



BEFORE THE VIDYUT 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
VIDYUT OMBUDSMAN**

TUESDAY THE FIFTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

Appeal No. 21 of 2021-22

Between

Sri H. Vikas, s/o.Vishnuvardhan, H.No.1-13-386/2, Vinayak Nagar,
Near Yamaha Showroom Building, Nizamabad Town, Mandal and District.
Pin: 503 001, Cell: 9032372999.**Appellant**

AND

1. The Additional Assistant Engineer / DPE / Nizamabad - 9490612377.
2. The Additional Divisional Engineer / Operation / T1 / Nizamabad-9440811599.
3. The Additional Divisional Engineer / CT Meter / Nizamabad - 9963557076.
4. The Divisional Engineer / Operation / Nizamabad - 9440811582.
5. The Divisional Engineer / DPE / Nizamabad - 9440811263.

..... **Respondents**

This appeal is coming on before me for final hearing on 04.10.2022 in the presence of Sri G. Saivenu, representative of the appellant and Sri K. Sanjeeva Rao - ADE/DPE/Nizamabad, Sri P. Veeresham - ADE/OP/Town-3/Nizamabad, Sri S. Kishan - AAE/CT Meter/Nizamabad representing the respondents and having stood over for consideration till this day, this Vidyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - Nizamabad (in short 'the Forum') of Telangana State Northern Power Distribution Company Limited (in short 'TSNPDCL') in C.G. No.484 / 2021 dt.30.08.2021, directing the appellant to

pay an amount of Rs.1,24,870/-

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the appellant received an excess bill for his non-domestic Service Connection No. 117589 of Category-II in L7 Zone of D4 Section Nizamabad Town from March 2020 to September 2020. He approached respondent No.1 to revise the CC bill and respondent No.1 tested the meter and found it healthy. The gym of the appellant was closed due to Covid-19 and lockdown. Therefore it is prayed to check the meter again and revise the excess bill.

CASE OF THE RESPONDENTS BEFORE THE FORUM

3. In the written submissions of respondent Nos.1 and 3, it is, inter-alia, stated that the Service Connection of the appellant was inspected on 17.11.2020 at 8.40 AM and found that 'R' Phase current was not recording in the meter due to defect. The error was - 36.72% on 19.11.2020. CT chamber 'R' ph CT has failed and neutral connection was opened from cable connection. As per Meter Reading Instrument (MRI) report in 'R' ph Amps was not recording from 18.04.2019 at (05:35:45 Hrs) till the replacement of meter on 19.11.2020 at (08.30 Hrs). Therefore back billing was proposed as per the Rules. The replaced meter is working properly.

AWARD OF THE FORUM

4. The learned Forum, after considering material on record and after hearing both sides, has disposed of the complaint directing the appellant to

pay the provisional assessment shortfall billing of Rs.1,24,870/-.

5. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the learned Forum has passed the Award without properly analysing the facts on record and without properly considering the relevant provisions.

GROUND OF THE APPEAL

6. In the grounds of the appeal, it is, inter-alia, submitted that the amount of Rs. 1,24,870/- imposed on the appellant by the respondents is a very huge amount. The respondents have found the mistake after (15) months of installation of the meter, without properly conducting regular periodical testing of the meter. It is accordingly prayed to order for reconnection of the power supply.

WRITTEN SUBMISSION OF THE RESPONDENTS

7. On behalf of the respondents, ADE/DPE/Nizamabad has filed written submissions before this Authority reiterating the written submissions filed before the learned Forum. It is also submitted that the appellant has paid the amount demanded on 13.10.2021.

ARGUMENTS

8. The appellant has argued that during the Covid-19 period, the gym where the Service Connection involved in this case was installed was closed and the respondents have imposed huge amount of Rs.1,24,988/- as back billing after a long lapse of time without proper reason. Therefore it is prayed to

order for refund of the said amount.

9. On the other hand, it is submitted on behalf of the respondents, that in fact, 'R' Phase current was missing from 18.04.2019 to 19.11.2020 with an error of -36.72% and as such the short billing amount was imposed. Therefore it is prayed to reject the appeal.

POINTS

10. The points that arise for consideration are:-

- i) Whether the excess bill amount claimed by the respondents and paid by the appellant is liable to be refunded to the appellant?
- 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

11. Both the parties have appeared before this Authority on 04.10.2022. 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

12. 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

13. It is an admitted fact that the respondents have released non-domestic Service Connection No. 117589, Category-II at Nizamabad Town in the name of one Konasamundar Raju, owner of the premises. It is not in dispute that the appellant is the occupier of the said premises. It is an admitted fact that the appellant has paid the entire amount of back billing claimed by the respondents.

CRUX OF THE MATTER

14. The material on record goes to show that during yearly periodical testing of LT CT meters on 17.11.2020, for the Service Connection No. 117589 Category-II, utilising supply for the gym in Nizamabad town, it was found that 'R' phase current was not recording in the meter having healthy supply on the corresponding phase at the temporary load applied i.e., 0.0 Amps in meter against the 3.3 Amps load applied in the subject phase. Subsequently, testing of the energy meter was done with an Electronic Reference Standard (in short 'ERS') meter. The error of the meter was found to be -36.72%. The defect was that in the CT chamber CT failed and neutral connection was also opened from cable connection. The MRI data retrieved from the energy meter reveals

that the 'R' Phase current was recording '0' value since 18.04.2019 (05:35 hrs) and remained at '0' value until the replacement with the healthy CT meter.

15. The appellant though admitted the above said irregularity, but questioned the efficiency of the respondents, where he claimed that he was punished for the mistake and negligence over not finding the fault as soon as the problem arose which took (15) months to resolve it and requested for favourable orders on humanitarian grounds.

16. The statutory provisions in respect of one phase current missing is framed in the Annexure XII(VII)(C) of GTCS under Clause (I) which is reproduced here-under:-

Clause (I) short billing arising out of defective meter:-

Meter is to be tested with Accu Chek / Electronic Reference Standard (ERS) Meter at site and % Error is to be arrived at and billed for the period when the meter was defective. If the period of the defect can be established with the aid of production figures of consumer and MRI dumps (Meter Reading Instrument), the assessment is to be undertaken for the period when the meter was defective as per the formula.

Number of units recorded by the defective meter from to	Units	A
Number of units that would have been recorded if the meter had been working normally	Units	$B = A * 100$ (100% + % error) where the % error is a negative value
Energy lost during the period	Units	$B - A = C$
Cost of energy	Rs per unit	D
Value of energy lost	Rs	$C * D = E$
Total Electricity charges payable	Rs	E

17. The above given clause envisages the Licensee to recover the revenue lost on account of meter defective.

ASSESSMENT:- As reckoned in the said clause the assessment calculation is hereunder:-

Number of units recorded by the defective meter from 18.04.2019 to 19.11.2020	24070-2551 = 21519 units (63.28%)
Number of units that would have been recorded if the meter had been working normally	$21519/63.28 = 340.07$ units x 100 = 34007 Units (100%)
Energy lost during the period	$34007-21519 = 12488$ units (36.72%)
Cost of energy	10.00
Value of energy lost	1,24,988/-
Total Electricity charges payable	1,24,988/-

18. In view of the aforementioned discussion, it is clear that the short billing done by the respondents is in line with the statute, but it took much more than one year to discover the irregularity of phase missing. This shows that there is negligence in performing duties by the employees of the respondents, which resulted in present dispute causing hardship and trauma to the appellant. The record shows that the total amount was paid by the appellant, but in view of the negligence, the concerned Employee(s) must be held responsible and the appellant is entitled compensation from him/them. In view of these factors I hold that the appellant is not entitled for refund of the amount in question. The Award

of the learned Forum is not liable to be set aside. These points are accordingly decided against the appellant and in favour of the respondents.

POINT No. (iii)

19. In view of the findings on point No. (i) and (ii) the appeal is liable to be rejected. However the appellant is entitled for compensation for the delay and negligence.

RESULT

20. In the result, the appeal is rejected. However in view of the negligence of the respondents, a sum of Rs.20,000/- (Rupees twenty thousand only) is awarded as compensation to the appellant by way of adjustment in the future bills of the appellant immediately. The SE/OP/Nizamabad is directed to identify the Employee(s) and recover the amount of of Rs.20,000/- (Rupees twenty thousand only) from him/them who is/are responsible for the present dispute and report compliance within (1) month from the date of receipt of this Award.

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 15th day of November 2022.

Sd/-

Vidyut Ombudsman

1. Sri H. Vikas, s/o.Vishnuvardhan, H.No.1-13-386/2, Vinayak Nagar,
Near Yamaha Showroom Building, Nizamabad Town, Mandal and District.
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 6. The Divisional Engineer / DPE / Nizamabad - 9440811263.
- Copy to**
7. The Chairperson, Consumer Grievances Redressal Forum-II, TSNPDCL,
Power House Compound, Varni Road, Nizamabad Mandal and District -
503201.

APPEAL NO. 21 OF 2012