



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 SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

Appeal No. 34 of 2022-23

Between

M/s. Venkateswara Modern Rice Mill, H.No.4-3-107, Jahirpura, Rajendranagar,
Khammam District - 507 001, represented by Sri Katepally Seetharama Rao.

.....**Appellant**

AND

1. The Assistant Engineer / Operation / TSNPDCL / Ballepalli / Khammam.
9182692900.
2. The Assistant Divisional Engineer / Operation / TSNPDCL/
Raghunadhapalem.9440811221
3. The Assistant Accounts Officer / ERO / Khammam Town / TSNPDCL /
Khammam.9440811570.
4. The Divisional Engineer / Operation / Khammam / TSNPDCL / Khammam.
9440811506.

..... **Respondents**

This appeal is coming on before me for final hearing on 06.02.2023 in the presence of Sri Kathepally Seetharama Rao, representative of the appellant, Sri M. Sanjeev Kumar - ADE/OP/Raghunadhapalem, Sri K. Sridhar - AAO/ERO/Khammam and DE/OP/Khammam for 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 (in short 'the Forum') of Telangana

State Northern Power Distribution Company Limited (in short 'TSNPDCL') in C.G.No.328/2022-23, Khammam Circle dt.29.10.2022, closing the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released Service Connection No. 1301 07439 (USC No. 15451569), Category-III to M/s. Venkateswara Modern Rice Mill, H.No.4-3-107, Jahirpura, Rajendranagar, Khammam District of the appellant. The appellant requested to withdraw the excess amount of Rs. 85,213/- raised as shortfall.

REPLY OF THE RESPONDENT BEFORE THE FORUM

3. In the written reply submitted by respondent No.2, it is stated that during the periodical inspection of HT meters, it is observed that the 'B' phase terminal of the subject Service Connection of the appellant was burnt and Current Transformer (in short 'CT') circuit was opened. Accordingly, the defective meter was replaced by HT meters wing on 23.05.2022. As per the Meter Reading Instrument (in short 'MRI') data report, 'B' phase current was found missing from 26.11.2021. Hence, back billing was proposed during the phase missing period.

AWARD OF THE FORUM

4. After considering the material on record and after hearing both sides, the learned Forum has closed the complaint.

5. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the respondents have

not replied to the representations dt.01.07.2022, 11.07.2022, 21.07.2022 and 12.10.2022. The learned Forum has passed the impugned Award without hearing the appellant. The demanded amount was paid due to force. Therefore, it is prayed to do justice.

WRITTEN SUBMISSION OF THE RESPONDENTS

6. In the written reply submitted by respondent No.4, he has reiterated the contents of the written reply filed by respondent No.2 before the Forum.

REPLY OF THE APPELLANT

7. In the reply filed by the appellant before this Authority, it is submitted that the back billing was imposed without proper reason. Therefore it is prayed to take the reading of the previous year for calculating the correct back billing amount.

8. Heard both sides.

POINTS

9. The points that arise for consideration are:-

- i) Whether the shortfall (back billing) amount of Rs. 85,213/- paid by the appellant is liable to be refunded?
- ii) Whether the impugned Award of the learned Forum is liable to be set aside? and
- ii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

10. It is an admitted fact that the respondents have released Service Connection No. 1301 07439 (USC No. 15451569) Category-III in favour of the appellant. It is not disputed that the appellant paid the demanded amount.

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. 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

13. The appellant Sri Katepally Seetharama Rao having a rice mill under the name M/s. Venkateswara Modern Rice Mill at Rajendra Nagar, Khammam bearing electricity Service Connection No. 1301 07439 under LT Category-III with a Contracted Maximum Demand (CMD) of 100 HP, filed the present appeal against the demand raised by the respondents towards short fall in the

billing of Rs. 85,213/-. The record shows that the ADE/HT Meters/Khammam inspected the subject Service Connection on 23.05.2022 which resulted in discovery of 'B' phase current missing, consequent to 'B' phase terminal in the CT meter terminal was burnt and CT circuit was open. Literally this means that the consumer is having three phase healthy power supply though corresponding phase current is not being recorded in the energy meter. This will result in recording of less consumption to the extent of shortage of one phase in the meter. In order to find out when this irregularity happened can be verified from the MRI data. This machine retrieves all the data recorded in the meter through which we can capture the time / date of 'B' phase current missing. The record shows that the 'B' phase current missing occurred on 26.11.2021 and continued upto 23.05.2022, when the defect was rectified with replacement of a new healthy meter. Subsequently the DE/DPE/Khammam assessed the back billing vide case No.DPE/DPKMM/27898/22 for the period from 26.11.2021 to 23.05.2022 and arrived with the shortfall amount of Rs. 85,213/-. Thereafter a notice was served by the ADE/OP/Khammam vide Lr.No. 430 dt.09.06.2022.

14. A perusal of the assessment goes to show that it is in line with the General Terms and Conditions of Supply (GTCS) wherein guidelines for assessment of short billing cases laid down by the Hon'ble Telangana State Electricity Regulatory Commission (in short 'Commission'). The relevant Clause is reproduced here-under:-

Annexure XII (VII) (c)
Guidelines for assessment of short-billing cases

(ii) Short-billing arising out of meter not working in one phase (LT services 3 phase with balanced load) due to external or internal defect (either potential or current)

	Unit of measurement	
Number of units recorded by the defective meter due to one phase defect from ____ to _____	Units	A
Number of units that would have been recorded if the meter had been working normally in three phases	Units	$1.5 * A = B$
Energy lost during the period	Units	$B - A = 0.5A = C$
Cost of energy	Rs. Per unit	D
Value of energy lost	Rs.	$C * D = E$
Total electricity charges payable	Rs.	E

No. of units recorded from 26.11.2021 to 23.05.2022	23657 Units
No. of units would have been recorded under normal conditions	$23657 \times 1.5 = 35486$ Units
No. of units lost	$35486 - 23657 = 11829$ Units
Cost of energy ($11829 \times \text{Rs. } 7.13 + \text{Rs. } 710/- + \text{Rs } 118/-$)	Rs. 85,213/-

The assessment is in line with the statute given supra.

15. The appellant urged for a revised assessment of the shortfall by way of taking readings in the same period of the last year or the consumption recorded during the month of April. The Hon'ble Commission vide proceeding

dt.31.05.2014 amended the Clause 7.5.1.4.4 of GTCS wherein, the assessment shall be made for the entire period during which the status of defective meter is clearly established. In the present case the MRI available data establishes the date of defect and hence the request of the appellant cannot be considered. Accordingly, I hold that the appellant is not entitled for the refund of the shortfall (back billing) amount paid by him. These points are decided against the appellant and in favour of the respondents.

POINT No. (iii)

16. In view of the findings on point No. (i) and to (ii), the appeal is liable to be rejected.

RESULT

17. In the result, the appeal is rejected confirming the Award passed by the learned Forum.

A copy of this Award is made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by the Office Executive Cum Computer Operator, corrected and pronounced by me on this the 27th day of February 2023.

Sd/-
Vidyut Ombudsman

1. M/s. Venkateswara Modern Rice Mill, H.No.4-3-107, Jahirpura, Rajendranagar, Khammam District - 507 001, represented by Sri Katepally Seetharama Rao
2. The Assistant Engineer / Operation / TSNPDCL / Ballepalli / Khammam. 9182692900.

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Ragunadhapalem.9440811221
4. The Assistant Accounts Officer / ERO / Khammam Town / TSNPDCL /
Khammam.9440811570.
5. The Divisional Engineer / Operation / Khammam / TSNPDCL / Khammam.
9440811506.

Copy to

6. The Chairperson, Consumer Grievances Redressal Forum of TSNPDCL- I,
H.No.2-5-58, Opp: Head Post Office, Nakkalagutta, Hanamkonda, Warangal
District, Pin code - 506001.

