



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

:: Present:: Smt. UDAYA GOURI

Wednesday the Twelfth Day of August 2020

Appeal No. 03 of 2020-21

Preferred against Order dt.31.03.2020 of CGRF in
CG No. 558/2019-20 of Rajendra Nagar Circle

Between

Sri. Hitesh Kedia, Director of M/s. Binjusaria Ispat Pvt. Ltd., C-1, Govt.
Industrial Estate, Chandulal Baradari, Hyderabad - 500 064
Cell: 9848563999, 7036205211.

... Appellant

AND

1. The ADE/OP/Shadnagar/TSSPDCL/RR Dist.
2. The DE/OP/Shadnagar/TSSPDCL/RR Dist.
3. The SAO/OP/Rajendra Nagar/TSSPDCL/RR Dist.
4. The SE/OP/Rajendra Nagar Circle/TSSPDCL/RR Dist.

... Respondents

The above appeal filed on 09.06.2020 coming up for final hearing before the Vidyut Ombudsman, Telangana State on 30.07.2020 at Hyderabad in the presence of Kum. Nishtha - on behalf of the Appellant and Sri. G. Lokeshwariah - SAO/OP/Rajendra Nagar and Sri. B. Murali Krishna - SE/OP/Rajendra Nagar for the Respondents and having considered the record and submissions of both parties, the Vidyut Ombudsman passed the following;

AWARD

That the Appellant approached before the Hon'ble CGRF vide CG No.558/2019-20/Rajendra Nagar Circle as per the order of Hon'ble High Court of Telangana dt.11.04.2018 passed in WP No. 34536 of 20133 in respect of the claim of back billing amount of Rs 19,69,728/- pertaining to April and May'2012 billing month.

The Appellant submitted the following, that the CGRF vide its order dt.31.02.2020 of CG No.558 of 2019-20 rejected the complaint bearing CG No.558/2019-20/Rajendra Nagar Circle without considering and applying its legal mind on the grounds and facts placed by the Appellant. It is pertinent to note that the order dt.31.03.2020 received by the Appellant on 05.06.2020 by post as there was a lockdown in force in the Telangana State from 22.03.2020 to 31.05.2020. Hence this appeal is within the time limit of 45 days from the receipt as prescribed in Clause 3.19(a) of Regulation 3 of 2015.

That the Appellant aggrieved by the order dt.31.02.2020 passed in CG No.558/2019-20 filed this Appeal on the following grounds which are not considered and not applied legal mind properly before passing the final award by the CGRF which are to be considered among others please:-

The Appendix VII of GTCs is prescribed the table as per which the assessment notice for short billing if any is to be ascertained. But the Respondent No.4 made the assessment in violation of said table and on its own procedure.

The Respondent No.4 in its final assessment order taken the consumption recorded in 132 KV sub station and in the consumer meter and arrived the difference for April and May'2012 billing months as follows:-

As per 132 KV SS Energy meter reading				As per Consumer energy meter							
Reading	KWH reading	Difference	MF	Consumption with MF	KWH Reading	Difference	MF	Consumption with MF	Difference In consumption	% of loss of consumption	Assessment of Loss % age
12.11	692622.95		200		4330458		60				
01.12	714612.19	21989.24	200	4397848	4405111	74653	60	4479180	-81332	-1.85	-1.85
02.12	740660.65	26048.46	200	5209692	4493496	88385	60	5305100	-93408	-1.79	-1.82

03.12	757699.69	17039.04	200	3407808	4551 308	57812	60	3468720	-60912	-1.79	-1.81
04.12	777768.16	20068.47	200	4013694	4617 813	66505	60	3990300	23394	0.58	2.39
05.12	797000.9	19232.74	200	3846548	4677 410	59597	60	3575820	270728	7.04	8.85

In the next table of final assessment order the Respondent No. 4 arrived the short fall units of 436278 in main consumption and 37016 units in TOD based on the Assessment of Loss % age i.e., last column of above table and confirmed the assessment amount of Rs. 19,69,728/- **which is in gross violation of table prescribed in Appendix VII of GTCS.** (It is pertinent to note that the Respondent No. 4 has ignored to give direction to refund the amount collected on excess quantity shown and billed in December, 2011, January, 2012 to March, 2012).

Whereas as per table prescribed in Appendix VII of GTCS in respect of April and May, 2012 the difference ought to have been arrived as follows to assess the short billed:

As per 132 KV SS Energy meter reading				Units recorded / billed in the C.C. Bill							
Reading	KWH reading	Difference	M F	Consumption with MF	KWH Reading	Difference	M F	Consumption with MF	Difference In consumption	% of loss of consumption	Assessment of Loss % age
04.12	777768.16	20068.47	2 0 0	4013694	4617813	66505	6 0	4250400	-236706	-5.89	-5.57
05.12	797000.9	19232.74	2 0 0	3846548	4677410	59597	6 0	3859140	-12592	-0.33	-0.33

Please note that the consumption figure of 4250400 KWH of April, 2012 and 3859140 KWH of May, 2012 are taken from the bills raised by Respondent No. 4 (earlier SE, Mahabubnagar)

1. The Respondent No. 5 before passing the final award not called for the MRT data, details of consumptions KVAH and KWH from the Respondent No. 4 in spite of request of the appellant in its rejoinder dated 18.3.2020. Hence, it is requested to direct the Respondent No. 4 to furnish the same before this Hon'ble Authority; and

2. The Respondent No. 5 has not recorded and considered the main and the very important ground in its award which was submitted by the appellant on 21.3.2020 i.e., the table furnished in Appendix VII of GTCS which is against the principles of justice.

That out of the disputed claim of Rs. 19,69,728/- the appellant has paid the 100% amount on 30.11.2012. After that adjusted 50% from future payment, hence the balance 50% is to be treated as 50% paid against this disputed claim.

That this Hon'ble Authority may be pleased to pass in interim direction Under Clause 3.41 of Regulation 3 of 2015 as there is a threat of disconnection otherwise the appellant will be put into huge irreparable losses.

In view of the above said facts, the appellant pray to this Hon'ble Vidyut Ombudsman for the State of Telangana may be pleased to allow the present appeal directing the Respondents:-

UNDER CLAUSE 3.41 OF REGULATION 3 OF 2015:

Not to disconnect power supply to the H.T. No. RJN 1910 of appellant pending final decision by the Hon'ble Authority in the present appeal.

UNDER CLAUSE 3.35 OF REGULATION 3 OF 2015:

1) To Set aside the order dated 31.3.2020 of C.G. No. 558/2019-20/Rajendra Nagar Circle passed by the CGRF.

2) To set aside final assessment order passed by the Respondent No. 4 vide Order No. SE/OP/MBNR/Comml-II/D. No. 905/2013 dated 23.8.2013 consequently the claim of back billing amount of Rs. 19,69,728/- of April and May, 2012 Billing Month;

3) To refund Rs. 9,84,864/- paid towards 50% of disputed amount along with applicable rate of interest from the date of payment till the date of refund i.e., 24% per annum as prescribed Clause 4.7.3 of Regulation 5 of 2004; and

4) Any such other order or orders as may deem fit and proper by the Hon'ble Vidyut Ombudsman for the State of Telangana under the circumstances of the case, in the interest of justice and fair play.

2. **Written submissions of the Respondents.**

That the complainant in the HT consumer of M/s. Binjusaria Ispat Pvt Ltd., bearing SC No. RJN1910 released on 15.01.2005 under category - 1(A).

Further it is to submit that, the DE/DPE/HT/HYD inspected the service on 05.05.2012 personally and incriminating points observed at the time of inspection:-

- a. Low PT voltage in Y-Phase is observed at TTB and in meter display due to Y-Phase PT Defective.
- b. Consumer availing healthy 3ph supply.
- c. Requested to DE/OP/Jadcherla to arrange to replace all 3 Nos. existing 0.5 class PT's (including defective PT) with 0.2 class PT's.
- d. ON analysis of MRI data it is observed that the Y-Phase PT voltage fell low during the billing months of 04/2012 and 05/2012.

Accordingly the back billing was proposed for Rs 19,69,728/- and the same was levied on 01/2013 CC bill. Further consumers submitted the Appeal to SE/OP/MBNR. After careful examination the SE/OP/MBNR has passed the final order duly confirming the value of back billing amount at Rs

As the voltage is dropping intermittently, to arrive the accurate percentage of loss the consumption pattern of the meter located at 132 KV SS was compared with the consumption pattern of the main meter. Back billing was done based on the percentage of loss.

That the billing will be done based on the main meter consumption of KVAH units for the month, so the billed units cannot be compared with KWH units which were taken to arrive at a loss percentage. Also as there is no comparison is permitted between 132 KV SS and main meter, question of refund does not arise

where the consumption in 132 KV SS meter is more than the consumption of the main meter.

For the month of 04/2012 to arrive at the loss percentage, KWH consumption in 132 KV SS meter for the month of 04/2012 based on the reading taken on 21.04.2012 was compared with KWH consumption of the main meter. In the CC bill of 04/2012 the KWH units of 4078500 were arrived at based on the KWH reading taken on 22.04.2012. Further on an average consumption of KWH units per day was 134000 units, so KWH units consumption of 132 KV SS meter arrived at based on the readings taken on 21.04.2012. Further on an average consumption of 132 KV SS meter arrived at based on readings taken on 21.04.2012, cannot be compared with the consumption arrived at based on the readings taken on 22.04.2012. As far as the consumption for the month of 05/2012, it is submitted that KWH consumption of 132 KV SS meter was arrived at based on the KWH readings taken on 18.05.2012 where as CC bill of 05/2012 the KWH Consumption was arrived at based on the reading taken on 22.05.2012. So consumption of different periods cannot be compared.

That the back billing is to be done based on any consecutive 3 month average consumption of healthy period of percentage of loss. In present case voltage was dropping intermittently, to arrive at the accurate loss percentage, consumption pattern of the meter located at 132 KV SS was compared with consumption pattern of the main meter.

In this regard, it is further submitted that the complainant does not have the technical knowledge and is arguing un-necessarily without understanding the issue properly. Hence it is prayed that the Hon'ble Ombudsman may be pleased to vacate the interim orders passed in Interim Order No.2 in MP No. 02 of 2020-21 dt.10.06.2020 and dismiss the grievance of the consumer or pass such other suitable orders in the matter.

3. Rejoinder of the Appellant.

IN REPLY TO PARA NO. 2:

The Respondent No. 4 along with counter enclosed the Inspection Report as prescribed in Appendix IV B of General Terms and Conditions of Supply. In Column No. 9 the Inspecting Official has to record its observations at the time of inspection. In Column No. 12 he was supposed to ask the consumer to record his statement after

explaining all the observations what he observed at the time of inspection to the consumer. But the inspecting official did not inform the consumer and giving notice the consumer inspecting official just taken the signature of Sri Rajesh Pandey who is a Chemical Incharge duly insisting him to write the meter reading figures in the column of Sl. No. 12 who is not having any kind of knowledge of that inspection. The Inspecting Official recorded total 5 points in Sl. No. 9 and without explaining that to Sri Rajesh Pandey just taken signature by forcing him to write meter reading in Sl. No. 12 to complete the formality prescribed in Sl. No. 12 of Appendix VI B of GTCS without knowledge of consumer. Hence, the inspection conducted is illegal and in violation of procedure laid down in said Appendix VI B.

IN REPLY TO PARA NO. 3:

The Respondent No. 4 vide its order No. SE/OP/MBNR/Comml-II/D. No. 905/2013 dated 23.6.2013 passed the final assessment order for Rs. 19,69,728/- pertaining to the months of April and May, 2012. The Respondent No. 4 while finalizing the assessment first arrived the % of loss by deducting Assessed Units minus recorded unit at page No. 9 of main appeal.

First the Respondent No. 4 arrived the difference of units of 23,394 units with percentage of loss of 2.39% in April, 2012 and 2,70,728 units with percentage of loss of 8.85% in May, 2012. Then on page No 10 he arrived the assessed units of 95,927 units for April, 2012 based on percentage of loss and 3,40,351 units for May, 2012 based on percentage of loss. Then arrived the assessed loss of Rs. 19,69,728/-. The procedure followed by the Respondent No. 4 is not correct, illegal and specifically in violation of table prescribed in Sl. No. 4 of Appendix VII of GTCS. It is pertinent to reiterate that procedure for assessment for short billing is to be followed the following table:-

Period	Connected Load / Contracted Max Demand	Units Assessed	Units Recorded	Units short billed	Value of energy short billed at the normal Rate.	Value of demand short billed

Hence, the procedure followed by the Respondent No. 4 for arriving the final assessment amount is not correct, illegal and in violation of above said table more specifically.

IN REPLY TO PARA NO. 4 SI. No. 2 PARA 1 AND 2:

The statement of Respondent No. 4 is on its own assumption as per his convenient. The Respondent No. 4 is not competent to decided any policy matter. Hence, the statement is illegal and liable to be set aside.

IN REPLY TO PARA NO. 4 SI. No. 2 PARA 3:

The Statement of Respondent No. 4 is contrary. For claiming the short units billed he compare the consumption of meter reading of Sub Station with consumer meter reading and for the purpose of refund his statement is that the same reading can not be compare and question of refund does not arise. **This statement of Respondent No. 4 is on his own assumption and do not have any statue to support.** Hence, the same is not correct, illegal and liable to be set aside.

IN REPLY TO PARA NO. 4 SI. No. 2 PARA 4:

This statement of Respondent No. 4 is on his own assumption, do not have any statue to support more specifically the same is in violation of table prescribed in SI. No. 4 of Appendix VII of GTCS given above and are based on his own calculation. Hence, the same is not correct, illegal and liable to be set aside.

IN REPLY TO PARA NO. 4 SI. No. 3:

The Respondent No. 4 ought to have sent the meter for MRT Lab Testing as prescribed in Clause 7.5.1.2 of GTCS which was not complied. Hence, without obtaining the MRT Lab Testing report finalizing the Assessment Order is not correct, illegal and liable to be set aside.

IN REPLY TO PARA NO. 5:

The statement of Respondent No. 4 is not relevant to the cause raised in the present appeal hence to be ignored.

IN REPLY TO PARA NO. 6:

The Respondent No. 4 does not have commercial and legal knowledge and is trying to confuse the appellant and to this Hon'ble Authority which is established in the above explanations along with evidence.

4. WRITTEN ARGUMENTS FILED ON BEHALF OF APPELLANT

The present appeal is filed by the appellant in respect of claim of back billing of Rs. 19,69,728/- pertaining to the April and May, 2012 Billing Months in violation of the following:-

The Appendix VII Sl. No. 4 prescribed the procedure for arriving the short billed quantity. The Column No. 3 is units assessed, Column No. 4 is units recorded and Column No. 5 is units short billed. It is pertinent note here that the Respondent No. 4 considered the units assessed as per the consumption of 132 KV Sub Station meter consumption. Units recorded are to be considered as billed in the C.C. Bill of April and May, 2012 Billing Months. Accordingly, the difference of Column No. 3 and 4 shall be short or excess billed in Column No. 5.

As per table assessment should have been as follows for April and May, 2012 Billing Months:-

Period	Connected Load / Contracted Max Demand	Units Assessed	Units Recorded	Units short billed	Value of energy short billed at the normal Rate.	Value of demand short billed
April, 2012		4013694	4078500	-64806		
May, 2012		3846548	3930480	-83932		

NOTE: 1. Please note that the figures of consumption are KWH consumption.

2. Units assessed taken from the 132 KV Sub Station consumption as informed by the Respondent N. 4 and units recorded taken from Appellant C.C. Bills. In view of the above statement the question of back billing does not arise as the Column No. 5 is showing negative figure. In fact the Respondent No. 4 ought to have consider the same for refund of excess amount claimed in respective Billing Months.

Apart from above stated facts the Respondent No. 4 has passed the final assessment order without complying the procedure laid down in Clause No. 7.5.1 of GTCS and without following the procedure laid down in Sl. No. 4 of Appendix VII of GTCS. Hence, the appellant pray to this Hon'ble Authority to allow the appeal as prayed for.

Heard both sides.

Issues

5. In the face of the said contentions by both sides the following issues are framed:-

1. Whether the Final Assessment Order of the SE/OP/Mahaboobnagar towards backbilling of Rs.16,69,720/- consequent to defective PT (Potential Transformer) is liable to be set aside?.
2. Whether the Assessment towards back billing is in violation of Appendix-VII of the GTCS
3. To what relief ?

Issues 1 & 2

6. M/s. Binjusaria India Pvt. Ltd., with HT SC No. RJN 1910 (Old No. MBN 627) with a CMD 9990 KVA has pleaded to set aside Final Assessment Order of the Respondent No.4 SE/OP/Mahaboobnagar, Order No. SE/OP/MBNR/Comm-II/D.No.905/2013 dt.23.08.2013, in respect of back billing towards defective PT, assessed for an amount of Rs 19,69,720/-.

The impugned final assessment order is passed consequent to provisional assessment order based on the inspection of the DE/DPE, wherein it was stated that in Y Phase PT Voltage was low in meter display and TTB (Terminal Test Box) as well, due to Y phase PT defect, the voltages noted were less compared with actual values

at the consumer end having healthy 3 phase supply. The Respondents held that in the analysis of MRI data it was observed that Y phase PT voltage intermittently fell low during the billing month of 4/2012 and 5/2012. That an amount of Rs 19,69,728/- was stated to be revenue losses due to defect in Y Phase PT. The Appellant filed Appeal against the provisional assessment amount of Rs 19,69,728/- before the SE/OP/Mahaboobnagar. After examining the Appeal, the SE/OP/Mahaboobnagar issued the Final Assessment Order, vide Lr.No.SE/OP/MBNR/Comm-II/D.No.905/2013 dt.23.08.2013, confirming the liability of revenue loss of Rs 19,69,728/-. Notwithstanding the above Final Assessment Order, the Appellant filed WP No. 34536 of 2013, in the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh. The Hon'ble High Court was pleased to dispose of the Appeal 11.04.2018, directing the Appellant/Petitioner to re-submit annexure P-I to the CGRF and the CGRF were directed to dispose of the grievance as expediting as possible within 3 months.

7. In the meanwhile, the Appellant initially paid the total assessment amount of 19,69,728/- on 30.11.2013, later owing to interim direction under WPMP No. 4296 of 2013 in WP No. 34536 of 2013 dt.03.12.2013, of the Hon'ble High Court, with a direction to pay 50% of the back billing amount, deducted the 50% of the assessed amount from the 12/2013 CC bill.

However the Appellant filed a petition before the CGRF for withdrawal of the Final Assessment order of Rs 19,69,728/-. The CGRF disposed of the Appeal rejecting the plea of the Appellant, directing that the Final Assessment Order is correct and liable to be paid. Aggrieved by the above order, the Appellant filed the present Appeal to set aside the FAO of the Respondents No.4 and refund the paid amount with applicable interest till the date of refund, i.e. @24% Per Annum as per Clause 4.7.3 of Regulation 5 of 2004.

8. The dispute is in regard to assessment of shortfall of consumption consequent to observation of the DE/DPE, who inspected the service connection on 05.05.2012, over the defective Y-Phase PT. The Respondents claimed that the Low PT voltage was observed at TTB(Terminal Test Box) and also in the meter display, at the same time the consumer was availing healthy 3 phase supply, meaning the meter was recording less consumption compared with actual consumption utilized by the

Appellant service. The voltage recorded in the meter as per the inspection report is given below:-

Meter				TTB					
Ph1	66.2V	L1	0.639A	Vry	38V	Vrn	63V	lr	0.17A
Ph2	46.5V	L2	0.621A	Vyb	39V	Vyn	45V	ly	0.18A
Ph3	65.9V	L3	0.640A	Vbr	111V	Vbn	63V	lb	0.20A

The defective PT(Potential Transformer) was replaced on 18.05.2012, with final readings as KWH: 4677410, KVAH: 4755802. The inspecting officer DE/DPE concluded the units lost due to above is 436278 main units and 37016 as TOD units, resulting in assessment of revenue losses to the extent of Rs 19,69,728/- which is given below ;-

Main energy (KWH)
No.of shortfall units to be back billed = 436278
Back billed amount@ Rs 4.43/units = 437278 x Rs 4.43 = Rs 1932712.00
TOD Energy (KWH)
No. of shortfall units to be back billed = 37016
Back billed amount @ Rs 1.00/unit = 37016 X Rs 1.00 = Rs 37016.00
Main Energy + TOD Energy = Rs 1932712.00 + 37016 = Rs 19,69,728.00
(Rupees Nineteen Lakhs Sixty Nine Thousand Seven Hundred and Twenty Eight)

The Respondent No.4, SE/OP/MBNR, vide his written submission held that on further analysis of the MRI (Meter reading instrument) data, disclosed that Y-Phase PT Voltage intermittently fell low during the billing months of 04/2012 to 05/2012, accordingly Rs 19,69,728/- was levied in 01/2013 CC bill, on shortfall consumption of 436278 as main units and 37016 as TOD units.

9. The Appellant basically opposed the procedure adopted by the Respondents in assessing the shortfall units, though there was no opposition to the fact that the Y-Phase PT was defective. It was claimed that the Respondents assessed back billing in the procedure of their own in violation of the GTCS Appendix VII, which

envisages assessment for short billing, in cases related to defect in the meter (here PT is also accessory of the meter as per Clause 2.3.37 of the GTCS).

Before going to the claim of the Appellant, the procedure adopted by the Respondents is that due to the defect in the meter, voltage in Y phase was dropping intermittently. Due to the dropping of voltage in Y phase consumption cannot be recorded accurately in the main meter (which was located in the consumer premises), as such consumption pattern of reference meter i.e. 132 KV SS was compared with consumption pattern of main meter to arrive at the percentage only. As the voltage is dropping intermittently, to arrive the accurate percentage of loss the consumption pattern of the meter located at 132 KV SS was compared with the consumption pattern of the main meter. Back billing was done based on the percentage of loss.

That the billing will be done based on the main meter consumption of KVAH units for the month, so the billed units cannot be compared with KWH units which were taken to arrive at a loss percentage. For the month of 04/2012 to arrive at the loss percentage, KWH consumption in 132 KV SS meter for the month of 04/2012 based on the reading taken on 21.04.2012 was compared with KWH consumption of the main meter. In the CC bill of 04/20122 the KWH units of 4078500 were arrived at based on the KWH reading taken on 22.04.2012. Further on an average consumption of KWH units per dat was 134000 units, so KWH units consumption of 132 KV SS meter arrived at based on the readings taken on 21.04.2012. Further on an average consumption of 132 KV SS meter arrived at based on readings taken on 21.04.2012, cannot be compared with the consumption arrived at based done the readings taken on 22.04.2012. As far as the consumption for the month of 05/2012, it is submitted that KWH consumption of 132 KV SS meter was arrived at based on the KWH readings taken on 18.05.2012 where as CC bill of 05/2012 the KWH Consumption was arrived at based on the reading taken on 22.05.2012. So consumption of different periods cannot be compared.

Brief details of the Assessment is placed below:-

As per 132 KV SS Energy meter reading				As per Consumer energy meter							
Reading	KWH reading	Difference	MF	Consumption with MF	KWH Reading	Difference	MF	Consumption with MF	Difference In consumption	% of loss of consumption	Assessment of Loss % age
12.11	692622.95		200		4330458		60				
01.12	714612.19	21989.24	200	4397848	4405111	74653	60	4479180	-81332	-1.85	-1.85
02.12	740660.65	26048.46	200	5209692	4493496	88385	60	5305100	-93408	-1.79	-1.82
03.12	757699.69	17039.04	200	3407808	4551308	57812	60	3468720	-60912	-1.79	-1.81
04.12	777768.16	20068.47	200	4013694	4617813	66505	60	3990300	23394	0.58	2.39
05.12	797000.9	19232.74	200	3846548	4677410	59597	60	3575820	270728	7.04	8.85

Whereas, based on the Appendix VII of the GTCS Appellant claimed the difference of units in respect of April & May 2012 as following:-

As per 132 KV SS Energy meter reading				Units recorded / billed in the C.C. Bill							
Reading	KWH reading	Difference	M F	Consumption with MF	KWH Reading	Difference	M F	Consumption with MF	Difference In consumption	% of loss of consumption	Assessment of Loss % age
04.12	777768.16	20068.47	200	4013694	4617813	66505	60	4250400	-236706	-5.89	-5.57
05.12	797000.9	19232.74	200	3846548	4677410	59597	60	3859140	-12592	-0.33	-0.33

The Appellant claimed that the shortfall units assessed by the Respondents 436278 units in Main consumption and 37016 units in TOD consumption are based on the Assessment of % loss in last column of the table and confirmed the amount of Rs 19,69,728/-, which is gross violation of table prescribed in Appendix VII of GTCS.

When compared with both the assessments of the Respondents and Appellant, there is a gross difference in the adopted consumed units of the meter. The consumption taken for the month of 04/2012 and 05/2012 months, by the Respondents 3990300 and 357820 KWH units respectively, whereas the Appellant claimed was 4250400 and 3859140 KWH units, but the perusal of both months CC bills shows that the Appellant has wrongly taken the KVAH units instead of KWH units. In the CC bills 4250400 and 3859140 are the KVAH units.

10. The Appellant further claimed that Respondents had not given any MRI data, details of consumption KVAH and KWH. The Respondent No.4, SE/OP//MBNR submitted that all the details are enclosed with their written submissions.

The Appendix VII of the GTCS is reproduced here under:-

Appendix VII
Assessment Notice for Short Billing

Lr. No. _____ Dated: _____

From _____ To _____

Sub: - Assessment Notice of SC No. _____ Category _____ of _____ (Dist) for Short Billing

1. Inspection undertaken

Your service connection bearing No. _____ Category _____, Village/ Section _____ was inspected on _____ at _____ hours by _____ with designation _____.

2. Incriminating Points observed

- i) _____
- ii) _____
- iii) _____

3. Nature of defect reported

The above observations clearly establish that the Meter installed for your service connection is not functioning correctly. The MRT report reveals that the meter was recording less energy consumption. Hence Short billing was done for your service owing to defective meter.

4. Value of assessed revenue loss

In view of the above, the energy consumption during the period of defect in the Meter was assessed, as per clause 7.5.1 of the General Terms and Conditions of Supply and the details of the assessment are indicated below.

Period	Connected Load / Contracted Max Demand	Units Assessed	Units Recorded	Units short billed	Value of energy short billed at the normal Rate	Value of demand short billed

The Revenue loss to the company has been assessed at Rs _____ for the period from to

Further, perusal of the Appellants main claim is of non compliance of the Appendix VII of the GTCS, which envisages assessment shall be as per the Clause 7.5.1 of the GTCS, is reproduced here under:-

7.5.1.4 When a meter is found to be defective during meter reading or on inspection or otherwise, the following guidelines shall be followed for computation of the assessed units.

7.5.1.4.1 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.

When compared with the table shown by the Appellant claiming that it is as per the Appendix VII, there is nowhere similarity in the Assessment of the Appellant to the procedure laid down in the GTCS clause 7.5.1 as mandated in the Appendix VII. The Respondents shown the assessment calculation in compliance with Appendix-VII as per the clause 7.5.1, which is reproduced hereunder:-

Date	As per 132KV SS Energy Meter reading				As per Consumer energy Meter				Differenece in Consumption	% of loss of consumption	Assessme nt of Loss % age (Average)	Actual loss	Back bill units
	KWH reading	Differenece	MF	Consumpt ion with MF	KWH reading	Differenece	MF	Consumpt ion with MF					
	757699.69				4551308								
21-04-2012	777768.16	20068.47	200	4013694	4617813	66505	60	3990300	23394	0.58	1.81	2.39	95927.29
18-05-2012	797000.9	19232.74	200	3846548	4677410	59597	60	3575820	270728	7.04	1.81	8.85	340350.52
													436277.81

BILL_MONT H	PRST_RDG_ DATE	PRST_RD_ G_KWH	PRST_RDG_ KVAH	PRST_RD_ G_KVA	PREV_RDG_ DATE	PREV_RD_ G_KWH	PREV_RD_ G_KVAH	RECORDE D_KWH	RECORDE D_KVAH	BILLED UNITS
Nov-11	22-Nov-11	4263164	4336384	155	22-Oct-11	4199000	4271220	3849840	3909840	3909840
Dec-11	22-Dec-11	4332801	4407012	155.2	22-Nov-11	4263164	4336384	4178220	4237680	4237680
Jan-12	22-Jan-12	4407180	4482215	155.6	22-Dec-11	4332801	4407012	4462740	4512180	4512180
Feb-12	22-Feb-12	4495563	4571704	155	22-Jan-12	4407180	4482215	5302980	5369340	5369340
Mar-12	22-Mar-12	4552144	4629029	155.2	22-Feb-12	4495563	4571704	3394860	3439500	3439500
Apr-12	22-Apr-12	4620119	4699869	154.4	22-Mar-12	4552144	4629029	4078500	4250400	4250400
May-12	22-May-12	4685627	4764188	152	22-Apr-12	4620119	4699869	3930480	3859140	3859140
Jun-12	22-Jun-12	4006560	4069300	9152	22-May-12	4685627	4764188	4006560	4069300	4069300

i.	As per GTCS Clause 7.5.1.4.4 - 3 months total units	13321020
	Average units per month	4440340
	2 months units to be billed	8880680
	Defective period for 04/2012 and 05/2012 billed	8109540
	Less units billed as per clause	771140
	Back bill proposed units	436277.8
	Still short fall units	334862.2

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Shortfall units	334862.2

It is pertinent to note that the very claim of the Appellant in demanding of implementation of Appendix VII, results in Assessment of 7,71,140 units, whereas actual assessment done by the Respondents is 4,36,77 units, which means by taking

Clause 7.5.1.4 the assessment shall raise to more 3,36,862 units.

While going through the nature of the defect i.e., intermittent voltage drop is not constant to evaluate the exact assessment, since voltage is reducing intermittently but not at an exact value, the reference to adopt the consumption recorded comparing 132KV SubStation energy meter is reasonable, applied by the Appellant in true sense.

There is no merit in the claim of the Appellant that they are not aware of the content of the Inspection notes. The argument stating that the PT is to be sent to MRT lab does not hold good in the present case as the defect is variable and not constant. Moreover, energy meter is not defective, the accessory PT is defective, simple mathematical calculation was adopted taking the 132KV Sub-Station meter as reference compared with the consumption recorded in the meter in the premises, which is a more realistic calculation.

Issue No.3

11. In view of the discussion supra, the appeal is hereby rejected.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 12th day of August, 2020.

Sd/-
Vidyut Ombudsman

1. Sri. Hitesh Kedia, Director of M/s. Binjusaria Ispat Pvt. Ltd., C-1, Govt. Industrial Estate, Chandulal Baradari, Hyderabad - 500 064
Cell: 9848563999, 7036205211
2. The ADE/OP/Shadnagar/TSSPDCL/RR Dist.
3. The DE/OP/Shadnagar/TSSPDCL/RR Dist.
4. The SAO/OP/Rajendra Nagar/TSSPDCL/RR Dist.
5. The SE/OP/Rajendra Nagar Circle/TSSPDCL/RR Dist.

Copy to :

6. The Chairperson, CGRF-GHA, TSSPDCL, GTS Colony, Vengal Rao Nagar, Hyd.
7. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.