



BEFORE THE VIDUYUT 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
VIDUYUT OMBUDSMAN

THURSDAY THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

Appeal No. 17 of 2022-23

Between

Sri Prabhu Haladker (Proprietor), Door No. 4-14-103/1/1, Hassan Nagar,
Hyderabad - 500 064. Cell: 9000006504.

.....Appellant

AND

1. The Assistant Engineer//OP/Miralam/TSSPDCL/Hyderabad.
2. The Assistant Divisional Engineer/OP/Miralam/TSSPDCL/Hyderabad.
3. The Assistant Accounts Officer/ERO/Salajung/TSSPDCL/Hyderabad.
4. The Divisional Engineer/OP/Charminar/TSSPDCL/Hyderabad.
5. The Superintending Engineer/OP/Hyd.South Circle/TSSPDCL/Hyderabad.

..... Respondents

This appeal is coming on before me for final hearing on 15.02.2023 in the presence of Sri Prabhu Haladker, appellant in person, Sri Venkatesh - ADE/OP/Miralam for 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 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in

C.G.No 48/2021-22 of Hyderabad South Circle dated 28.06.2022, allowing the complaint in part.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released Service Connection No.V300 5254 to the appellant at premises door no.4-14-103/1/1, Hassan Nagar Hyderabad. The appellant is the proprietor of a Small Scale Industry. Respondent No.2 issued Provisional Assessment Notice on 25.03.2021 stating that during the inspection of the Small Scale Unit of the appellant on 26.02.2021 it was observed that CT Meter 'R' phase current partially dropped and that the meter was referred to AE/LT CT Meters for testing and conclusion. As per the Meter Relay Test (MRT) report, 'R' phase current recording was less due to 'R' phase CT coil connecting wire got rusted and the percentage of error was -30.45% (minus 30.45 percent). The respondents proposed the short billing of the subject Service Connection from 16.09.2019 to 27.02.2021 for 366599 units against the recorded units of 244399. The provisional assessment amount is at Rs 8,26,066/-. Respondent No.4 confirmed the Provision Assessment passed by respondent No.2. Therefore it is prayed to direct respondent no.2 and 4 not to disconnect the subject service connection.

REPLY OF THE RESPONDENTS BEFORE THE FORUM

3. In the written reply submitted by respondent No.2 and 3, it is stated

that the subject Service was inspected by DPE/HYD/South Wing on 26.02.2021 on complaint that 'R' phase currents was recording less consumption. The CT meter was tested on 27.2.2021 in the presence of the appellant. The 'R' phase CT coil connecting wire got rusted and thus less recordings of currents in 'R' phase. The assessed units arrived at 30.45% error before rectification of defects. Respondents No.4 confirmed the Provisional Assessment amount, on appeal, for an amount of Rs 8,18,734/-.

4. In the written reply filed by DE/DPE/HYD South also he has stated the facts similar to the other respondents stated above.

AWARD OF THE FORUM

5. After hearing both sides and after considering the material on record, the learned Forum has allowed the appeal in part.

6. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that the Forum has not considered the material placed before it properly.

GROUND OF THE APPEAL

7. Without conducting any scientific inspection and correction of the meter, only to make assessment, for no reason the officials of the respondents have resorted to the procedure followed in this case. The respondents having

failed to conduct the periodic inspection cannot put the appellant to ransom.

WRITTEN SUBMISSION OF THE RESPONDENTS

8. In the written submission of respondent No 2, filed on 7.10.2022 and 3.01.2023 the facts stated by him before the Learned Forum were reiterated.

9. Heard both sides.

POINTS

10. The points that arise for consideration are:-

- i) Whether the appellant is not liable to pay the amount mentioned in the final assessment order?
- ii) Whether the impugned Award of the learned Forum is liable to be set aside? and
- ii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

11. It is an admitted fact that the respondents have released subject Service Connection in favour of the appellant. The appellant is the proprietor of a Small Scale Industry

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. 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.

CRUX OF THE MATTER

14. The appellant filed the present appeal against the short billing assessment levied by the respondents against M/s.Ranjana Industries, Service Connection No. V300 5254, LT Category-III at door no 4-14-103/1/1, Hassan Nagar, Hyderabad. There was an inspection conducted by DPE Wing on 26.02.2021, based on the complaint raised by AAE/OP/Miralam Tank towards less recording of 'R' phase currents. The DPE Wing referred the meter for testing at the consumer premises to AE/LT CT meters. The test results revealed that inside the CT box chamber 'R' phase CT coil connecting wire was not under full contact with the joint, due to formation of rust. This led to short billing corresponding to the 'R' phase to the extent of error at (-) 30.45% . The initial assessment was evaluated for Rs 8,26,066/- for the period from 16.9.2019 to 27.2.2021. The appellant opposed the said assessment and filed a complaint before the learned Forum. Subsequently the learned Forum based on the available record disposed of the appeal directing the

respondents to reduce the period of assessment limiting to (12) months preceding from the rectification of the defect. Notwithstanding the above, the appellant preferred the present appeal for further reduction in the assessment amount. He relied on the fact that every month the AE/Operation used to take meter readings and against his complaint only the irregularity of partial recording of 'R' phase currents was revealed, his previous visits did not find any abnormality and hence the irregularity shall not be taken beyond such findings. According to him, assuming error by (-) 30.45%, when the 'R' phase current was intermittent and fluctuating randomly is not correct, the assessment shall arrive by taking the average of the error and not on the highest point of the error i.e (-)30.45%. The appellant also relied on the Energy Billing System (EBS) consumption bills (2) months prior to findings and states that 'R' phase current less recording occurred between 9.2.2021 (EBS billing date) and 27.2.2021. He also filed the orders in Appeal no.66 of 2016 of this authority wherein orders were passed purely based on Meter Reading Instrument (MRI) data, as such it is not applicable in the present case.

15. A perusal of rival contentions of both the parties, it is admissible that there is a shortfall in recording of 'R' phase current. The only question remaining is how much quantum of consumption is lost. The monthly bills issued to the appellant goes to show that there is considerable reduction in 'R' phase currents continuously. The Clause 7.5.1.2, 7.5.1.4.1, 7.5.1.5. reckons assessment procedure when the meter is defective. In the present case

technically there is no defect in the energy meter, the associated circuit involves defect by way of formation of rust. The present case is not the non functioning of the energy meter, where there will be nil recording of three phase consumption for a certain period. Hence the above Clauses do not relate specifically to the present dispute. It is pertinent to reproduce the amended Clause 7.5.1.4.1. Of General Terms And Condition Supply (in short 'GTCS').

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

The above Clause reckons that when the defect is not clearly established the assessment shall be limited to 12 months. It is relevant to reproduce the observation of DE/MRT vide Lr.No 200 dt 7.1.2022, where is given below

“ While analysing the voltage related events it is found that the R phase current is fluctuating randomly with other phase currents i.e from 8.5.2019 to 13.1.2021, voltage related events recorded in MRI were 32 nos from 8.5.2019 to 13.1.2021. The assessment is taken from the date 16.9.2019, where low voltage occurred (R Phase) and same phase current is zero. Similar low voltage events were occurred for about 32 nos but it is observed that the currents were fluctuating randomly (non zero)”

So from the above given observations of the DE/MRT the date of first occurrence of irregularity in the 'R' phase current was on dt 16.9.2019 with currents under 'R' phase were recorded as zero. The same phenomena continued to occur rather with fluctuating values of 'R' phase current. These

remarks can be admitted to establish the first occurrence of irregularity in the 'R' phase current from 16.09.2019. The learned Forum erred in not taking the above observations, but referred the Lr dt .17.6.2022 wherein the DE/MRT showed inability to retrieve the tamper events data before 21.1.2021. In the presence of above given observations, the absence of tamper events have no relevance. The DE/DPE rightly found the occurrence of 'R' phase currents partially missing from the date of 16.9.2019 and the period of assessment from 16.9.2019 to 27.2.2021 holds good.

16. In-terms of taking percentage error of -30.45% which is at the instant of meter testing on the day of inspection done at the consumer premises by the MRT Wing, the plea of the appellant stating that only highest peak error was taken into consideration ignoring the fluctuation of 'R' phase currents randomly is admissible, when same was reported in the Lr dt 7.1.2022 of DE/MRT. On the contrary it is also quite impossible to arrive at the actual quantum of consumption lost when the percentage error is varying without any pattern and not constant in view of the random nature of fluctuation of 'R' phase currents, the only remedy remains is to take an even and balanced approach for the assessment. Hence under the circumstances stated it is found fit to reduce the initial assessment period of 17 months to 12 months against the observation of the DE/MRT and DE/DPE and limit the percentage

error -30.45% as recorded by way of testing by MRT Wing in view of no source of detection of actual percentage error.

17. The record reveals that there is negligence on the part of the meter reader in not bringing the irregularity on time resulting in so much hardship to the consumer. Though it is admissible that the 'R' phase is fluctuating, he himself recorded the manual readings through a billing machine showing 'R' phase currents dropped considerably compared with the other two phases, which was later informed to the DPE wing, after the lapse of assessment period. This can't be taken as ignorance and appellant be compensated for the negligence attitude and callous nature of the employee. Accordingly the assessment period shall be limited to 12 months preceding the date of inspection and the final assessed amount of Rs 4,61,112/- is to be paid by the appellant. Accordingly I hold that the appellant is liable to pay the amount mentioned in the final assessment order and the impugned Award of the learned Forum is not liable to be set aside.

POINT No. (iii)

18. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be rejected confirming the Award passed by the learned Forum. In respect of the impugned bill the appellant is entitled for the benefit already given by the learned Forum.

RESULT

19. In the result, the appeal is rejected in respect of the assessed amount. However in view of the negligence on the part of the meter reader/employee/employees, the appellant is granted compensation of Rs. 10,000(Rupees ten thousand only) which shall be deducted from the short-billing amount of the subject Service Connection. The SE/OP/Hyd (South) is directed to ensure to recover the said amount from the erring officials. In view of the hardship faced by the appellant he is granted in (10) months equal instalments to pay the bill amount starting from the month of April 2023, as per the Regulation No. 7 of 2013 of the Hon'ble Telangana State Electricity. On failure to pay any single instalment, the appellant is liable to pay the entire balance due in lump sum.

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

Typed to my dictation by the Private Secretary, corrected and pronounced by me on this the 9th day of March 2023.

Sd/-
Vidyut Ombudsman

1. Sri Prabhu Haladker (Proprietor), Door No. 4-14-103/1/1, Hassan Nagar, Hyderabad - 500 064. Cell: 9000006504.
2. The Assistant Engineer//OP/Miralam/TSSPDCL/Hyderabad.
3. The Assistant Divisional Engineer/OP/Miralam/TSSPDCL/Hyderabad.
4. The Assistant Accounts Officer/ERO/Salajung/TSSPDCL/Hyderabad.
5. The Divisional Engineer/OP/Charminar/TSSPDCL/Hyderabad.

6. The Superintending Engineer/OP/Hyd.South Circle/TSSPDCL/Hyderabad.
7. The Chairperson, CGRF-1, TSSPDCL, GTS Colony, Vengal Rao Nagar, Hyd.

