



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

TUESDAY THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

Appeal No. 27 of 2022-23

Between

Smt. Polisetty Vijaya, w/o. Sri Jagan Mohan, H.No.11-4-20, Road No.6,
Venkateswara Colony, Saroornagar, Hyderabad - 500 035. Cell: 9346488785.

.....**Appellant**

AND

1. The Assistant Engineer / Operation / KPHB Colony / TSSPDCL / Hyderabad.
2. The Assistant Divisional Engineer / Operation / KPHB / TSSPDCL / Hyderabad.
3. The Assistant Accounts Officer / ERO / Kondapur / TSSPDCL / Hyderabad.
4. The Divisional Engineer / Operation / Kondapur / TSSPDCL / Hyderabad.
5. The Superintending Engineer / OP/Cybercity Circle / TSSPDCL / Hyderabad.

..... **Respondents**

This appeal is coming on before me for final hearing on 11.01.2023 in the presence of Sri V. Jagan Mohan - representative of the appellant and Sri E. Ambedkar - ADE/OP/KPHB, Sri T. Vidya Sagar - AE/OP/KPHB and Sri C. Srinivasa Rao - AAO/ERO/Kondapur 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 - Greater Hyderabad Area (in short

'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.94/2022-23, Cybercity Circle, dt.30.08.2022.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released Service Connection No. 21009 02270 in favour of the appellant to her premises bearing Plot No. 86, IX Phase, KPHB Colony, Hyderabad with a contracted load of 5 KW with (3) phase in Category - II(B). The appellant was equipped with self generation of electricity and the excess power generated is exported to the respondents. The appellant was paying the electricity bills promptly. In the months of April, May and June 2022 there were no arrears of electricity bills. In November 2021, the export reading was 37721. In May the power bill reading of export was also shown as 37721.

3. On 28.05.2022, the power was disconnected to the house of the appellant without any notice. On 28.05.2022 the premises of the appellant was inspected by the respondents and power supply was restored. From June 2015, the power was being consumed which was equipped with the solar panels and the appellant has been paying the bills without keeping any arrears. In February 2022, respondent No.2 has demanded to pay Rs. 2,49,362/- as due amount. The export of power was not recorded properly. Respondent No.3 has issued a letter dt.07.06.2022 demanding to pay an amount of Rs.2,37,681/- for the period from October 2016 to May 2022 without any basis. It is accordingly prayed to declare the notice dt.07.06.2022 as null

and void and to direct respondent No.2 and 3 to issue the bills properly considering the export from November 2021 onwards.

WRITTEN REPLY OF THE RESPONDENTS BEFORE THE FORUM

4. In the written reply submitted by respondent No.2, it is submitted that the subject Service Connection was released in favour of the appellant on 10.02.2013 under non-domestic category. The service was converted into net metering in 06/2015. Consequently the monthly C.C. bills are being issued by the meter reader duly feeding export and import readings of the solar net meter in the billing machine every month. The respondents found that the C.C. bills were issued with wrong readings from June 2015 to May 2022 due to which the respondents have sustained loss of revenue. Accordingly a notice was issued on 28.05.2022 by the Additional Assistant Engineer and disconnected the power supply on the same day to inspect the premises.

5. Respondent No.2 has also submitted additional written reply stating that the subject premises was inspected on 29.07.2022 at about 03.00 PM as per the directions of the Hon'ble High Court in W.P.No.24569 of 2022 and the observations are mentioned in a tabular form.

6. Respondent No.3 has also filed his written reply stating that a notice was issued to the appellant on 07.06.2022 requesting the appellant to pay an amount of net metered short billed amount of Rs.2,37,681/-.

AWARD OF THE FORUM

7. After considering the material on record and after hearing both sides, the learned Forum has rejected the complaint filed by the appellant.

8. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the appellant is not responsible for the wrong committed by the respondents and their employees. There is abnormal delay in demanding the subject dues. It is accordingly prayed to set aside the Award passed by the learned Forum.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

9. In the written submission of respondent No.1 dt.26.10.2022 before this Authority it is stated that the C.C. bills were issued '0' units from June 2015. Accordingly he obtained check readings of the meter and communicated to respondent No.3 for finalising the bill to recover the loss of revenue to the organisation.

10. In the written submission of respondent No.2, it is stated that the subject service was converted into net metering from 06/2015 duly following the procedure. The bills were accordingly issued. Owing to issuance of wrong billing from June 2015 to May 2022 the respondents have sustained huge revenue loss from June 2015 to 28.05.2022. Accordingly appropriate steps were taken by issuing notice to the appellant to recover the amount.

11. In the written submission of respondent No. 3 dt.31.10.2022, it is submitted that as per the representation of respondent No.1 to revise the net meter C.C. bill of the subject Service Connection the net meter bill was revised and it is found that Rs.2,37,681/- was short billed and the same was demanded from the appellant on 07.06.2022 by issuing a notice.

12. Heard both sides.

POINTS

13. The points that arise for consideration are:-

- i) Whether the appellant is entitled for withdrawing the disputed amount in respect of the subject Service Connection?
- 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)

ADMITTED FACTS

14. It is an admitted fact that the respondents have released the subject Service Connection on 10.12.2013 to the appellant. It is also an admitted fact that the appellant has opted for net metering and in June 2015. The net meter was released and since then the net meter bills were issued.

SETTLEMENT BY MUTUAL AGREEMENT

15. 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

16. 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

17. The appellant has filed the present appeal against the short billing demand notice for payment of Rs.2,37,681/-. The appellant is having a electricity Service Connection bearing S.C.No. 21009 02270 released on 10.12.2013, under Category LT-II with initial contracted load of 5 KW. Later the appellant preferred for solar grid interactive rooftop and small SPV power plant in 06/2015 for a load of 3 KW. Before going to the rival contentions of the parties, it is necessary to go through the relevant Regulation in connection with the present subject.

The Regulation towards sale of electricity from the rooftop solar photovoltaic system is Regulation No. 6 of 2016 which is reproduced here-under:-

What is 'Net Metering:-

"Clause 17 "Net Metering" means an arrangement under which a Rooftop Solar PV System installed at an Eligible Consumer's

premises and delivers surplus electricity, if any, to a Distribution Licensee after off-setting the quantum of electricity supplied by the distribution licensee to such Eligible Consumer during the applicable billing period.

Clause (18) “Net meter” means an appropriate energy meter which is capable of recording both import and export of electricity or a pair of energy meters one each for recording the import and export of electricity, as the case may be;”

There are basically two parameters which are to be recorded while taking the meter readings apart from other parameters of the net meter i.e export and import in KWH units. The export reading determines the energy consumption exported to the distribution network of the licensee i.e energy produced through solar power and import reading determines the actual energy consumption availed through the distribution network of the licensee. The Clause 10 of the said Regulation reads Energy Accounting and Settlement as under:-

“Clause 10.2:- Provided that if the quantum of electricity exported exceeds the quantum imported during the Billing Period, the excess quantum shall be carried forward to the next Billing Period as credited Units of electricity and the eligible consumer shall get a monthly minimum bill;”

If the quantum of electricity Units imported by the Eligible Consumer during any Billing Period exceeds the quantum exported, the Distribution Licensee shall raise its invoice for the net electricity consumption after adjusting the credited Units of electricity. The Clause 10.3 of Regulation 6 of 2016, gives the settlement of units procedure which is reproduced hereunder:-

“Clause 10.3:- The unadjusted net credited Units of electricity shall be settled by the Licensee twice in a year viz., in June and December. The net export units credited for the six month period

shall be settled at its average cost of power purchase as approved by the Commission for that year. The sum so arrived shall be either adjusted in the next month's electricity bill or deposited in the bank account of the eligible consumer furnished to the Licensee at the time of filing of the application.”

18. The record shows that right from the year 2015 the import and export KWH readings were the same, which is the irregularity, since the consumption of electricity and generation of electricity cannot be the same for every month. The actual monthly export readings were left without recording. This irregularity was discovered by the licensee during May 2022 after (7) years of installation. There is no doubt that serious negligence occurred while recording the meter readings and rightly so the learned Forum directed the licensee to take necessary disciplinary action against the responsible person. The AAE/OP/KPHB submitted the following actual check readings vide Lr.No.AAE/OP/F.No. /D.No.129/21-22 dt.28.05.2022,

Service No.	Meter No.	Make	Capacity	IMP KWH	IMP KVAH	EXP KWH	EXP KVAH	Check reading date
210092270	14783587	LNT	10-60A	39198	44939	8824.63	9299.13	28.05.2022

Subsequently the AAO/ERO raised the short billing amount of Rs 2,37,681/- for the period from October 2016 to May 2022 for difference of units of 28293. Regularly the appellant availed the electricity supply as per their usage. As in May 2022 the total consumed units were 39198 but the record shows for all these years the appellant received minimum bills at around Rs. 500/- per

month which is quite unnatural for an electricity Service Connection having contracted load of 5 KW. This means the bills were issued with less demand as against actual consumption. It is quite clear that whatever the consumption the appellant has utilised is liable to be paid. It is beyond doubt that the licensee could have averted the present dispute had they reconciled the net metering consumption from time to time as reckoned in the Clause 10.2 and 10.3 of Regulation 6 of 2016. Here it is pertinent to refer Clause 8.5 of the Regulation 6 of 2016:-

“Clause 8.5:- The Rooftop Solar PV Energy Generator shall be responsible for safe operation, maintenance and rectification of defect of its system up to the interconnection point beyond which the responsibility of safe operation, maintenance and rectification of any defect in the system including the net meter shall rest with the distribution licensee.”

The responsibility over safe operation, maintenance and rectification of defects in the system of the rooftop solar PV energy generator lies with the appellant. Hence, over the years the appellant too did not see the actual consumption of power generated and did not raise complaints during these years and remained silent by paying the minimum bills.

19. In view of the aforementioned paras, there is no scope further to award the total withdrawal of the disputed amount. Accordingly I hold that the appellant is not entitled for withdrawal of the short billed amount and 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)

20. In view of the findings on point No. (i) and to (ii), the appeal is liable to be rejected. However, having regard to the facts and circumstances of the case, the appellant is entitled for grant of instalments to pay the disputed amount.

RESULT

21. In the result, the appeal is rejected, without costs, confirming the Award passed by the Forum. The appellant is granted (10) monthly equal instalments to pay the due amount. The first of such instalments shall be paid on or before 31.03.2023. The remaining instalments shall be paid within every month thereafter.

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 February 2023.

Sd/-
Vidyut Ombudsman

1. Smt. Polisetty Vijaya, w/o. Sri Jagan Mohan, H.No.11-4-20, Road No.6, Venkateswara Colony, Saroornagar, Hyderabad - 500 035. Cell: 9346488785.
2. The Assistant Engineer / Operation / KPHB Colony / TSSPDCL / Hyderabad.

3. The Assistant Divisional Engineer / Operation / KPHB / TSSPDCL / Hyderabad.
4. The Assistant Accounts Officer / ERO / Kondapur / TSSPDCL / Hyderabad.
5. The Divisional Engineer / Operation / Kondapur / TSSPDCL / Hyderabad.
6. The Superintending Engineer / OP/Cybercity Circle / TSSPDCL / Hyderabad.

Copy to

7. 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.

