



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 Twenty Fifth Day of September 2019

Appeal No. 18 of 2019-20

Preferred against Order dt:06.07.2019 of CGRF in
CG No.327/2019-20 of Banjara Hills Circle

Between

Sri. Mohammed Mujahid Farooqui, # 8-2-289/1/8/2, Road No. 14,
Banjara Hills, Hyderabad - 500 034. Cell: 9966389192, 9246596056.

... Appellant

AND

1. The AE/OP/Banjara Hills/TSSPDCL/Hyderabad.
2. The ADE/OP/Banjara Hills/TSSPDCL/Hyderabad.
3. The AAO/ERO/Banjara Hills/TSSPDCL/Hyderabad.
4. The DE/OP/Banjara Hills/TSSPDCL/Hyderabad.
5. The SE/OP/Banjara Hills Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 31.07.2019, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 17.09.2019 at Hyderabad in the presence of Sri. Mohammed Mujahid Farooqui - Appellant and Sri. Ramakrishna Reddy - ADE/OP/Banjara Hills and Smt. A. Aruna - AAO/ERO/Banjara Hills for the Respondents and having considered the record and submissions of both parties, the Vidyut Ombudsman passed the following;

AWARD

This is an Appeal filed against the orders of the CGRF, Banjara Hills Circle in CG No. 327/2019-20 dt.06.07.2019.

2. The Appellant stated that he has lodged a complaint before the CGRF Banjara Hills Circle seeking for rectification of excess bills to an extent of

Rs 9,17,419/- on their service connection bearing No. A5018864 in Category No.II standing in the name of Mohammed Masiuddin Farooqui which showed a consumption of 90999 units for the month of June'2019 and also sought for withdrawing of the excess bills to be adjusted to their service account, but the learned CGRF failed to appreciate his grievance and rejected the same with a direction to pay the above bill amount. As such aggrieved by the same the present appeal is filed.

3. The Appellant stated that the service connection No. A5018864 stood in the name of Mohammed Masiuddin Farooqui and that the same is located in the premises bearing No. 8-2-829/1/8/2 on Road No.14, Banjara Hills, Hyderabad. He further stated that the said premises was shut down for a period of two years and as such no electricity consumption took place in the said premises. Later in February'2019 they requested the Respondents to restore their connection and as such they were issued a minimum bill which was paid by them, but when a bill for Rs 9,17,419/- was issued for the month of June'2019 showing their consumption at 90999 units they were shocked and as the same was not acceptable to them, they approached the ADE and AE for help, but they did not come to their rescue stating that it was not in their hands to do anything. As such they filed the present Appeal with a interim application seeking for restoration of connection to their service meter as they were repairing their premises and they were in need of electricity for the same. They further contended that on 31.07.2019 their service connection was disconnected and they also received a phone call from one lineman namely Murali Krishna on phone No. 6281990037 saying that they have orders from the Accounts department to disconnect the house connection, which is next door and an independent property. They contended that the Respondents are causing unnecessary tensions to them. Hence prayed that their bills be rectified, revived and the excess amount be adjusted to their service account.

4. The Respondents on the other hand through ADE/OP/Banjara Hills submitted that the service premises of SC.No A5018865 of CAT-II has been inspected along with AE/OP/Banjara Hills and observed that the renovation works are going in the service premises and power supply has not been utilized by the consumer and only capacitors are connected to load side and also observed that capacitors are continuously under charging without load.

After verification of the records it is noticed that the service was disconnected in the month of march-2016 for nonpayment of C.C charges. Since then the service was under vacate position. The consumer has taken reconnection in the month of march 2019 and at the time of issue of cc bills in the month march 2019 it is noticed that the abnormal KVAH units recorded in meter, therefore the meter has been referred to MRT testing with intimation to the DPE wing and meter was tested by AE/CT/meters on 22/05/2019 and found the meter is functioning satisfactory.

Therefore the bill issued to the consumer according to meter readings. The consumption particulars of the service is furnished as follows:

Date of readings	KWH	Consumption	KVAH	Consumptions
FEB/2016	836877	1995	929843	90999
June/2019	838872		1020842	

5. Rejoinder of the Appellant

a. Respondent No. 2, ADE/OP/TSSPDCL/Banjara Hills in his written statement vide letter no 645/19 dt 02/07/2019 to the consumer grievances redressal forum clearly admitted the fact that “the renovation work is going on the service premises and power supply has not been used by the consumer and the service to the consumer i.e service no A5018864 was disconnected in March’2016”.

b. During the hearing the Respondent No. 2, ADE/OP/TSSPDCL/Banjara Hills gave the same statement that service No. A5018864 was disconnected in March’ 2016 and the consumer service was reconnected in the month of March’2019.

c. Respondents 1 & 2 never gave any notice nor any information regarding any fault or any technical issue with my meter or the connection.

d. After reconnection in March’2019 the first bill dated 12/03/2019 for the service number A5018864 was Rs.2270/- which was subsequently paid on 18/3/2019 by cash vide receipt number 41031181189.

e. But surprisingly the next bill dated 11/06/2019 which shows total dues as Rs 9,17,419/-.

f. Respondent No.1 harassed the consumer to pay the bill amount immediately and threatened to disconnect all the service meters which are on the name of the consumer this act of respondents No 1 was very unruly, harsh and inhumane for which stern action be taken against him. This humiliated and embarrassed the consumer and his family members and gave mental tension and agony, the attitude and behavior of the electricity department was very bad. No notice or any other communication was served by the respondents no 1 before they came for disconnection.

g. Further Respondent No.2, ADE/OP/TSSPDCL/Banjara Hills clearly admitted in his letter subject "Lr No. ADE/OP/Banjarahills/F-ombudsman/D.No.1003/19 dt 16/08/2019 dt 16/08/2019 that excess bill issued to Sc.No A5018846 of Sri Mohammed Mujahid Farooqui H.No 8-2-289/1/8/2 road no 14 , Banjara Hills, hyderabad for 90999 units of Rs. 9,17,419/- in the month of June'2019 and there was some fault in the capacitor which showed the abnormal KVAH and there was no actual consumption by the consumer from the above said service.

h. Respondent no 2 in his written submission before the Hon'ble chairperson Lr.no ADE/OP/Banjara Hills/F-ombudsman/D.no.1003/19 dated 16/08/2019 clearly writes in para(2) after verification of the records it is noticed that the service was disconnected in the month of March' 2016 for non payment of CC charges. Since then the service was under vacant position. The consumer has taken reconnection in the month of march 2019 it is noticed that the abnormal KVAH units records in meter.

i. The above statement of the Respondent no. 2 is very clear that and excess bill was issued to the consumer and there was no actual consumption of electricity as the service was in disconnection since March'2016 to February'2019.

j. The said service connection SC.No A5018846 was released on 12/12/2005 and in the last 14 years there was not a single issue like non payment of bill or

arrears, or any other service issue. The consumer Mr.Mohammed Masiuddin Farooqui who is a peace loving, law abiding , God fearing and a very respectable senior citizens of india.

k. This is not a case of consuming or utilizing electricity and denying the payment of bill as the service was disconnected in March'2016 and since then service premises was vacant till reconnection was made in March'2019.

l. Status 99 (stopped) is clearly mentioned in the statement of consumption, billing collection and arresa particulars statement of TSSPDCL from march 2016 to February'2019.

m. Further as per the Hon'ble Vidyut Ombudsman interim order dated 01/08/2019 MP.No 5 of 2019-20, Rupees three lakhs five thousand eight hundred and seven only(Rs. 3,05,807/-) 1/3rd of the bill claimed by the respondents was deposited vide cheque number 405480 dt 5/08/2019 of State Bank of India banjara hills branch. Copy of the cheque and payment receipt S.no A5018864 dt 5/08/201 is also enclosed.

n. It is requested to set aside the impugned forum Awards C.G.No 327/2019-20 dated 06/06/2019 and waive of the wrongly excess charged bill of Rs 9,17,19/- which was erroneously and unreasonably billed and as no electricity was consumed.

o. The consumer grievances Redressal Forum TSSPDCL erred in understanding the problem and real and factual facts of the case and unfortunately did not grant any relief for which the consumer is legally entitled.

p. The facts of the case are substantiated by the order of the consumer grievances redressal forum C.G.No 327/2019-20/Banjara Hills circle itself.

q. It is therefore prayed that in the interest of natural justice justice the hon'ble chairperson may pass order by set asiding and correcting order passed by the CGRF C.G no 327/2019-20 Banjara hills circle dated 06/06/2019 and 1/3rd amount i.e Rs 3,05,807/- deposited on 05/08/5019 vide order dated 01/08/2019 MP.No 5 of 2019 by the consumer is to be adjusted in the further consumption bill the consumer and thus justice to be done.

Heard both sides.

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

1. Whether the Appellant was issued excess bills and if so the said amount is liable to be revised and adjusted towards the Appellant's service connection account? And
2. To what relief?

Issue No.1

7. The averments of both sides go to show that admittedly the service connection bearing No. SC A5018865 under Category No. II has been allotted in the name of Mohammed Masuiddin Farooqui, who is the father of the Appellant herein namely Mohammed Mujahid Frooqui. The contention of the Appellants is that the premises No. 8-2-289/1/8/2 on Road No.14, Banjara Hills, Hyderabad, where the service connection No. A5018865 is located was actually shut down for a period of two years and no electricity was consumed, but in the month of February'2019, after they reopened their premises, they have sought for restoration of connection. They claimed that after reopening their premises they started repairing the same and in the month of June'2019 they received a bill for an amount of Rs 9,17,419/- showing the consumed units as 90999. They claimed that the said bill was obviously wrong and excess bill as the premises in question was completely shut down for two years and no electricity was consumed and that too the electricity to the said premises was restored in the month of Feb'2019 and the bill for the month of March'2019 was only Rs 2270/-, which was paid by them on 18.03.2019 and the same was not denied by the Respondents. They pointed out that even the CGRF admitted that only renovation work was going on in their premises and the power supply was not being utilised by the Appellant, as the same was disconnected in the month of March'2016. They also pointed out that the Respondents have not given them any notice with regarding to any technical or other fault with their meter connection. They claimed that the threat of the Respondents not only to disconnect their service connection, but also other connections not in the name of the Appellant's father causing mental tension and agony to them was not only unruly, harsh and inhumane.

The Appellant also relied on the statement of the ADE/OP/Banjara hills vide Lr.No. 1003 dt. 16.08.2019, underlining that the “excess bill issued to SC No. A5018846 for 90999 units of Rs 9,17,419/- in the month of June’2019, there was some fault in the capacitor which showed the abnormal KVAH units and there was no actual consumption by the consumer from the above said service.” Further relied on the para No.2 of the same letter, wherein it was stated that “after verification of the records, it is noticed that the service was disconnected in the month of March’2016 for non payment of CC charges. Since then the service was under vacant position. The consumer has taken reconnection in the month of March’ 2019, it is noticed that the abnormal KVAH units recorded in the meter”.

In view of the above observations stated by the Respondents, the Appellant claimed that there was excess bill issued and there was no consumption of electricity as the service was in disconnection since March’2016 to Feb’2019 and hence requested to set aside the impugned orders of the CGRF in CG No.327/2019-20 dt. 06.06.2019 and waive the excess bill charged for Rs 9,17,419/- which was stated to be erroneously and unreasonably in view of the fact that they have not consumed the electricity. Further it was stated that they have deposited 1/3rd amount of Rs 3,05,807/- as per the interim directions of this authority, which was requested to be adjusted in future consumption bills of the consumer.

8. On the other hand the Respondent No.2/ADE/OP/Banjara hills, vide Lr.No.1003 dt.16.08.2019, admitted that the power supply is not being utilised by the consumer, renovation works are going on in the premises and only capacitors are connected to the load side. He has observed that the capacitors are continuously under charging mode without load. In view of the abnormality of recording KVAH units in the meter, the meter was referred to MRT testing. The AE/CT meters tested the meter on 22.05.2019 and found the meter was functioning satisfactorily. He has given the following consumption particulars from Feb’2016 to June’2019.

Date of readings	KWH	Consumption	KVAH	Consumptions
FEB/2016	836877	1995	929843	90999
June/2019	838872		1020842	

9. The said contentions of the Appellant and the Respondents admittedly show they there was no load connection to the consumer's service connection for two years till it was restored in the month of Feb'2019 and as such the consumption of 90999 KVAH units is absolutely abnormal and that since the Appellants were claiming that they were not liable to pay such abnormal amounts, the Respondents have sent the meter for testing to AE/CT Meters for the purpose of checking and the test results of the said service connection meter of the Appellant clearly showed that the meter was functioning normally and the Respondents have also submitted the test report of AE/CT meters who confirmed that the meter was tested with ERS kit and found that the meter was functioning satisfactorily.

10. In the face of the said admitted facts the Respondents contended that the error % of the meter that was tested is +0.99% which is within the permissible limit and that though the consumption of units of the Appellant showed abnormal consumption of 90999 KVAH units, the meter recorded the said consumption on the service connection of the Appellant. The contention of the Respondents that only the capacitors are connected to the load side and that they are taking continuous supply towards charging without load is not denied by the Appellant. Hence the Respondents contended that the huge consumption could have been drawn only in view of the fault in the capacitors, but again there is nothing to prove even the same.

11. In view of the fact that the CT meter was found to be functioning in a healthy condition after being tested by AE/CT Meters and in view of the fact that the service connection has recorded the heavy consumption which was supplied by the DISCOM which has to be accounted for, the Appellants are not entitled for withdrawal of the bills as there is no evidence adduced by the Appellant to show that the consumption of 90999 units by their service connection is due to a faulty meter in the absence of their not using the electricity supply particularly when the same is recorded in the supply by the DISCOM and as such the contention of the Appellant that since they are not the beneficiaries of the disputed consumption of electricity, they are not liable to pay the bills issued for the same by the Respondents is not tenable, particularly in view of clause 5.7.1.7 of the General Terms and Conditions of Supply which is approved by the Hon'ble Regulatory Commission as the same puts the responsibility on the Appellant to submit a fresh wiring completion report of the licensed electrical contractor in case of the reconnection of the supply after a period

off 6 months or more. This office is of the view that verification of wiring/capacitors could have avoided the abnormality. Hence in the said circumstances the plea of the Appellant that the bills issued were in excess and hence liable to be revised and adjusted to the service account is decided against the Appellant. Hence decides this issue against the Appellant directing the Appellant to pay the bill amount after deducting the amount already paid.

Issue No.2

12. In the result the Appeal is dismissed, but in view of the huge amount liable to be paid by the Appellant i.e. Rs 6,11,612/-, is allowed to be paid by the Appellant in 12 instalments as per clause 9 of Regulation 7 of 2013, starting from the month of October'2019.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 25th day of September, 2019.

Vidyut Ombudsman

1. Sri. Mohammed Mujahid Farooqui, # 8-2-289/1/8/2, Road No. 14, Banjara Hills, Hyderabad - 500 034. Cell: 9966389192, 9246596056.
2. The AE/OP/Banjara Hills/TSSPDCL/Hyderabad.
3. The ADE/OP/Banjara Hills/TSSPDCL/Hyderabad.
4. The AAO/ERO/Banjara Hills/TSSPDCL/Hyderabad.
5. The DE/OP/Banjara Hills/TSSPDCL/Hyderabad.
6. The SE/OP/Banjarahills 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.