16.04.2016 Passed the Final Assessment Order (FAO) and Confirmed the provisionally assessed amount of Rs 2,29,684/-.

11. The Appellant pleaded that:

- i. No opportunity was given to him to be heard in person.
- ii. The ADE has not taken into consideration the previous average consumption to base the Provisional Assessment.

12. The Appellant through a Rejoinder dt.13.3.2017 pleaded further as follows:

- a. The Lab testing was done in his absence and therefore, the lab report cannot be accepted.

It is found in the test report dt.6.7.2015 furnished to the Appellant, that carbon was formed near R&B voltage potential wires and the same was cleaned and rectified. This was recorded with signatures of the Consumer's representative. Therefore, the claim of the Appellant that Lab testing was done in his absence is untenable. Moreover, Electronic Reference Standard Meter (ERS) with phantom load always get tested on the site which also disproves the claim of the Appellant that the testing was done in his absence.

- b. The periodical consumption as per the MRI dumps is shown as follows:

Sl.No.	Billing Month	Energy consumption KWH
1.	October,2014	771
2.	November,2014	191
3.	December,2014	25
4.	January,2015	257
5.	February,2015	1892
6.	March,2015	705
7.	April,2015	173
8.	May,2015	3312

9.	June,2015	3556
10.	July,2015	2110
Total		12992

13. The service connection is basically a unit of school text book printing press and it works based on the orders received from the Government. Whenever consumption of electricity is availed, during Government orders, supply usually availed would be for about 8 Hours per day. Otherwise, the supply for 2 or 3 hours/day would be used. Hence, it was pointed that there has been no constant load and reduction of consumption shall not be taken as basis for back billing.

14. *a. The Appellant contended that power supply is in two parts, one is energy and second is demand i.e. energy in KWH and demand in KVA (Volt) and the bill has to be raised as per the applicable rates.*

The tariff order approved by TSERC mandates the applicable rates corresponding to various consumers. As per the Tariff Order, the two part tariff i.e, Energy and Demand referred to by the Appellant is applicable to HT consumers and whereas, the Appellant's service connection is under LT-Category-II, with contracted load of 41 KW. Hence the said two part tariff is not applicable to the Appellant's service connection.

b. The Appellant contended that the lab test reports show error of -66% in two phases i.e. in VRN phase and VBN phase of voltage level recording, not in the energy consumption. Hence, there is no error found in the energy consumption.

Consumption of power supply is measured in KVAH units as per the Tariff Order. To elaborate KVAH, it is K-Kilo, V-Volts, A-Amps and H-Hours. Hence, it is to be understood that consumption of power supply is the product of voltage and current and the voltage missing in the meter results in less recording of consumption than the actual usage of consumption. Hence, the plea of the Appellant that there was no error in recording consumption of energy is not correct.

15. The Appellant further contended that the *MRI dumps are not showing any short recording of energy, during the period from Oct,2014 to July,2015. The original bills raised for the above period are correct and the back billing is not required under the circumstances.*

The tamper data (showing variation in voltages) and hourly load survey reports of MRI data clearly show with date and time of voltage missing with reasonable accuracy. Hence to recover revenue loss to the DISCOM, back billing/short billing is resorted to as per the amended Clause 7.5.1.4.4 of the GTCS. Thus the contention of the Appellant is not correct.

16. The Appellant relied on the following Clauses of CERC Regulations stated to be violations committed by the Respondents:

- a. As per the Clause 18(2) of Central Electricity Authority Regulation No.502/70/CEA/DP&D dt.17.3.2006, it is the responsibility of the Licensee to test the meter once in 5 years to ascertain the accuracy of the meter and maintain a good meter at the premises of the consumer, which is violated by the Licensee;
- b. As per the Clause 9 of Regulation 5 of 2004 dt.17.3.2004 of the AP Regulatory Commission, it is the responsibility of the licensee to maintain a register or pass book of the meter reading every month to check any change or defect in the meter reading every month at the premises of the consumer, but the same is not maintained by the licensee and hence the Clause is violated,
- c. As per Clause 6(2)(a) of Regulation 7 of 2000 dt.4.9.2000, it is the responsibility of the licensee to give reasonable notice in writing to the consumer informing the defect found by the licensee in the meter, with an opportunity to rectify the same. If the consumer did not respond to the notice, then after a lapse of 48 hours, power supply should be disconnected as clause (3). But the licensee, without giving any reasonable notice in writing and without giving an opportunity to rectify the defect if any, issued the provisional notice of back billing, which is in violation and spirit of the Regulation 7 of 2000;
- d. As per Part III(1)(b)(iii) of Schedule of CEA regulation No. 502/70/CEA/DP&D dt.17.3.2006, it is the responsibility of the licensee to maintain the record of time of use of energy of the consumer, but the same is violated;
- e. As per Clause 14(2)(c) of CEA Regulation No. 502/70/CEA/DP&D dt.17.3.2006, the responsibility of the licensee to maintain brief history, date of installation, details of testing, calibration and replacement of meter is violated; and
- f. As per Clause 19 of CEA Regulation No. 502/70/CEA/DP&D dt.17.3.2006 in addition to any meter which may be placed for recording the electricity consumed by the

consumer, the licensee may connect additional meters, maximum demand indicator or other apparatus as it may think fit for the purposes of ascertaining or regulating either the quantity of electricity supplied to the consumer, or the number of hours during which the supply is given and the same is violated.

17. MRI DATA ANALYSIS: The Respondents based their action on the reports of MRI DATA as follows:

1. INSTANTANEOUS DATA
2. TAMPER DATA
3. DAILY LOAD PROFILE
4. LOAD SURVEY and
5. BILLING HISTORY

TAMPER DATA reveals that on 6.7.2015 the R phase voltage was 0.00 volts and B phase voltage was 18.45 volts with Y phase healthy (236.67). At this instant, the 3 phases currents recorded are R phase - 63.40 Amps , Y phase - 52.40 Amps and B phase - 53.60 Amps. This reveals that healthy three phase supply was utilised at the load end and two phases voltage i.e R&B phases were not recorded in the meter. Hence the tamper data of MRI dump makes it clear that the recording of units in the meter is less compared to the actual voltage.

INSTANTANEOUS DATA : The instantaneous data reveals the actual values of all the parameter such as current voltages, active power, apparent power, power factor etc. The instant voltages recorded on 6.7.2015 at 12.26 Hrs are R-Phase-0.00, Y Phase-246.05 and B phase -13.49. The actual voltage availed was around 240 Volts.

LOAD SURVEY: The following is the analysis of Load Survey:

The values recorded in the meter observed with the help of MRI data on the date of rectification of voltage missing complaint i.e. on 6.7.2015 are:

Voltages : R-Ph- 0V, Y-Phase - 250V, B-Phase-60V

The R phase voltage is missing fully with '0' volts and B-Phase voltage is partially missing i.e 60 V. This phenomenon of two phases missing started first since 25.5.2015. Prior to this date, from 12.10.2014 only R-phase voltage was missing totally and continued until rectification and the B phase was having healthy voltage around 241 volts until 25.5.2015. In view of the above, it can be conclusively held that the two phases were missing i.e there was no recording in the meter. The period of missing of two phases was from 25.5.2015 to 6-7-2015 and whereas, the period of R-phase missing was from

12.10.2014 to 6.7.2015 as per the MRI data. The TAMPER DATA available shows the same result.

18. The assessment for short billing/back billing arises out of defective meter (the definition of the meter is defined in Clause 2.2.37 i.e meter is including accessories such as CT and PT and any enclosure used for honoring or fixing such meter) is guided by the Annexure XII(VII)(C) of GTCS which is reproduced below:

Guidelines for Assessment of Short-billing cases:

(i) Short-billing arising out of Defective 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.

(ii) Short-billing arising out of meter not working in one phase (LT services 3 phase with balanced load) due to external or internal defect (either potential or current)

	Unit of measurement	
Number of units recorded by the defective meter due to one phase defect from to	Units	A
Number of units that would have been recorded if the meter had been working normally in three phases	Units	$1.5 * A = B$
Energy lost during the period	Units	$B - A = 0.5 A = C$
Cost of energy	Rs per unit	D
Value of energy lost	Rs	$C * D = E$
Total Electricity charges payable	Rs	E

(III) Short-billing arising out of two phases not working (LT services 3 phase with balanced load) due to external or internal defect

	Unit of measurement	
Number of units recorded by the defective meter due to one phase defect from to	Units	A

Number of units that would have been recorded if the meter had been working normally in three phases	Units	$3 * A = B$
Energy lost during the period	Units	$B - A = 2A = C$
Cost of energy	Rs per unit	D
Value of energy lost	Rs	$C * D = E$
Total Electricity charges payable	Rs	E

19. The above guidelines clearly mandate the procedure to be adopted for Short-billing arising out of Defective Meter. The CERC guidelines quoted by the Appellant are not relevant to the case. The MRI data produced by the Respondents substantially gives actual information of recording of various parameters such as voltages, currents, power etc in the meter, through which the revenue loss occurred can be easily assessed.

20. The following assessment has been made by the DISCOM by way of Provisional/Final Assessment.

Assessment period	:	12.10.2014 to 06.07.2015
Type of irregularity	:	Short billing-meter found defective R Phase and B phase missing
Percentage error	:	-66%
Units recorded	:	12157 Units
Units Assessed	:	36618
Units lost	:	$36618 - 12157 = 24461$ Units
Amount	:	Rs 228216.00
Electricity Duty Charges	:	Rs 1468
Total Amount	:	Rs 2,29,684/-

Thus a demand was made by way of Provisional Assessment for payment of Rs 2,29,684/-

21. The above assessment was carried out based on the %error as -66% for total duration from 12.10.2014 to 06.07.2015 and whereas, the MRI data reveals that the two phases voltages missing started from 25.05.2015 to 6.7.2015 and One phase voltage missing i.e. R Phase missing was for the period from 12.10.2014 to 06.07.2015.

22. The assessment made by the DISCOM as stated supra is not correct. The assessment shall be revised taking two periods of voltage missing separately as follows based on Clauses (ii) and (iii) in the Annexure XII(VII) (c) of GTCS:

Assessment for one phase voltage missing for the period 10/2014 to 05/2015.

Assessment period	:	10/2014 to 05/2015
Type of irregularity	:	Short billing-meter found defective R Phase missing
Percentage error	:	-33%
Units recorded	:	6555 Units
Number of units that would be recorded if the meter had been working normally in three phases	:	6555 x1.5= 9832 Units
Units lost	:	9832-6555=3277 Units
Amount	:	Rs 30541/-
Electricity Duty Charges	:	Rs 196/-
Total Amount	:	Rs 30,737/-

Assessment for two phase voltage missing for the period 05/2015 to 07/2015.

Assessment period	:	05/2015 to 07/2015
Type of irregularity	:	Short billing-meter found defective R & B Phase missing
Percentage error	:	-66%
Units recorded	:	5666 Units
Number of units that would be recorded if the meter had been working normally in three phases	:	5666 x3= 16998 Units
Units lost	:	16988-5666=11332 Units
Amount	:	Rs 1,05,614/-/-
Electricity Duty Charges	:	Rs 680/-
Total Amount	:	Rs 1,06,294/-
Total amount of short billing	=	Rs 1,06,294/- + Rs 30,737/- = Rs1,37,031/-

Final assessed amount levied by DISCOM	=	Rs 2,29,684/-
Assessed amount revised	=	Rs 1,37,031/-
Amount to be withdrawn	=	Rs 92,653/-
Amount already paid	=	Rs 1,14,842/-
Now amount to be paid by the Appellant	=	Rs 22,189/-

23. When there is clear data available about the missing of voltages in R and B phases from a particular date, the action of the Respondents in resorting to short billing, without differentiating the different dates of missing of voltage of R and B phases and short billing for total amount of Rs 2,29,684/- is not legal and it is a high handedness which should be discouraged. If the clear cut data is not available, some margin may be permitted, but not as in the present case. The provisional and final assessment are totally based on avoidable surmises and wrong application of data, which caused unnecessary heartburn and trouble to the consumer.

24. The short billing assessment for R phase missing for the period from 10/2014 to 5/2015, should be Rs 30,737/- and for R and B phase missing for the period from 05/2015 to 07/2015, should come to Rs 1,37,031/- with net amount to be paid after adjusting Rs 1,14,842/- paid by the Appellant would come to Rs 22,189/- payable by the Appellant. The amount thus wrongly billed came to Rs 92,653/- which shall be withdrawn from the provisionally assessed amount. The short billing resorted to by the Respondents shall stand corrected as above.

25. The CGRF, while disposing of the Appeal, has mechanically directed the Appellant to prefer an appeal to the SE/O/RR East, when a complaint is filed before it, without deciding the calculation of short billing amount, which is not correct. The role of the Officials of the DISCOM in drafting Provisional Assessment is no better. The Appeal is allowed accordingly.

26. In the result, the Appeal is allowed directing as follows:

- a. the short billing due to voltage in R phase missing from Oct,2014 to May,2015 should be Rs 30,737/- and short billing due to voltage missing in R and B phases from May,2015 to July,2015 should be Rs 1,06,294/-. Thus the total short billing amount came to Rs 1,06,294/- + Rs 30,737/- = Rs 1,37,031/-, which is the revised short billing amount. After deducting the amount already paid by the Appellant

Rs 1,14,842/-, the Appellant is found liable to pay Rs 22,189/- only. The Appellant is thus directed to pay Rs 22,189/- towards balance of the short billing amount.

b. the short billing resorted to by the DISCOM for missing of voltage in R&B phases and R phase is a correct step in principle based on reliable MRT report and MRI dumps.

c. the claim of the Appellant that for calculating the back billing amount, the data on the previous consumption has to be taken, is not tenable because of the reliable MRI data available with the DISCOM to assess the consumption.

d. the impugned orders are set aside.

27. 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 9th day of May, 2017.

Sd/-

VIDYUT OMBUDSMAN

1. Sri. S. Ramachandra Reddy, C/o. Sripathi Rao, Thattiannaram,
Hayat Nagar Mandal, RR District. Cell No. 9246175688.

2. The ADE/OP/LB Nagar/TSSPDCL/ RR District.

3. The AAO/ERO/Saroonagar/TSSPDCL/RR District.

4. The DE/OP/Saroonagar/TSSPDCL/ RR District.

5. The SE/OP/RR East Circle/TSSPDCL/RR District.

Copy to:

6. The Chairperson, CGRF, Greater Hyderabad Area, TSSPDCL, GTS Colony,
Vengal Rao Nagar, Erragadda, Hyderabad.

7. The Secretary, TSERC, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad.