



BEFORE THE VIDYUT 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
VIDYUT OMBUDSMAN

MONDAY THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

Appeal No. 22 of 2023-24

Between

M/s. Vijayneha Polymers Private Limited, #8-3-332, Mailardevpally, Rajendra Nagar, Hyderabad - 500 005, represented by Sri Shiva Kumar Gupta, Managing Director, Cell: 9849014659.

.....Appellant

AND

1. The Assistant Divisional Engineer/Operation /Gaganpahad/ TSSPDCL/ Hyderabad.
2. The Divisional Engineer/Operation/Rajendranagar/TSSPDCL/Hyderabad.
3. The Senior Accounts Officer/Operation/Rajendra Nagar Circle/ TSSPDCL/ Hyderabad.
4. The Superintending Engineer/Operation/Rajendra Nagar Circle/ TSSPDCL/ Hyderabad.
5. The Divisional Engineer/DPE/HT/TSSPDCL/Hyderabad.
6. The Divisional Engineer/MRT/Rajendra Nagar Circle/TSSPDCL/Hyderabad.

..... Respondents

This appeal is coming on before me for final hearing on 17.08.2023 in the presence of Sri Nagam Laxmi Sri Kanth Kumar - representative of the appellant, Sri K. Ramachandraiah - DE/Tech/Rajendra Nagar, Sri K.Venkateswarlu - ADE/HT/Rajendra Nagar, Sri G.Pullaiah-DE/DPE/HT-1/Hyderabad, Sri B. Soma Sekhar- DE/MRT/Rajendra Nagar on behalf of the other 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 - (Greater Hyderabad Area), Hyderabad (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No 410/2022-23, Rajendra Nagar Circle dt: 09.06.2023, allowing the complaint in part.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released HT Service Connection No. RJN1062 to the appellant. Respondent No.1 issued the assessment notice vide Lr.No. ADE/OP/Gaganpahad/F.No.MATS/D.No.2720 dt.06.03.2023 (in short "the subject notice") demanding to pay Rs.1,48,55,009/- (Rupees one crore forty eight lakhs fifty five thousand and nine only) towards back billing for the period from 12.03.2020 to 09.01.2023.

3. The metering equipment along-with CTs and PTs were inspected previously by the MRT/DPE wings under mandatory periodical testing as per department's Rules. All the times they certified that the readings, currents and voltages were within the permissible limits of the department. After changing CTs it is observed that the difference between KWH and KVAH units vary only 500 units to 700 units, whereas before changing the CTs the difference

between KWH and KVAH units varied between 3500 and 5700 units. Accordingly it was prayed to withdraw the amount claimed under the subject notice.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

4. In the written reply submitted by respondent No.5, it is, inter-alia, stated that the subject service was inspected as per the complaint received from respondent No.2 that the current in 'B' Phase (L3) in the meter was showing low when compared to other two phases i.e., 'R' and 'Y' phases (L1,L2). Respondent No.6 conducted the primary injection tests on 18.11.2022 and intimated that the 'B' Phase currents were abnormal while conducting the primary injection test and also recommended for replacement of 'B' Phase CT. The same was rectified on 09.01.2023 with a healthy CT. From the Meter Reading Instrument (in short 'MRI') data it is evident that the 'B' Phase current was recording low in the meter during the subject period.

AWARD OF THE FORUM

5. After considering the material on record and after hearing both sides, the learned Forum has allowed the complaint in part, directing the respondents to revise the short billing amount duly considering error percentage as 5.446% and power factor of 0.999 within the specific time.

6. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the power factor was almost one unit for the period before defective period of the metering and after replacement of the CTs but the learned Forum has recommended power factor for the subject period as "0.999" instead of "1". The short billing is to be done for the one phase instead of all the three phases. It is accordingly prayed to withdraw the total assessment amount.

WRITTEN SUBMISSION OF RESPONDENTS

7. No written reply was filed by the respondents before this Authority.

ARGUMENTS

8. The appellant has also submitted written submissions again reiterating his case and contending that respondent No.6 certified that the error percentage of readings was within permissible limits during their mandatory and statutory periodical testings of the service; that as per Annexure (XII)(c) in point (1) of General Terms and Conditions of Supply, production figures of consumer were not taken; that contrary to the guidelines, respondents assessed unilaterally based on improper data of MRI which is objectionable; the meter was defective that means records erroneous consumption i.e., it might be records high or low consumption and that in this case the meter recorded high consumption hence the appellant requested for

reimbursement of excess amount paid during defective period.

POINTS

9. The points that arise for consideration are:-
- i) Whether the demand notice issued by respondent No. 1 to pay Rs. 1,48,55,009/- is liable to be set aside for the entire amount as prayed for?
 - ii) Whether the impugned Award passed by the learned Forum is liable to be set aside to the extent of the balance amount?
and
 - iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

10. It is an admitted fact that the respondents have released the subject Service Connection to the appellant on 07.01.2004. The learned Forum has allowed the complaint in part giving some relief to the appellant. Therefore this appeal is in respect of the balance relief only.

SETTLEMENT BY MUTUAL AGREEMENT

11. 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

12. The present appeal was filed on 26.07.2023. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

13. As already stated, the learned Forum has directed the respondents to revise the short billing amount by considering the error percentage as 5.446 % and power factor of 0.999.

14. Now the appellant claims that, after changing CTs, it is observed that the difference between KWH and KVAH units varies only from 500 to 700 units whereas before changing CTs , the difference between KWH and KVAH units varied from 3500 to 5700 units. This clearly reveals that they paid a huge excess amount to the respondents during the CT defective period. There was no revenue loss to the department during the subject period.

15. Further the appellant stated that the 33 KV metering was thoroughly checked by the respondents during periodical testing for every (6) months as per mandatory departmental Rules. In all periodical testings, the respondents certified that the metering was properly working and all the values were within the permissible limits. But ignoring all these results of their previous periodical testings, they calculated back billing for the period of (2) years (8) months which is unfair and unjustified.

16. Further the appellant has submitted that every month while taking meter readings by the respondents, meter data was dumped into MRI and analysed in their office. During all the months, they were in the impression that the metering was working properly based on the monthly MRI data analysis, but suddenly worked out back billing for (2) years (8) months which is completely unfair and unjustified.

17. The appellant has also submitted the following points for consideration:-

- a) The power factor was almost unity before the defective period and after replacement of CTs, but the learned Forum recommended 0.999 instead of one.
- b) The Currents recorded were very less in only one phase from MRI data, hence short billing to be done for one phase only instead of all the three phases.
- c) The learned Forum has not explained how the percentage error was arrived for 5.446% to the load current in 'B' Phase and also not arrived percentage of error in PF component as the defect of 'B' Phase CT was reflected in PF and thus recorded high KVAH in the meter.

18. In the Award of the learned Forum at para Nos.9 to 14, it is clearly mentioned as how the percentage of error was arrived at, which is found correct. Already the learned Forum has given maximum relief of power factor of 0.999 by taking all the relevant aspects.

19. The respondents have stated that the periodical testing was done by MRT wing several times but tested the HT Trivector meter only but not the

metering equipments like Current Transformers and Potential Transformers. Now it is noticed that the 'B' Phase CT secondary was drawing less currents when compared to primary currents as per CT ratio and thus 'B' phase CT declared defective. After careful analysis of the meter MRI data and as per load survey analysis, it is observed that the current in 'B' Phase was recording low from 12.03.2020 at 09.30 hrs to 09.01.2023 at 10.38 hrs. Accordingly, the demand notice was issued for Rs.1,48,55,009/- towards back billing for the period from 12.03.2020 to 09.01.2023.

20. The learned Forum, as already stated, has considered all the relevant factors into consideration and gave the relief in part. To that extent the Award of the learned Forum is liable to be confirmed. Further though it is mandatory to inspect the premises of the appellant once in every six months and give the correct report, it was not done by the respondents. Thus the appellant cannot be surprised with the huge amount of back billing. Therefore for this negligence of the respondents, the appellant is entitled for the relief of reducing the total period of back billing. Hence the respondents are entitled to collect the back billing amount on the subject service only later part of (2) years ending on 09.01.2023 with the relief given by the learned Forum. In view of the above discussion, I hold that the Award of the learned Forum is liable to be confirmed to the extent of the relief already granted and with the further relief of reducing the period of back billing, as stated above.

POINT No. (iii)

21. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be allowed in part. However, having regard to the facts and circumstances of the case, the appellant is entitled for grant of instalments to pay the back billing amount now calculated.

RESULT

22. In the result, the appeal is allowed in part and the Award of the learned Forum is confirmed to the extent of the relief already granted. Further the respondents are directed to revise the short billing limiting the period of (2) years only ending on 09.01.2023 without adding any surcharge. Further the appellant is granted (12) equal monthly instalments to pay the revised demanded amount starting from the month of September 2023. The remaining monthly instalments shall be paid every month thereafter. The respondents are not entitled to demand the amount for the remaining period.

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 the 21st day of August 2023.

**Sd/-
Vidyut Ombudsman**

1. M/s. Vijayneha Polymers Private Limited, #8-3-332, Mailardevpally, Rajendra Nagar, Hyderabad - 500 005, represented by Sri Shiva Kumar Gupta (Managing Director), Cell: 9849014659.
2. The Assistant Divisional Engineer/Operation /Gaganpahad/ TSSPDCL/ Hyderabad.
3. The Divisional Engineer/Operation/Rajendranagar/TSSPDCL/Hyderabad.
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7. The Divisional Engineer/MRT/Rajendra Nagar Circle/TSSPDCL/Hyderabad.

Copy to

8. 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.