



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 THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

Appeal No. 43 of 2022-23

Between

Sri Sushil Kapadia, s/o. Dhirajlal Tokarshi Kapadia, H.No.4-3-51/C, Raghunath Bagh, K.S.Lane, Hanuman Tekdi, Sultan Bazar, Hyderabad - 500 095
Cell: 9393319333.**Appellant**

AND

1. The Assistant Divisional Engineer / OP / Troop Bazar / TSSPDCL / Hyderabad.
2. The Divisional Engineer / OP / Begum Bazar / TSSPDCL / Hyderabad.
3. The Senior Accounts Officer / OP/ Hyderabad South Circle / TSSPDCL / Hyderabad.
4. The Superintending Engineer / Operation / Hyderabad South Circle/ TSSPDCL/Hyderabad.
5. The Assistant Divisional Engineer/Op/DPE/HT/TSSPDCL/Hyderabad.
..... **Respondents**

This appeal is coming on before me for final hearing on 23.03.2023 in the presence of Sri A. Raghuram Reddy - authorised representative of the appellant and Sri L. Nehru Nayak - DE/OP/Begum Bazar and Sri T. Ajay Kumar - SAO/OP/Hyderabad South Circle 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 - Greater Hyderabad Area (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.232/2022-23 Hyderabad South Circle, dt.30.11.2022, rejecting the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released Service Connection No HDS772 to the appellant to the premises H.N.o 4-3-51/C, Raghunath Bagh, K.S. Lane, Hanuman Tekdi, Sultan Bazar Hyderabad.

3. Respondent No.5 inspected the subject premises on 18.7.2022 and found that the CTPT was not working properly. Thereafter respondent No.1 issued a short billing notice on 23.08.2022 to the appellant demanding Rs 1,24,886/- on the ground that the CTPT was defective and 1-phase supply did not record the reading properly. The said amount pertains to the period from 7.8.2021 to 6.8.2022. The appellant runs a hotel business in the subject premises. It was accordingly prayed to waive the demanded amount, not to disconnect the power supply and also to pay damages etc.

WRITTEN REPLY OF THE RESPONDENTS BEFORE THE FORUM

4. In the written reply submitted by respondent No.5, it is stated that during the inspection of the subject Service Connection it was noticed that the

appellant was availing healthy 3-phase supply to the hotel premises of the appellant but the meter display showed very low current in B-Phase i.e. 0.1A against the DTR secondary (load side) LT side current 20.3 Amps. The remaining 'R' and 'Y' phase currents were recorded in the meter as 1.54 A and 1.34 A respectively. It was concluded that the B-phase current was missing from CTPT set to meter and it is due to defect of CTPT meter. Accordingly short billing was done for the above defective period based on the error method and it arrived at 30.03% error and the short billing notice was issued.

5. Licensee-DE/MRP/Hyderabad has also filed para-wise remarks similar to the facts stated by respondents no 5.

AWARD OF THE FORUM

6. After considering the material on record and after hearing both sides, the learned Forum has rejected the complaint as stated above.

7. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that the CTPT is to be maintained by the respondents and they have to check it periodically. The appellant is not at fault as it is not his duty to check CTPT set. There were frequent fluctuations of power supply to his premises. The Learned Forum has not taken into account the issues raised by the appellant. Accordingly it is prayed to do justice.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

8. In the written reply of respondent No.1, before this Authority it is stated that during the course of inspection it was noticed that B-Phase current from CTPT set to meter was very low due to defects in the CTPT set. On review of Meter Reading Instrument (in short 'MRI') dump the unbalanced currents recording in B-Phase was from 7.08.2021 till the date of replacement of CTPT set on 6.8.2022. Accordingly, short billing was proposed.

9. Heard both sides.

POINTS

10. The points that arise for consideration are:-

- i) Whether the appellant is entitled for waving the amount claimed in the impugned notice?
- 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

11. It is an admitted fact that the respondents have released Service Connection No HDS772 in favour of the appellant. The appellant is running a hotel business in the premises where the subject Service Connection is existing.

SETTLEMENT BY MUTUAL AGREEMENT

12. 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

13. This appeal was filed on 03.03.2023. This appeal is being disposed of within the prescribed period of (60) days as required, as such there is no delay.

CRUX OF THE MATTER

14. The appellant preferred the present appeal against the short billing demand raised for an amount of Rs.1,24,886/- consequent to discovery of low 'B' phase current recorded in the meter due to CTPT defect. The subject Service Connection HBS 772 is an HT Service Connection utilising supply for a hotel at the premises 4-3-51/C, Plot No.6, Raghunath Bazar, Sultan Bazar, Hyderabad. The service was inspected on the basis of a tamper list towards unbalanced currents recorded in the 'B' phase. The inspecting officer inspected the premises on 18.07.2022 and found the following incriminating points:-

- “1. The service was inspected on the basis of a tamper list regarding unbalance currents recording in the B Phase.

2. At the time of inspection the consumer is availing healthy 3 phase supply.
3. The meter display parameters are noted and logged into the laptop for further analysis.
4. It is observed that the 'B' phase current recording in the meter is 0.1A and at TTB it is measured as 0;047 against LT side B phase current 20.3A i.e. B Phase current from CTPT set to meter is very low
5. From all the above it is concluded that low B phase current being recorded in the meter is due to CTPT defective. 6. On review of MRI dump the unbalanced currents recorded in B Phase from 07/08/2021 till date of replacement of CTPT set on 06/08/2022.
7. Hence short billing is proposed from 07/08/2021 to 06/08/2022.

Provisional Assessment Notice was issued based on the above observation vide Lr.No.582 dt.23.08.2022 to pay an amount of Rs. 1,24,886/-. Subsequently, the SE/OP/Hyderabad South/respondent no 4, after going through the objections raised in the consumer representation dt.12.09.2022 revised the provisional assessment amount to Rs.1,18,790/- vide order No. 757 dt.25.10.2022.

15. The record shows that in the 'B' phase the meter display shows the reading of 0.1 Amps and its corresponding phase in the DTR secondary side i.e. LT side, the current was measured as 20.3 Amps. The currents measured at Terminal Testing Box (in short TTB) were $I_r = 0.65$ Amps, $I_y = 0.674$ Amps and $I_b = 0.1$ Amps, whereas in the meter the respective currents were $I_r = 1.54$ amps, $I_y = 1.34$ amps and $I_b = 0.1$ amps. The CTPT has CT ratio of 5/5 amps and of the meter is 10/5 thereby the MF is 0.5 amps. In view of unbalanced currents in the (3) phases and the observations stated above it is concluded

that the 'B' phase current is partially recorded from the CTPT set to meter. Thereby the CTPT was replaced on 06.08.2022. The data retrieved from the meter shows that the 'B' phase current has been recorded very low from 07.08.2021 till the replacement of the CTPT. The error was evaluated as following:-

Assessment period : 07.08.2021 to 06.08.2022

Average current in R-phase	1.54 A	a
Average current in Y-Phase	1.69A	b
Average current in B-Phase	0.16A	c
Average of healthy Currents	1.615A	$d=(a+b)/2$
Average of Defective currents	1.130 A	$e=(a+b+c)/3$
& Error	30.03	$\% \text{ error} = (d-e)/d*100$

The following table shows the assessment Calculation

S.No.	Description	Main	Mor.TOD	Eve.TOD	Inc.TOD1	Inc.TOD2	
1.	Reading on 07.08.2021	659369	111899	120942	139864	55640	a
2.	Reading on 06.08.2022	725341	123260	131127	155271	60365	b
3.	Recorded Consumption with MF 0.5	32986	5680	5093	7703	2363	$A=(b-a)*0.5$
4.	To be recorded Consumption with MF 0.5	47143	8118	7278	11009	3377	$B=A*100/(100-30.03)$
5.	Shortfall units	14157	2438	2186	3306	1014	$C=B-A$
6.	Energy charges	8.80	1.00	1.00	-1.00	-1.00	D
7.	Amount	124582.14	2437.98	2185.7	-3306.14	-1014.02	E=C*D
8.	Total Amount	124885.65					

The above provisionally assessed amount of Rs.1,24,885/- was revised to Rs.1,18,789/- in the Final Assessment Order considering the tariff rates of Tariff Orders 2021-22 and 2022-23.

16. The appellant argued that they are not liable for the short billing against the defective CTPT, as they are not concerned with the efficacy of the equipment, which needs to be inspected periodically by the department officials, transferring the irregularity of CTPT defect upon them is not liable. He has submitted that there was fluctuation of voltage frequently due to which they have incurred loss in view of damages to the appliances Air Conditioners (ACs), Televisions (TVs) and Computers which had to be compensated towards not maintaining the quality power supply and also the comparison of the consumption between the disputed period from 07.08.2021 to 06.08.2022 for the corresponding period of previous year there is no much difference.

17. It is an admitted fact that the respondents are responsible to look after the working condition of the CTPT by way of periodical testing. It is relevant to reproduce the Clause 7.3.1 of General Terms and Conditions of Supply (in short 'GTCS') which is as under:-

“The Company shall arrange periodical inspection/ testing and calibration of energy meters fixed to the consumer premises to ascertain the energy consumption as per Rule 57 of the Indian Electricity Rules, 1956. The Company shall ensure HT Meter shall be re-calibrated once in every year and standardised if so desired by either the consumer or the Company by means of standard

instrument by the Company in the presence of the consumer or his representative. The LT meters shall be tested every five years.”

As per the above given Clause it is mandatory to re-calibrate the metering arrangement once in every year. The assessment was made for the period from 07.08.2021 to 06.08.2022 by way of MRI dump analysis for a period of one year. It goes to show that the irregularity was discovered within the standard period of one year reckoned by Clause 7.3.1 of GTCS. The recording of unbalanced currents in the meter shows that one phase is recording less consumption as against healthy current utilised by the consumer i.e. part of the current in that phase is less recording in the meter. Whatever the consumption availed by the consumer is not recorded accurately in the meter, but it is a fact that whatever consumption availed has to be paid through monthly bills. By way of short billing the respondents claimed the revenue lost due to the above said phenomenon and there are no penal charges added towards short billing. The Clause 7.5 of GTCS envisages the respondents to levy short billing on account of defective CTPT and hence the appellant is liable to pay the demanded short billing amount. The claim of voltage fluctuation does not occur on account of defective CTPT since the secondary of the equipment is found defective, which has nothing to do with actual supply. Accordingly, I hold that the appellant is not entitled for waving the amount claimed in the impugned notice and the Award passed by the learned Forum is not liable to be set aside

POINT No. (iii)

18. In view of the findings on point No. (i) and (ii), the impugned Award of the Forum is not liable to be set aside.

RESULT

19. In the result, the appeal is rejected. But in view of the hardship faced by the appellant over demanded amount at lump sum, the appellant is granted (10) Nos. equal instalments starting from the month of May 2023. Failure to pay any single instalment would make the entire balance due recoverable in a lump sum.

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 3rd day of April 2023.

Sd/-
Vidyut Ombudsman

1. Sri Sushil Kapadia, s/o. Dhirajlal Tokarshi Kapadia, H.No.4-3-51/C, Raghunath Bagh, K.S.Lane, Hanuman Tekdi, Sultan Bazar, Hyderabad - 500 095. Cell: 9393319333.
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5. The Superintending Engineer / Operation / Hyderabad South Circle/
TSSPDCL/Hyderabad.
6. The Assistant Divisional Engineer/Op/DPE/HT/TSSPDCL/Hyderabad.

Copy to

7. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL-
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