



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

Monday the Twenty Third Day of September 2019

Appeal No. 17 of 2019-20

Preferred against Order dt:29.05.2019 of CGRF in
CG No.24/2019-20 of Hyderabad South Circle

Between

Dr. Chowdhry Mohammed Hashim, (Advocate High Court of A.P. & T.S.), #17-3-28,
Qasim Estate, Rein Bazar, Hyderabad. Cell: 9848397445.

... Appellant

AND

1. The AE/OP/Madannapet/TSSPDCL/Hyderabad.
2. The ADE/OP/Santosh Nagar/TSSPDCL/Hyderabad.
3. The AAO/ERO/Chanchalguda/TSSPDCL/Hyderabad.
4. The DE/OP/Asmangadh/TSSPDCL/Hyderabad.
5. The SE/OP/Hyd. South Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 12.07.2019, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 05.09.2019 at Hyderabad in the presence of Dr. Chowdhry Mohammed Hashim - Appellant and Sri. P.S.Rakesh - AE/OP/Madannapet for the Respondents and having considered the record and submissions of both parties, the Vidyut Ombudsman passed the following;

AWARD

This is an Appeal against the orders of the CGRF, Hyderabad South Circle in CG No.24/2019-20.

2. The Appellant contended that originally the service connection No.R2001646 was obtained in the name of his Grandfather namely Mohammed Moulala

and that he is the present consumer of the said service connection which is located in premises bearing No.17-3-28, Quasim Estate, Rein Bazar, Hyderabad and that the said service connection comes under Category No.1. He further stated that in spite of his paying the bills pertaining to the said service connection regularly, he has been getting wrong bills and excess bills as such having not getting any proper response from the Respondents he lodged a complaint before the CGRF and the learned CGRF though directed the Respondents to revise the bills, withdraw the excess bills by adjusting to the consumer service connection within 7 days from the date of the order, has also directed the Respondents to shift the meter of his service connection from inside the house of the Appellant to outside by replacing with Non IR Port to IR Port within 7 days. And as such aggrieved by the said order the present appeal is filed.

3. The Appellant herein i.e. Dr. Chowdhry Mohammed Hashim who claims to be the consumer of the service connection No. R 2001646 with a meter bearing No. 23452 stated that originally the said service connection was obtained in the name of his Grandfather namely Mohammed Moulala and that he is using the said service connection since 20 years and regularly paying the bills, yet he was not getting the electricity bills regularly but was getting messages on the cellphone pertaining to the bill amount. He contended that his meter is in perfect condition and that the excess bills he was getting was due to the indifferent attitude of the Respondents, as such he prayed that the said excess bills issued to his service connection be revised and withdraw the said excess amount.

4. The Respondents on the other hand contended that the premises of the Appellant is always locked and since the meter is inside the house, they are unable to take the meter readings every month and hence they are issuing bills for 68 units per month and the Appellant was paying the same, but in the month of May, June, 2017 the bills was issued in the meter reading showing the units consumed as 19039 and hence the amount of bill was Rs 14,962/-. They claimed that since in the earlier months the door was locked and they were unable to have access to the meter reading they have calculated the units consumed till the month of May, June on the basis of the meter readings by adjusting the earlier bill amounts paid by the Appellant. They claimed that there was absolutely no excess bills and that proper bills can be issued only if it is

possible for them to have access to the meter readings by shifting the meter to outside the premises from inside the premises.

5. The Appellant in support of his contentions made the following averments :-

i. The order delivered by the learned CGRF is illegal, against the weight of evidence, arbitrary and against the principle of natural justice.

ii. The CGRF passed beyond my complaint i.e. the Respondents are directed to shift the service connection of the consumer of SC No. R-2001646 of meter No.23452 make HPL from inside my house to outside by replacing with non-IR Port to IR Port is illegal and arbitrary and same is set aside.

iii. The CGRF for non-applicant of mind without verifying the records of the Appellant/complainant notice dt.25.05.2019 as per the electricity regulations existing as on today, the meter should be in the first room of the house and it should not be in the bedroom or any other room of the house.

iv. The CGRF ought to have seen that the Appellant/complainant has established his case beyond all reasonable doubts.

v. The CGRF committed an error in passing award uncorroborated evidence of Respondents/Licensees.

vi. Other grounds will be urged at the time of hearing of this Appeal.

It is therefore prayed that this Hon'ble Authority may be pleased to allow the Appeal by setting aside meter shifting from my first room, in the interest of justice.

6. While the Respondents in support of their contentions submitted their written submissions vide Lr.No.1001/19 dt.02.08.2019 stating that the consumer of SC No.R2001646 objects for replacement of non IR meter with IR meter and shifting of meter from inside to outside the house. That the replacement of non IR meter with IR meter is departmental policy to avoid human error in meter

reading. As per the clause 7.1.4 of GTCS the meter shall be installed according to the convenience of accessibility for reading and inspection at any time. As in the existing case the meter is inside the house and is always in door lock condition as it is evident from the past reading history of this service. The past meter reading history and GTCS clause is herewith enclosed for favour of information for taking further necessary action.

7. The Appellant further filed rejoinder with the following averments:-

The allegation of the Respondents in their counter/letter are incorrect and untenable.

ii. That the present existing electricity meter is in perfect working condition, its an electronic meter. Hence there is no specific requirement or reasons of changing the meter. The existing meter is located in the first room of the house and is easily accessible for the meter reading.

iii. That the meter is already installed in accordance with Clause 7.1.4 of GTCS. Hence there is no need to disturb the existing installation.

iv. That the house is located on the main road and the premises in view of the safety of the meter. The ADE is unnecessarily insisting and pressuring me to install the meter outside the premises on the main road with malafide intention.

v. That the ADE is misleading and mentioning before the CGRF that my house is under door lock, it is not a correct statement, moreover my case comes under “Low consumption” category. Whereas the ADE is stating that my case is in “Door Lock” category and “not in use” for which I am stricly denying and opposing his statement, The ADE is not instructing his officials and staff to correctly maintain the accounts and meter readings and they are harassing me by not taking the actual meter reading though they have been visiting my place but not recording the actual readings, this is my main grievance.

vi. It is also brought to the notice of this Hon’ble Authority that bribery is the main cause of harassmt to the consumer, as the Officers and their staff/subordinates have demanded bribes from us to adjust/reduce wrong billing.

I have refused to give bribes and hence the staff of the department victimized me with all sorts of falsehoods and reported incorrectly as per their whims and fancies, for reasons best known to them.

vii. The list of some staff members is provided below with the details of meter readers taking the reading on various dates as follows:-

Sl.No	Date	Name	Meter reading
1.	14.05.2017	Bhasker, %. E. Rajalingam	19753
2.	14.09.2017	Pasha	20155
3.	15.10.2017	K. Krishna	-
4.	25.10.2017	P. Suresh (UDC) %. ADE	20236
5.	14.11.2017	Chandaraya (Foreman) %. AE	-
6.	25.11.2017	AE Madannapet with meter reader Lineman and Foreman	-
7.	22.12.2018	Sameer & Pasha	-
8.	10.03.2019	Pasha	-
9.	15.04.2019	Srinivas	-
10.	10.03.2019	SameerC/o. Mr. Papaya A.D	21184

viii. That the present meter reading as on 31.08.2019 is 21290 and the monthly average consumption is 50-60 units only.

ix. That the past meter reading history enclosed is incorrect/false/distant to the reality and arbitrary, for reasons best known to them. This Appellant invites the attention of this Appellate authority to the department meter reading table which is false and fabricated as seen from their table. It is not possible for this consumer to be absent for many years continuously from his residence on the contrary it shows the top of the table wherein meter reading had decreased in the year 2019 instead of increasing.

x. Furthermore the Redressal Forum has directed in its order as follows:-

a. The Respondents are directed to revise the bill on the SC No.R2001646 for the period from July,2012 to April,2019 by withdrawing the excess billed amount by adjusting to consumer service connection within (7) days from the date of receipt of order copy and file a compliance report along with satisfaction letter of the consumer.

But it appears that the Respondents have not complied with the said direction and instead sending fresh enhanced bills to this appellant (consumer) without adjusting the previous excess billing as directed by the Redressal Forum as stated above.

b. Therefore the Appellant prayed that the Hon'ble Vidyut Ombudsman may kindly order the Respondent to comply with the order of the CGRF by withdrawing the excess billed amount by adjusting to consumer service connection within 7 days from the date of receipt of order copy and file compliance report along with satisfaction letter of consumer.

c. That this Hon'ble authority may be pleased to set aside the CGRF award of shifting of the meter from inside the house of the consumer to outside the house and pass other and further orders as this Hon'ble authority may deem fit and proper in the facts and circumstances of the case in the interest of Justice.

Heard both sides.

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

1. Whether the Appellant has been issued excess bills and if so whether he is entitled for revised bills with withdrawal of excess bills to be adjusted in the future bills?
2. Whether the Respondents are entitled for shifting the meter of the service connection of the Appellant from inside the house to outside to have access to the meter for the purpose of noting the meter readings? And
3. To what relief?

Issue Nos.1&2

9. The evidence on record shows that the Appellant Dr. Chowdhry Mohammed Hasim is the Grandson of Mohammed Moulala Saheb and that the service connection bearing No. R 2001646 which is located at the premises bearing No.17-3-28, Quasim Estate, Rein Bazar, Hyderabad originally stood in the name of Mohammed Moulala Saheb, but it is the Appellant who is using the said service connection and that he had been claiming that since 20 years he is paying the monthly bills and there was never a default during the said period. He also stated that he is residing alone in the said premises and that he is a beneficiary of the electricity supplied to the service connection No. R 2001646. He also contended that he is not getting the electricity bills from the Respondents but is receiving SMS for the bill amount for different months and that the said bill amounts are fluctuating and irregular, as such contended that the same are incorrect bills. He stated that when he did not receive proper bills he clarified from the ADE and paid Rs 11,500/- in different spells from the month of May to September'2017. He also requested that the statement of account of his meter for the last 20 years be called to assess the excess amount paid by him in order to adjust and deduct the excess bills paid by him. He further pointed out that his meter which is located in the first room of his house is not only accessible for the meter reading but is also in perfect condition, the contention of the Respondents that the door is always locked and that his case falls under low consumption/not in use has been concocted by the Respondents. He claimed that it is the personnel of the Respondents who are wantonly not taking the meter readings not only to harass him but also for the purpose of bribe. He claimed that the Respondents were demanding bribe from him to adjust/reduce wrong bills and that he refused the same. He pointed out that it is not possible for a person to be absent from the home continuously for many years and that the Respondents have not complied with the directions of the CGRF to revise the bills within 7 days from the date of the order.

10. The Respondents on the other hand denied the said averments of the Appellant and contended that the door of the Appellant is always locked and that

they are unable to reach the meter which is inside the house for the purpose of recording the meter readings. They also contended that if the meter is shifted into the Verandah they would have the access to the meter and the same would result in proper recording of meter readings.

11. A perusal of the billing data shows that there is an irregularity in billing status, which shows that continuously bills were issued under “Door lock” status 5, since July '2012 to April' 2017, billed constantly with 68 units per month which the Appellant continuously paid until the disclosure of actual reading in the month of May' 2017. During the month of May-Jun 2017 bill was issued with reading 19039 billed for an amount in total of Rs.14962/-. It is apparent here to say that the total amount of Rs 14962/- was billed deducting all the door lock bills paid prior to this. In this way there is no excess billing occurred which the Appellant was suspicious. This can be verified through the Tariff rates applicable in terms of the Tariff Orders given by the Hon'ble Commission from time to time. In response to the complaint, the AE/OP/Maddanapet inspected the premises on 16.05.2019 and recorded the check reading of the meter which was 21230 units. Whereas the billing during December,2018 was done taking reading as 21300 units, which is higher than the actual reading. Subsequently the mistake was rectified and a JE credit of Rs 408/- was adjusted in the Appellant's account. In view of the erratic billing the Appellant preferred not to pay the monthly bills which cumulatively raised to Rs 13,788/- until June' 2019. In view of the above, there is no reason to further revise the bills for the period from July'2012 to April'2019.

12. The reason given by the Respondents in billing under door lock status regularly is that in view of the non accessibility of meter while taking the monthly readings they could not take the actual readings and billed accordingly, as the Appellant is the alone person residing, the house will be under door lock during the day. The ADE/OP/Santosh Nagar in order to rectify the long running problem for which bills were not being issued as per the actual consumption preferred to issue notice to the Appellant vide Lr.No.344 dt.22.05.2019 for shifting of the meter from inside to outside of the premises, to which the Appellant opposed the proposal citing there are no such provisions to shift the meter outside the house

and requested to show on which grounds the meter has to be shifted outside. He insisted that his meter is in the first room of the house and held that the location of the meter is not liable to be changed and unwarranted as per Clause 7.1.4. The Respondents on the other hand state that there is a need for replacement of the existing meter which is non IR (Infra Red) meter with IR meter and also stated that as per the clause 7.1.4 of the GTCS it is mandatory to install meter according to the convenience of accessibility and inspection at any time. That in the existing case the meter is inside the house and is always in door lock condition as it is evident from the past reading history of the service connection.

13. In view of the discussion stated supra it is clear that the Appellant is getting bills based on average consumption due to door lock of the house, thereby resulting in non accuracy in billing. This will not change further unless there is accessibility of taking meter reading conveniently. Though the Appellant stated that there is accessibility for taking meter reading, but not given any comprehensive reply that his house is open for taking readings any time and the house is not door locked. Further he has opposed for installing the meter outside without any reason as to why the meter should not be located outside, when the Clause 7.1.4 reiterates that the location of meter may also be at Verandah, the relevant portion is reproduced here under:-

“In respect of the meters installed within the premises of the consumers, the meter box should be fixed at a height of not more than about 5’ in the first room/verandah etc., located at the entrance of the building to enable easy reading of the meter. In such cases, it shall be the consumer's responsibility to ensure the safety of the main meter as well as the check meter, if any.”

The Respondents has rightly quoted the clause 7.1.4 of the GTCS, where to enable easy accessibility, reading and to enable issue of bills to the Appellant promptly the Respondents have a right to install meters for LT consumers at a suitable location as it is necessary. The replacement of meter with Infrared Meter opposed by the Appellant is not warranted by any provisions. Actually the IR Port meters over rules the corruption. In IR port meters the reading is not manually

entered in the billing machine, in fact the reading is captured via scan on the meter, which automatically records the actual reading, which eradicates human error or any type of mischief in recording the meter reading.

14. Here the Respondents are found equally responsible for the present dispute over unable to act as mandated under Clause 7.4.2 & 7.4.3 of GTCS which is reproduced here under:-

Clause 7.4.2 "If a consumer leaves his installation connected to the Company mains, but locks up the meter or otherwise makes it inaccessible for reading by the authorised person of the Company, he will be provisionally charged for this door lock billing period. For the first billing period (1 month or 2 months or 3 months as the case may be), the same consumption recorded during the previous period (1 month or 2 months or 3 months as the case may be). If, on the next meter reading date the meter is accessible for reading, the consumer will be charged for the actual consumption after adjusting the consumption provisionally charged for during the door lock billing period, subject to the monthly Minimum Charges as per tariff conditions. If, however, the meter remains inaccessible for reading even for the second billing period, the consumer will be served with a 24 hours notice to open his premises for reading of the meter at a fixed time and date. Consequent on such notice, if the meter is available for reading, the consumer will be charged for actual consumption after adjusting the consumption provisionally charged for during the first door lock billing period, subject to the monthly Minimum Charges as per tariff conditions."

Clause 7.4.3. "If the meter remains inaccessible despite the 24 hours notice, the supply to the premises will be disconnected and the consumer will be charged for the second door lock billing period also provisionally for same consumption as in the case of first door lock billing period."

The Respondents ought to have given 24 hours notice for taking actual meter reading and should have taken further action, which could have avoided the present dispute.

15. Thus in the circumstances mentioned above there is absolutely no evidence on record to show that the Respondents have claimed excess bills and as such the Appellant is entitled for withdrawal of the excess billing amount. The provisions of Clause 7.1.4 of the GTCS clearly mandates the placement of the meter to the convenience of the personnel of the Respondents for taking the meter readings and as such the Respondents are at liberty to take necessary steps mandated under Clause 7.4.3 of GTCS. Hence decides these issues against the Appellant.

Issue No.2

16. In the result the Appeal is dismissed.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 23rd day of September, 2019.

Sd/-
Vidyut Ombudsman

1. M/s. Dr. Chowdhry Mohammed Hashim, (Advocate High Court of A.P. & T.S.), #17-3-28, Qasim Estate, Rein Bazar, Hyderabad. Cell: 9848397445
2. The AE/OP/Madannapet/TSSPDCL/Hyderabad.
3. The ADE/OP/Santosh Nagar/TSSPDCL/Hyderabad.
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5. The DE/OP/Asmangadh/TSSPDCL/Hyderabad.
6. The SE/OP/Hyd. South Circle/TSSPDCL/Hyderabad.

Copy to :

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