



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV Substation, Beside Hyderabad Boat Club
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

THURSDAY THE TWENTY FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY THREE

Appeal No. 02 of 2023-24

Between

M/s. Radha Smelters Ltd., Plot No.75 and 76, Mirzapally Road, Medak, Medak
District - 502 248, represented by Sri Rakesh Saboo, Cell: 9010095845.

.....Appellant

AND

1. The Assistant Divisional Engineer / Operation / Medak / TSSPDCL / Medak District.
2. The Senior Accounts Officer / Operation / Medak / TSSPDCL / Medak District.
3. The Divisional Engineer / Operation / Medak / TSSPDCL / Medak District.
4. The Superintending Engineer / Operation / Medak / TSSPDCL / Medak District.
5. The Chief General Manager/IPC/Corporate Office/TSSPDCL/Hyderabad.
6. The Chief General Manager/Revenue/Corporate Office / TSSPDCL/ Hyderabad.

..... Respondents

This appeal is coming on before me for final hearing on 03.05.2023 in the presence of Sri Rakesh Saboo, Authorised representative of the appellant and Sri S.Sunil Kumar - DE/RAC/Corp.Office, Sri A.Venu Gopal - DE/EBC and Smt.K.Krishna Priya - ADE/EBC representing the respondents and having stood over for consideration till this day, this Vidyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - Rural, Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.26/2022-23/Medak Circle dt.16.02.2023, rejecting the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have issued a wrong bill demanding to pay Rs 1,15,00,006/- in respect of the HT Service Connection No.MDK-1060 of the appellant for the month of December 2021. The appellant made several representations to the respondents to redress its grievance but no solution was given by them. It is accordingly prayed to direct the respondents to refund the amount of Rs 1,15,00,006/- with interest @24% p.a. from the date payment till its adjustment.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply submitted by respondents No.4, it is stated that after the appellant made the representation in respect of excess billing for the month of December 2021, KVA consumption was taken as 28,852 as per the meter reading card instead of taking KVA 28,316 as per the energy drawn statement for the period from 18.11.2021 to 19.12.2021 and Meter Reading Instrument (in short 'MRI') dump was received from Corporate Office with a request to revise of bill for 28,316 KVA. The Maximum demand recorded in

the main meter (Meter No.Y0265840) was observed as 28,852 KVA duly mentioning the recorded date and time as 16.12.2021 and 07:35 Hrs from the reading data. Thus the subject bill raised is correct.

4. In the written replies submitted by respondent No.5, it is stated that the appellant is having Contracted Maximum Demand (in short 'the CMD') 9990 KVA till the month of October 2021. The CMD was increased to 24000 KVA on 20.10.2021. The main meter number of the appellant is 166336189. The check meter number of the appellant is 15456607. The stand-by meter number of the appellant is Y026585. As per regular billing activity, MRI dump of main meter billing data was considered for billing for the month of December 2021. The programme available in billing history is with a sub-integration period of (5) minutes, whereas in load survey, the Maximum Demand (in short 'MD') recorded with block method. In block method the demand recorded is the average of a fixed time slot i.e., 15 minutes (eg.00.00 to 00.15 to 00.30,00.45 and so on). Whereas in the sub-integration method the demand recorded is the average moving time slot of 15 minutes with movement of every (5) minutes (eg.00.00 to 00.15, 00.05 to 00.20, 00.10 to 00.25 and so on).

5. In the rejoinder submitted by the appellant it is stated that the respondents are not going into the facts of the case and simply giving invalid reasoning to justify their actions.

AWARD OF THE FORUM

6. After considering the material on record and after hearing both sides, the learned Forum has rejected the complaint.

7. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the learned Forum has not considered the material on record properly and that the respondents have charged an amount of Rs.1,15,00,006/- as CC bill for the month of December 2021 which is not correct.

WRITTEN SUBMISSION OF RESPONDENTS

8. In the written reply submitted by respondent No.5, it is stated that the Award of the learned Forum is correct in respect of the CC bill for December 2021. The monthly readings were collected by respondent No.3 from the display of Main, Check and Standby meters installed at the premises of the appellant. The reading recorded in the main meter was considered for billing. The bills were verified through MRI data and it was observed that MDs recorded in the main meter are less than both Check and Standby meters. Therefore it is prayed to pass appropriate orders.

ARGUMENTS

9. Heard both sides.

POINTS

10. The points that arise for consideration are:-

- i) Whether the CC bill for the month of December 2021 issued by the respondents to the appellant is excess and as such the appellant is

entitled for refund the excess amount with interest @24% p.a. from the respondents?

ii) Whether the impugned Award passed by the learned Forum is liable to be set aside? and

iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

11. It is an admitted fact that the respondents have released HT Service Connection No. MDK-1060 to the appellant. It is also an admitted fact that the appellant is conducting its business in Plot No. 75 and 76, Mirzapally road, Medak, Medak District, with maximum demand of 45K KVA supply at 132 KV under Category-IA by procuring power through Short Term Open Access.

SETTLEMENT BY MUTUAL AGREEMENT

12. Both the parties have appeared before this Authority on different dates. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement could be reached. The hearing, therefore, continued to provide reasonable opportunity to both the parties to put-forth their case and they were heard.

REASONS FOR DELAY IN DISPOSING OF THE APPEAL

13. The present representation was filed on 06.04.2023. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

14. The appellant pleaded to revise the bill for the month of December 2021, alleging that the respondents recorded wrong KVA figures thereby excess billing occurred against their HT Service Connection MDK1060. The record shows that the RMD values recorded in the MRI dumps for the Main, Check and Standby meters for the month of December 2021 are as follows:-

Meter Serial Number	Billing date as per HT CC bill	Recorded Maximum MD (KVA) existing at meter display	Recorded Maximum MD (KVA) and time of occurrence available in Load Survey Report
Y0265840 (Main)	18/11/2021	28852	28531.60 (16/12/21 6.15 AM)
Y0265845 (Check)	to 18/12/2021	28875.2	28554.86 (16/12/21 6.15 AM)
Y0265850		28892.4	28892.46 (16/12.21 7.15 AM)

Here the dispute is of appropriate MD value in KVA to be adopted for issuing the bill for the month of December 2021 in case of differences found in MRI data parameters. The record shows that majorly there are differences in the MD values in the Main, Check and Standby meters, all the three meters recorded three different MDs. It is unusual that in spite of having the same instrument, transformers Main and Check meters differ from each other. Added to that there are differences in available **load survey report** and **billing history** with respect to the MDs recorded for Main and Check meters both the appellant and respondents pleaded to consider the MDs favourable to them

and whereas on the contrary the standby meter have the same MD value under the both parameters i.e. **load survey report** and **billing history**. The respondents issued the bill taking MD value recorded in the Main meter 28852 as the billing maximum demand. The appellant urged to levy the MD value at 28531.6 KVA recorded in the load survey data of the Main meter retrieved from MRI and as per the settlement of Open Access/DISCOM. Whereas now the respondents changed their claim to award directions to bill the MD value at 28892.4 KVA recorded in the Standby meter, stating that both the parameters shown in the MRI dump i.e. **load survey report** and **billing history** are same in standby meter and there is no dispute. The respondents took the stand that every month monthly readings were collected by designated officer - DE/OP/Medak taking the readings available at the display of the Main, Check and Standby meters and in the month of December 2021 the same procedure was adopted and readings were taken as per the maximum demand displayed in the main meter i.e.28852 KVA. Respondents have submitted that though the Standby MD is correct, they have billed the MD of the Main meter, by giving certain relief to the appellant. The appellant's contention is that the MD reading of 28852 KVA was based on sub integration period of (5) minutes which is against the Regulation and contends that 28316 KVA recorded in settlement of energy drawn from Open Access/DISCOM is the correct MD value to be billed which is based on (15) minutes block method in compliance with the Regulation. In support of the

said argument Central Electricity Regulatory Commission Notification No. 6 dt.07.01.2014, Clause 2(q) was relied on. Likewise Regulation No. 3 of 2021 Clause 2(ff) of Telangana State Electricity Regulatory Commission is also relied on which is reproduced here-under:-

“Time-Block means blocks of 15 minutes each or any such shorter duration as may be notified by the Commission, for which specified electrical parameters and quantities are recorded by a Special Energy Meter (SEM), with first time block starting at 00.00 hours.”

Contending that the Recorded Maximum Demand of 28852 KVA on 16.12.2021 at 07.35 hrs is not in line with the above given statute if reckoned first time block starting at 00.00 hrs. Whereas the above given statute reckons the time block method of (15) minutes only and not (5) minutes and hence the MD value of 28852 KVA is not applicable for billing purpose.

15. The appellant stated that the MD value of 28852 KVA was not recorded on 16.12.2021 during the whole billing period for the month of December 2021; that from the months of June 2022 to September 2022 the MD value in all these CC bills have been taken from settlement of energy drawn from Open Access and DISCOM and only for the month of December 2021 CC bill was issued for the 28852 KVA and that the MD not been mentioned in the settlement of energy drawn from Open Access / DISCOM and MRI dump block of 15 minutes.

16. The CGM/IPC vide Lr.No. CGM(IPC)/SE(IPC)/DE(IPC)/F.No./D.No.213/2022 dt.29.10.2022 placed their

observation towards the difference between **load survey report** and **billing history** MD values stating that the programme available in billing history is with sub integration period of (5) minutes and for the load survey the MD recorded is with block meter of slot of (15) minutes. The appellant contested that (5) minutes integration is not as per the statute. Further it is submitted that the Regulation 3 of 2021 does not authorise a (5) minute sub integration period; that the appellant's view is that as per the statement of settlement of energy drawn for the period from 18.11.2021 to 19.12.2021 and MRI dump for 16.12.2021 can be seen that maximum demand was on 16.12.2021 which is 4316 KVA and adding 24000 KVA which is the CMD the total comes to 28316 KVA which is also mentioned in this statement. When compared with the MRI dump for the date 16.12.2021 the slot of 06.15 hrs to 06.30 hrs, the Maximum Recorded Demand was 28532 from which Open Access of 216 KVA has been adjusted and the net KVA to be charged is 28316 KVA.

17. Based on the complaint raised by the appellant over wrong billing of MD value, the CGM(IPC) has clarified that the recorded MD value available in the billing data of MRI dump dt.16.12.2021 at 07.35 hrs to be 28852 is correct and the said maximum demand is not reflected during the said interval in the load survey which has to be clarified from the meter manufacturer. Further vide Lr.No.163 dt.19.08.2022 of respondent No.5 it is mentioned as here-under:-

“On verification of the MRI dump and Load Survey of the standby meter, it was observed that, the MD of 28892.4 KVA displayed in the standby meter was also available in the load survey at 16.12.2021 07.15 AM. In addition to that, the maximum demand

recorded in the log book register at 132 KV Chinna Shankarampet Sub Station, 132 KV RSPL feeder is 29 MVA on 07.12.2021, which clearly shows that the consumer is utilised the load approximately in the range of 29 MVA.”

The appellant opposed the record of log book register at 132 KV Chinna Shankarampet sub station stating that it is fabricated since the claim of 29 MVA recorded was on 07.12.2021 whereas the disputed MD is of 16.12.2021.

18. A perusal of the rival contentions goes to show that the DE/OP/Medak taken the meter reading of the subject Service Connection as per the regular procedure by taking the manual reading of the maximum demand recorded for the month through the meter display of the energy meter which is 28852 KVA dt.16.12.2021 at 07.35 AM. When it comes to final settlement of the energy drawn from Open Access and the DISCOM through the MRI dump data, the load survey clearly shows MD as 28316 KVA. The appellant relied upon the mandatory time block provision i.e. (15) minutes and the recording of MD of 28852 KVA at 7.35 hours is not in integration with (15) minutes blocks. Hence it is claimed that the MD 28852 is not reliable. Here the Real Time Clock displacement with actual time cannot be ruled out. The record shows that both Main and Check meters recorded the difference of MD in **billing history** and **load survey report**. While the Standby meter recorded the same MD for **billing history** and **load survey report** as 28892.4 KVA on 16.12.2021 at 07.15 AM which eliminates the dispute in every aspect such as **billing history** MD or **load survey report** MD or integration with (15) minutes

time block, affirming all the questions raised by the appellant and qualifying for billing when compared with Main and Check meters. The exact cause of the difference in recording maximum demands was not brought before this Authority. In the scenario having differences in MD values of both the Main and Check meters in terms of **billing history** and **load survey report** parameters, it goes to show that Standby meter parameters which are undisputed shall be more realistic for billing. In view of the above circumstances, I hold that the CC bill for the month of December 2021 issued by the respondents is not excess and as such the appellant is not entitled for refund the excess amount with interest @24% p.a. and the impugned Award of the learned Forum is not liable to be set aside.

POINT No. (iii)

19. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be rejected.

RESULT

20. In the result, the appeal is rejected, confirming the Award passed by the learned Forum.

A copy of this Award is made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by Office Executive cum Computer Operator, corrected and pronounced by me on the 25th day of May 2023.

Sd/-

Vidyut Ombudsman

1. M/s. Radha Smelters Ltd., Plot No.75 and 76, Mirzapally Road, Medak, Medak District - 502 248. Cell: 9010095845.
2. The Assistant Divisional Engineer / Operation / Medak / TSSPDCL / Medak District.
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7. The Chief General Manager/Revenue/Corporate Office / TSSPDCL/ Hyderabad.

Copy to

8. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL-Rural, Door No.8-3-167/14, TSSPDCL, GTS Colony, Yousufguda, Hyderabad - 45.

