



BEFORE THE VIDUYUT OMBUDSMAN FOR THE STATE OF TELANGANA

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

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDUYUT OMBUDSMAN**

THURSDAY THE TWENTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

Appeal No. 10 of 2022-23

Between

M/s. Perfect Engineering Works, #F-3/A, IDA Kukatpally, Gandhi Nagar,
Hyderabad - 500 037, represented by Sri V. Rami Reddy, Cell: 9849563535.

.....Appellant

AND

1. The Assistant Engineer / Operation / RR Nagar / TSSPDCL / Hyderabad.
2. The Assistant Divisional Engineer / Operation / RR Nagar / TSSPDCL / Hyderabad.
3. The Assistant Accounts Officer / ERO / Bowenpally / TSSPDCL / Hyderabad.
4. The Divisional Engineer / Operation / Bowenpally / TSSPDCL / Hyderabad.
5. The Superintending Engineer / Operation / Secunderabad Circle / TSSPDCL / Hyderabad.

..... Respondents

This appeal is coming on before me for final hearing on 19.09.2022 in the presence of Sri V. Rami Reddy, representative of the appellant and Sri N. Keval Kumar - ADE/OP/RR Nagar and Sri K.S.Ram Prasad - JAO/Bowenpally representing the respondents and having stood over for consideration till this day, this Viduyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - Greater Hyderabad Area,

Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.145/2021-22/Secunderabad Circle dt.29.04.2022, with a majority decision, rejecting the complaint of the appellant, however, directing the Licensee to take disciplinary action against the responsible persons within (2) months.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released the Service Connection No. SZ062459 in favour of the appellant. The appellant has installed a 30 KW Solar System under Net Meter Scheme in the month of November 2020 and connected to TSSPDCL DISCOM grid as per guidelines. The above system with 30 KW capacity has generated and exported on an average 2400 kWh/month and 1300 to 700 units per month. The average net consumption of the appellant was 1100 to 2000 units per month in 2020,2021 and 2022. As per Net Meter guidelines, after deducting total export units the billed average 700-900 units per month are paid promptly. On 25.02.2022, the appellant received additional demand for payment of Rs.3,50,824/- payable within (14) days on the ground that there was an error in meter reading. Since the electricity was disconnected to the appellant on 17.03.2022, the appellant paid an amount of Rs.1,00,000/-. Therefore it is prayed to resolve the additional demand raised by the respondents.

CASE OF THE RESPONDENTS BEFORE THE FORUM

3. In the written submissions of respondent No.1 it is submitted that the service Net Meter was fixed on 23.12.2020 with a load of 74 HP. He has identified the abnormal CT meter of the Service Connection of the appellant in the month of December 2021. There was a wrong reading of the meter, after correcting the same, demand was raised to pay Rs.3,07,772.20. A sum of Rs.2,09,146/- was paid by the appellant in the month of March 2022.

4. In the written submissions filed by respondent No.2 to 4 also, it is stated that the export data of kWh and kVAh were recorded as import and import data of kWh and kVAh were recorded as export. The wrong recording of reading of export and import was corrected and the bill was revised in February 2022 demanding an amount of Rs.3,50,824/- from the appellant. The revised bill for Rs.3,05,884.84 (Rs.2,94,796.84+Rs 11,088.00) was communicated to the appellant vide JE No. 5001 and 5002 dt.02.03.20224.

AWARD OF THE FORUM

5. The learned Forum, after considering material on record and after hearing both sides, has rejected the complaint as stated above.

6. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that the learned Forum has rejected the complaint without properly analysing the facts on record and without

properly considering the relevant provisions.

GROUND OF THE APPEAL

7. In the grounds of the appeal, it is, inter-alia, submitted that the energy charges were calculated on the difference between total import kVAh units and export kWh units, whereas the regular monthly Net Meter bills energy charges were calculated on difference between total import kVAh units and export kVAh units. Therefore it is prayed to investigate and resolve the demand of the respondents for additional payment.

WRITTEN SUBMISSION OF THE RESPONDENTS

8. In the written submissions of respondent No.2 before this Authority, it is, inter-alia, submitted that as per the TSSPDCL norms import was billed in kVAh and any export reading (generating station) was billed in kWh. As per the readings of kWh, kVAh the power factor is very low i.e., below 0.5 at the consumer end. Normally the power factor has to be maintained in the range of 0.95 to 1.0. But due to low power factor the kVAh consumption is on high side and the billing will be done in kVAh by the department for import of energy due to which the consumer is not benefitting from solar net metering as the major portion of the export units are being utilised at the consumer's end.

9. In the written submissions of respondent No.3 before this Authority, it is, inter-alia, submitted that on scrutiny of the readings, it was observed that the import reading was taken as export and export reading was taken as

import. Since the appellant is having a contracted load of 74 HP, the consumption was billed for kVAh units only. Therefore it is prayed to reject the appeal.

ARGUMENTS

10. The representative of appellant has submitted that he has been paying the bills as demanded by the respondents; that in February 2022, the appellant has received a notice from the respondents demanding payment of Rs. 3,50,824/-; that after recalculation a separate notice demanding an amount of Rs.3,07,773/- was sent by the respondents; that the appellant has not received any additional demand notice but the power was disconnected on 16.03.2022 and therefore it is prayed to resolve the issue after examining the details of import and export units.

11. On the other hand, on behalf of the respondents, it is submitted that earlier there was wrong reading of import and export; that the mistake was rectified subsequently and a revised bill was issued demanding Rs. 3,05,884/- and a sum of Rs.1,00,000/- was paid by the appellant on 24.03.2022. It is accordingly prayed to reject the appeal.

POINTS

12. The points that arise for consideration are:-

- i) Whether the amount claimed by the respondents is not correct ?
- ii) Whether the impugned Award of the learned Forum is liable to be set aside? and

iii) To what relief?

POINT No. (i) and (ii)

SETTLEMENT BY MUTUAL AGREEMENT

13. Both the parties have appeared before this Authority on 19.09.2022. 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

14. Since I took charge as Vidyut Ombudsman on 01.07.2022 and since there was no regular Vidyut Ombudsman earlier, the appeal was not disposed of within the prescribed period.

ADMITTED FACTS

15. It is an admitted fact that the respondents have released Service Connection No.SZ062459 in favour of the appellant on 23.12.2020. It is also an admitted fact that the appellant has installed a 30 KW solar system under Net Meter Scheme in the month of November 2020.

CRUX OF THE MATTER

16. The present dispute is regarding additional demand raised for Rs.3,50,824/- alongwith the regular bills of Net Metering. A physical inspection report was requested by AAO/ERO/Bowenpally in view of Net Meter settlement for the period from 07/2021 to 12/2021. Subsequently the AE/OP vide

Lr.No.1071 dt.22.01.2022, submitted the Net Meter check reading wherein the Service Connection No. SZ062459 (appellant's Service Connection) was found to be taken wrong readings prior to this check reading. The actual import readings were kWh 22401 : kVAh 55308 and actual export readings were kWh 12406 : kVAh 13225. These readings, when compared, were found to be interchanged. Finally the bills were revised as per the proper readings as stated above, Rs. 3,50,824/- was found as difference of amount to be paid by the appellant and hence vide letter AAO/ERO XII/Bowenpally/JAO/Billing/D.No.1947/22 dt. 15.02.2022, a notice was issued for payment. Later it was found that surplus unit and Net Meter credit was not taken into account thereby the demand was revised further to Rs.3,05,884.84.

17. Now the appellant placed his argument opposing the demanded amount stating that total import **kVAh** units and export **kWh** units were taken into account for calculation of difference between import and export instead of export **kVAh units**. Now in the context of the present dispute, the relevant Regulation is placed below to decide the matter. Regulation No. 1 of 2021 is an amendment to the Principal Regulation No. 6 of 2016 in respect of Net Metering Rooftop Solar PV Grid Interactive Systems Regulation. For Clause 10.6 of the Principal Regulation, the following Clause was substituted:-

“ The quantum of electricity units exported by the Eligible Consumer shall be measured in kWh only. In case the applicable tariff provides for energy billing on kVAh basis and if during the billing period the Eligible Consumer delivers surplus electricity to a Distribution

Licensee, for off-setting the quantum of electricity, the power factor shall be assumed equal to Unity.”

The above statute clearly shows that the power factor shall be assumed to be equal to Unity which means kVAh \approx kWh units. Hence, billing of net metering in export kWh units is tenable.

18. It is contended by the appellant that the kVAh units were evaluated taking p.f 0.2/0.25, whereas whatever kVAh reading noted in the net meter, were taken into account for billing. The consumption of kVAh units is proportional to the p.f. There is no provision for manual calculation to evaluate kVAh units by taking the power factor, for example 0.20/0.25 as claimed by the appellant.

19. The appellant claimed that prior to the Solar Net Meter Scheme, the average consumption never exceeded Rs 30,000/- per month and their consumption varied from 700 to 900 per month and hence the monthly consumption after the erection of solar rooftop is very high. As per the billing pattern of the subject Service Connection prior to the discovery of the wrong reading the bills issued from February 2021 to February 2022, were around 4500 per month contradicting the claim and which also does not commensurate with the monthly consumption of 700 to 900 units. Further in view of the total connected load of 74 HP under Category-III, the Clause 9.12.10 of the Tariff Order 2022-23, prevails where for the loads above 50 HP the metering shall be provided at the HT side of the distribution transformer, instead 3% of the recorded energy during the month shall be added to arrive at the consumption

High Tension side of the transformer and hence whatever the monthly consumption is recorded an additional 3% of the corresponding month was added. Hence the claim of the appellant over higher billing is not tenable. In view of these factors, I hold that the amount claimed by the respondents is correct and as such the impugned Award is not liable to be set aside. These points are decided accordingly against the appellant and in favour of the respondents.

POINT No. (iii)

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

RESULT

21. In the result, the appeal is rejected, without costs, confirming the majority 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 this the 20th day of October 2022.

Sd/-

Vidyut Ombudsman

1. M/s. Perfect Engineering Works, #F-3/A, IDA Kukatpally, Gandhi Nagar, Hyderabad - 500 037, represented by Sri V. Rami Reddy, Cell: 9849563535.
2. The Assistant Engineer / Operation / RR Nagar / TSSPDCL / Hyderabad.
3. The Assistant Divisional Engineer / Operation / RR Nagar / TSSPDCL / Hyderabad.
4. The Assistant Accounts Officer / ERO / Bowenpally / TSSPDCL / Hyderabad.
5. The Divisional Engineer / Operation / Bowenpally / TSSPDCL / Hyderabad.
6. The Superintending Engineer / Operation / Secunderabad Circle / TSSPDCL / Hyderabad.

Copy to

7. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL- Greater Hyderabad Area, Door No.8-3-167/E/1, Central Power Training Institute (CPTI) Premises, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad - 45.