



**BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA**

First Floor 33/11 kV Substation, Hyderabad Boats Club Lane  
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN  
VIDYUT OMBUDSMAN**

FRIDAY THE SECOND DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY TWO

**Appeal No. 31 of 2020-21**

Between

The Senior Manager (Law), H.No.2-5-8/1, Ram Nagar, Hanamkonda, Warangal  
District. Phone: 0870-2577977, 2577744.

**.....Appellant**

**AND**

1. The Assistant Engineer / Operation / Annapureddypally.
2. The Assistant Divisional Engineer / Operation / Kothagudem.
3. The Assistant Accounts Officer / ERO / Kothagudem.
4. The Divisional Engineer / Operation / Kothagudem.

**..... Respondents**

This appeal is coming on before me for final hearing on 12.08.2022 in the presence of Sri K. Kiran Kumar - representing the appellant and Sri P. Vijay - DE/OP/Kothagudem, Sri MD Yasin - ADE/OP/Kothagudem, Smt. B. Tulasi - AAO/ERO/Kothagudem and Sri G. Kishan - AE/OP/Annapureddypally 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 - I (Warangal) (in short 'the Forum') of

Telangana State Northern Power Distribution Company Limited (in short 'TSNPDCL') in C.G.No.156/2020-21 dated 01.10.2020.

### **CASE OF THE APPELLANT BEFORE THE FORUM**

2. The Service Connection No. 13402-00823, Category-II of the APGV Bank where it is a tenant was disconnected on 25.02.2019 on the ground that the arrears of Rs.4,98,999.72 are pending since 2013-14. The average consumption of the said consumer was around 280 - 360 units per month. But in January 2019, the consumption was shown as 3500 units and a bill dt.10.02.2018 for Rs 59,629.32 was raised. The subsequent bills from February to April were also abnormal. On 27.03.2019 an amount of Rs. 31,000/- was paid towards arrears. The meter was tested twice on 03.04.2019 and 28.08.2019 which was found healthy (OK) and was functioning properly and intact. Therefore it was prayed to direct the department to restore the power supply and the appellant would take appropriate steps for payment of the arrears.

### **CASE OF THE RESPONDENTS BEFORE THE FORUM**

3. Respondent No.4 has submitted in the written submission stating that the bill was issued for Rs. 4,26,258/- against S.C.No.13402823, as per the check reading of respondent No.3 as 86350 KWH. The meter was tested in MRT lab on 02.04.2019 in the presence of the consumer which was found satisfactory. Again the meter was tested on 28.08.2019 in the presence of

consumer which was found satisfactory. As per the directions of the Forum, the appellant paid a sum of Rs 2,50,000/- and the power was restored.

#### **AWARD OF THE FORUM**

4. After hearing both sides and after considering the material on record the learned Forum after withdrawing the excess bill amount of Rs 86,398/- vide JE No.04 of 12/2020 directed the appellant to pay the balance amount. The Forum has also directed to impose a penalty of Rs 10,000/- on meter reading agency and directed for disciplinary action against the concerned respondents for accumulation of meter reading.

#### **GROUND OF THE APPEAL**

5. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that the respondents have not given any prior notice to the appellant before disconnection of power supply and that the appellant has deposited Rs. 2,50,000/- as directed by the Forum to restore the power supply.

6. In the grounds of the appeal, it is, inter-alia, submitted that the average consumption of power by the appellant is between 277-710 bi-monthly and that the Forum was not justified in directing the appellant to pay the balance amount to the respondents.

## **WRITTEN SUBMISSION OF THE RESPONDENTS**

7. In the written submissions of respondent No.3 before this Authority, it is stated that the average consumption of electricity of the consumer is 810 units and as per the directions of the Forum the bill was revised adjusting the period occupied by the appellant and an amount of Rs. 80,398.64 was withdrawn.

## **REJOINDER OF THE APPELLANT**

8. In the rejoinder filed by the appellant on 20.03.2021, it is submitted that there is no fault on the part of the appellant in the entire transaction and that the respondents have not properly calculated the units involved in this case.

## **ARGUMENTS**

9. The learned counsel for the appellant has submitted that the consumer (Bank) has been paying the electricity bills to the respondents regularly and that the respondents have raised abnormal bill without any fault or usage of the energy by the consumer. Therefore it is prayed to direct the respondents to refund Rs 2,50,000/- deposited by the appellant and also to award compensation to the appellant.

10. On the other hand it is submitted by the respondents that the electricity meter of the consumer was properly working; that 56269 units were suppressed and that they have implemented the Award passed by the Forum. It is accordingly prayed to reject the appeal.

## **POINTS**

11. The points that arise for consideration are:-
- i) Whether the appellant is entitled for refund of the amount and also compensation as claimed by it?
  - ii) Whether the Award passed by the learned Forum is liable to be set aside? and
  - iii) To what relief?

## **SETTLEMENT BY MUTUAL AGREEMENT**

12. Both the parties have appeared before this Authority on 12.08.2022. 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**

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.

## **POINT No. (i) and (ii)**

### **ADMITTED FACTS**

14. It is an admitted fact that the consumer Bank involved in this case is occupier of the premises where Service Connection No. 00823, Category -II was installed. On 25.02.2019, the respondents disconnected the power supply

in question. There is also no dispute that as per the directions of the Forum, the appellant deposited Rs 2,50,000/- and the respondents have restored the power supply.

### **CRUX OF THE CASE**

15. The consumer's Service Connection No. is 10342-00823 under Category - II. From the month of January 2019 to April 2019, bills were raised abnormally viz. 2516, 3500,2000 and 2395 units respectively. The consumer's plea is that their average consumption is 280 to 360 units. Hence the bills are abnormal and liable to be revised.

16. The respondents admitted that there was abnormal billing. According to them the actual consumption was suppressed by the meter reader. Based on the lab test reports of the energy meter error test in the MRT lab on 3.4.2019 and again on 28.08.2019 errors were found to be under permissible limits. The only relaxation given by the Forum is apportioning the total consumption of 75310 units into 93 months right from the date of occupation of the bank from 07/2011 to 04/2019, withdrawing an amount of Rs. 86,398.64/- vide JE No. 4 of 12/2020. The consumer filed the present appeal to withdraw the excess billed amount.

17. The veracity of the dispute lies with the accuracy of the measuring instrument of energy consumption i.e. the energy meter. This is nullified when both the error tests conducted on 03.04.2019 and 28.08.2019 show the error

in the meter within permissible limits. The other aspect of the abnormal billing may be discrepancy in taking meter readings which actually the respondents are now relied on. The consumer opposed such abnormal billing but had not given any substantive data to prove, except from the fact that high abnormal consumption was recorded in the meter from January 2019 to April 2019. The Forum penalised the concerned employee responsible for such negligence in duty. Whereas the responsibility also lies on the consumer being a financial institution to audit if not every month to check the energy meter reading against the energy bills issued to them at random.

18. The bills were revised apportioning the 75,310 units by dividing 93 months from 07/2011 to 04/2019. When the issue remained so, the consumer produced the copy of bill payment receipt paid by the Grameena Bank on dt.29.03.2010 for the month of February 2010, which determines that the date of occupation by the bank is 02/2010 and not 07/2011 as arrived by the respondents. In view of the difficulty faced due to the negligence of the meter reader over accumulation of the huge demand at a time, the consumer is liable to pay the revised bills by way of apportioning the units from the month of February 2010 instead of July 2010.

19. It is relevant in the present case to go through the Regulation 5 of 2016, complaints about consumer bills. Clause VII(7.1) is reproduced here under:-

**“ VII. Complaints about consumer’s bills**

7.1 (i) The Licensee shall acknowledge a consumer’s complaint about an electricity bill immediately, if received in person and within 24 working hours, if received by post. The Licensee shall resolve the complaint regarding the electricity bills within 24 working hours of its receipt, if no additional information is required to be collected and within Seven (7) working days of receipt of complaint, if any additional information is required.

(ii) Where the complaint of a consumer is genuine and revision of a bill already issued becomes necessary, the due date for payment of bill shall be reckoned from the date of revised bill for the purpose of disconnection of supply or for levy of additional charges for belated payment.”

In the present case, the consumer grievance is genuine, which the respondents have also accepted stating that the meter reader is at fault. In the said scenario, the due date for payment of revised bill shall be reckoned from the date of revised bill issued and also for the levy of additional charges for belated payment. Hence delayed payment surcharges already levied shall be deducted and fresh demand shall be issued as mentioned in the aforementioned paras. Thus the consumer is not entitled for refund of the amount and compensation etc., and thus the Award passed by the Forum is liable to be set aside in part. These points are accordingly decided partly in favour of the appellant and partly in favour of the respondents.

**POINT No. (iii)**

20. In view of the findings on point No. (i) and (ii), the Award of the Forum is not liable to be set aside to the extent indicated above. Further



having regard to the facts and circumstances of the case, the consumer in this case is also entitled to pay the final amount in instalments after the revision.

## **RESULT**

21. In the result, the appeal is allowed in part. The respondents are directed to revise the bills by apportioning the total units from February 2010 instead of July 2011 to April 2015. The appeal in respect of withdrawal of the entire bill amount is rejected. However, as per Clause VII 7.1 of Regulation 5 of 2016 afresh demand shall be raised calculating from February 2010 and the delayed payment surcharge already raised shall be deducted from the total due amount. The final amount shall be paid in (12) equal monthly instalments. The respondents shall file compliance report within one month from the date of receipt of certified copy 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 2nd day of September 2022.

Sd/-

**Vidyut Ombudsman**

1. The Senior Manager (Law), H.No.2-5-8/1, Ram Nagar, Hanamkonda, Warangal District. Phone: 0870-2577977, 2577744.
2. The Assistant Engineer / Operation / Annapureddypally.
3. The Assistant Divisional Engineer / Operation / Kothagudem.
4. The Assistant Accounts Officer / ERO / Kothagudem.

5. The Divisional Engineer / Operation / Kothagudem.

**Copy to**

6. The Chairperson, Consumer Grievances Redressal Forum - 1, Nakkalagutta,  
Hanamkonda, Warangal.

APPEAL NO. 31 OF 2020-21