



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

Thursday the Fifth Day of July 2018

Appeal No. 10 of 2018

Preferred against Order Dt. 06.12.2017 of CGRF in
C.G.No.786/2017-18/Cybercity Circle

Between

Sri. G.Vivekananda, S/o. G. Venkataswamy, Nagireddyguda Village,
Moinabad Mandal, R.R.Dist - 500 075. Cell: 9959554040 & 9959553795..

... Appellant

AND

1. The ADE/OP/Ibrahimbagh/TSSPDCL/RR District.
2. The DE/OP/Ibrahimbagh/TSSPDCL/RR District.
3. The SE/OP/Cybercity Circle/TSSPDCL/RR District.

... Respondents

The above appeal filed on 31.01.2018, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 13.06.2018 at Hyderabad in the presence of Sri. A.V.Ramana Rao - on behalf of the Appellant and Sri. Shiva Shankar - AE/OP/Moinabad, for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

This is an Appeal filed by Sri. G. Vivekananda, the owner of the service connection bearing SC No. 20700300 against the orders of the CGRF in CG No. 786/2017 dt.06.12.2017 seeking for the relief of the restricting the assessment period for 6 months in a back billing case towards Y & B phase voltage on his Service Connection.

2. The contention of the Appellant is that the DE/DPE/RR South inspected his premises on 01.12.2016 and found that the service connection bearing No. 2720 00300 which was under domestic category, was functioning irregularly and as such levied an amount of Rs 10,89,046/- for the alleged defective meter assessed for a period from 15.07.2013 to 19.12.2016 on the basis of MRI dumps data. He contended that in view of

the said heavy back billing which was the result of the failure on the part of the officials of the Respondents due to their not paying attention to the defective meter, he has been penalized with such heavy amounts and as such approached the DE/OP and requested for restricting the period of back billing apart from approaching the CGM for the same relief but both the said officers confirmed the inspection report of DE/DPE/RR South dt.01.12.2016 and directed him to pay the back billing amount of Rs 10,89,046/-. Hence aggrieved by the said order he lodged a complaint before CGRF and in spite of his contentions that he was paying the bills regularly as per the meter readings and billings provided / issued by the officials of the DISCOM and that he has been penalised for the fault committed by the Officials of the Respondent who did not notice the defect in the meter readings, but the Hon'ble CGRF closed the said complaint stating that "they have no jurisdiction to entertain the Revision of the FAO under Section 126 of Electricity Act,2003 as per Clause 2.37 of Regulation 3 of 2015 of Hon'ble TSERC and also in view of the fact that the Appellant paid the back billing amount demanded by the Respondents in two instalments.

3. Hence, the Appellant filed the present Appeal aggrieved by the said orders of the CGRF and also the Respondent officials and reiterated that he has been paying the bills regularly pertaining to his SC No. 2720 00300 as per the billings issued by the Respondents. He contended that he was not aware of the fact that the meter was faulty and there was irregularity in its functioning. He also pointed out that the defect was on the part of the officials of the Respondents who were taking the readings of consumption of electricity and issuing bills to him as they fail to notice the defect in the meter functioning and as such contended that he cannot be penalised for their mistakes as such claimed that the back billing pertaining to Y and B phase voltage missing for his Service Connection bearing No. 2720 00300 being restricted for a period of 6 months instead of the entire period of the defective meter.

4. The Respondents on the other hand contended that the DE/DPE/RR South inspected the premises of the Appellant in which the service connection bearing No. 2720 00300 was located under domestic category, on 01.12.2016 and found the following irregularity:

"The service inspected based on Vy & Vb-phase voltages missing complaint given by AE/OP/Moinabad. During the inspection it is found that the voltages pertains to Vy & Vb phases showing in the meter display are zero volts at Vr-Phase it is 240 volts. When measured with tong tester at consumer secondary side cut out the voltage observed as Vr-235 volts and Vb-235 volts.

The currents observed in all the three phases are found normal. The meter data logged into MRI. Hence, the meter is referred to MRT lab.”

The assessment was made under Clause 7.5.1 of GTCS for the recovery of the revenue loss to an extent of recording of less consumption consequent to missing of 2 phases voltages and an amount of Rs 10,89,046/- was levied. The assessment period was taken from 15.07.2013 to 19.12.2016 based on the MRI dumps data.

5. Hence in the face of the above pleadings of both sides the following issues are framed:

Issues

1. Whether the back billing as issued by the DE/DPE/RR South dt.01.12.2016 for an amount of Rs 10,89,046/- be restricted to a period of 6 months under Clause 7.5.1.4.4 of GTCS as prayed for by the Appellant ?
2. To what relief?

Issue No. 1.

6. The pleadings as stated above by both the parties shows that the dispute relates to 2 phases voltages missing in the meter display during the period from 15.07.2013 to 19.12.2016. The pleadings of the Appellant show that he did not deny that his service connection bearing No. 2720 00300 was not showing the missing of two phase voltages as found by DE/DPE/RR South who inspected the said service connection under domestic category on 01.12.2016 and gave a report stating that:

“The service inspected based on Vy & Vb- phase voltages missing complaint given by AE/OP/Moinabad. During the inspection it is found that the voltages pertains to Vy & Vb phases showing in the meter display are zero volts at Vr-Phase it is 240 volts. When measured with tong tester at consumer secondary side cut out the voltage observed as Vr-235 volts and Vb-235 volts. The currents observed in all the three phases are found normal. The meter data logged into MRI. Hence, the meter is referred to MRT lab.”

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7. All that the Appellant contended is that the back billing as levied by the Respondents is literally penalising him for an act which was not committed by him but was the mistake of the Respondents officials who took the meter readings and hence contended that as he is a regular consumer paying the bills in time, would have paid the above amount levied in the regular intervals if the meter reading was taken correctly by the Respondents officials, he also contended that under Clause 7.5.1.4.4 of GTCS he is entitled for restriction of back billing assessment for a period not beyond 6 months.

8. The Respondents on the other hand contended that :

“The consumer named Sri. G. Vivekananda having SC No. 2720 -00300 at Sy.No.47, Nagi Reddy Guda, Moinabad (M). This service was inspected by Sri. Somireddy, DE/DPE/Cybercity on 01.02.2016, by complaint of AE/OP/Moinabad. During the inspection it is found that voltages pertains to the Vy, Vb are missing in the meter and display found are Vy = 0, Vb = 0 and Vr = 240 volts. When measured with tong tester at consumer secondary side cutout the voltages observed as Vr = 235 volts, Vy = 235 volts and Vb = 235 volts. Then the meter referred to lab.

Based on the CMRI taken from the meter the assessment proposed for an amount of Rs 10,890,46/-.

and also contended that they have assessed the charges based on Clause 7.5.1 of General Terms and Conditions of Supply (GTCS) and furnished the assessment calculations as below:

Connected load	40000 W	Connected load	40000 W
Assessment from period	15.07.2013	Assessment to period	19.12.2016
Units assessed	192085 units	Units recorded	63964 units
Units lost	128121 Units		
Amount	Rs 10,81,358.00		
Electricity Duty Charges	Rs 7688		
Total Amount	Rs 10,89,046.00		

9. The dispute relates to two phases voltages missing in the meter display i.e, showing 0 voltages in Vy and Vb phases, whereas the voltages measured with tong tester at the Appellant's side were Vr 235, Vy 235 and Vb 235 volts. Consequent to this phenomenon the consumption recorded in the meter shall be less approximately -66% error compared with actual consumption utilised by the appellant owing to the extent of 2 phases missing voltages and further contended that the period of assessment levied from 15.07.2013 upto 19.12.2016 based on the data acquired from the CMRI. As per the CMRI data produced by the Respondents, the first instance of missing voltages was occurred on 15.07.2013 at 11:45:02 hrs, the voltages recorded were Vr 203.1, Vy 0.0 and Vb 0.0. This irregularity continued upto rectification of the defect. The Appellant claimed to revise the period of assessment for 6 months relying on the Clause 7.5.1.4.4 of GTCS. Whereas the said clause was amended by the Hon'ble Commission by Proceeding No. APERC/Secy/96/2014 Dt.31.05.2014, which is reproduced here under:

“The assessment shall be made for the entire period during which the status of defective meter can be clearly established, however, the period during 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.”

10. The order of the CGRF shows that the complaint filed by the Appellant was closed on the ground that it has no jurisdiction for passing any orders as shown under clause 2.37 of Regulation 3 of 2015 as the case pertaining to the Appellant falls under Section 126 of the Electricity Act. Admittedly the said finding of the CGRF is not correct as it is not the contention of the Respondents that the Appellant have committed any theft or misappropriation of the power supply and hence does not fall under Section 126 of the Electricity Act which is also admitted by the Respondents themselves. It is pertinent to mention here the Appellant sought for “restricting the bill not beyond the period of 6 months prior to the date of inspection while addressing the letter to the SE/OP/RR South on 10.04.2017 but sought for reducing the assessment period to 1 year in the letter addressed by him to the CGM/Operations on 05.09.2017. Again sought for restriction of assessment for a period of 1 year before the CGRF and then again changed his plea for restriction to a period of 6 months while making an appeal before this Office which goes to show that the Appellant is not sure whether he wants to seek for restriction for a period of 6 months or 1 year.”

11. Hence in order to adjudicate whether the Appellant is entitled for restricting the period of assessment to 6 months the proceedings No.APERC/Secy/96/2014 dt.31.05.2014 is perused and found that the same reads “The

assessment shall be made for the entire period during which the status of defective meter can be clearly established, however, the period during 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.” which goes to show that the assessment period can be restricted to a period of 12 months immediately preceding the date of inspection i.e. 01.12.2016 but the said proceedings also show that the period of restriction is applicable only when the status of defective meter cannot be ascertained during the period of defection, but in this case the assessment of defective meter was based on the report of the MRT lab and also the MRI dumps data and as such the contention of the Appellant they are entitled for restriction of back billing for a period of 6 months does not stand ground.

12. The contention of the Appellant to also consider the fact that the single phase type of load is dominant is also not tenable as the consumption in KVAH units recorded in the meter is the product of voltages and currents and as such the reduction of assessments does not corresponds only to the values of current recorded in the meter as per the CMRI data.

13. Hence in the above mentioned circumstances this issue is decided against the Appellant.

Issue No.2

14. In the result the Appeal is dismissed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 5th day of July, 2018.

Sd/-

Vidyut Ombudsman

1. Sri. G.Vivekananda, S/o. G. Venkataswamy, Nagireddyguda Village, Moinabad Mandal, R.R.Dist - 500 075. Cell: 9959554040 & 9959553795.
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3. The DE/OP/Ibrahimbagh/TSSPDCL/RR District
4. The SE/OP/Cybercity Circle/TSSPDCL/RR District.

Copy to :

5. The Chairperson, CGRF Greater Hyderabad Area, TSSPDCL, Erragadda, Hyderabad.
6. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.