



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: Smt. UDAYA GOURI

Monday the Twenty Eight Day of January 2019

Appeal No. 50 of 2018

Preferred against Order dt:27.10.2018 of CGRF in
CG No. 396/2018-19 of Rajendra Nagar Circle

Between

Sri. Mohammed Khan, National Institute of Rural Development and
Panchayat Raj), (Ministry of Rural Development, Government of India),
Rajendra Nagar, Hyderabad- 500 030. Cell: 9818924111.

... Appellant

AND

1. The AE/OP/Rajendranagar/TSSPDCL/RR Dist.
2. The ADE/OP/Rajendranagar/TSSPDCL/RR Dist.
3. The AAO/ERO/Gaganpahad/TSSPDCL/RR Dist.
- 4 The DE/OP/Rajendranagar/TSSPDCL/RR Dist.
5. The SE/OP/Rajendranagar/TSSPDCL/RR Dist.

... Respondents

The above appeal filed on 10.12.2018, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 23-01-2019 at Hyderabad in the presence of Sri. Mohammed Khan - Appellant and Sri. P. Prem Kumar - ADE/OP/Rajendra Nagar and Smt. K. Suma - AAO/ERO/Gaganpahad for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

This is an Appeal preferred against the orders of the CGRF Rajendra Nagar Circle vide CG No. 396/2018-19 dt. 27.10.2018.

2. The Appellant contended that he has filed a complaint before the CGRF Rajendra Nagar Circle seeking for rectification of excess bills issued on his service connection from April,2018 onwards. He contended that the service connection

bearing No. 320812878 got stuck in the month of August,2018 as per the report of the Respondents. And as such the Respondents have assessed his bill on the basis of the average consumption of the preceding 3 months for the purpose of billing for the months of September and October and as such he lodged a complaint before the CGRF stating that taking the average consumption for the preceding 3 months from the month in which the meter got stuck would cause loss to him as the consumption in the preceding 3 months being summer months would be more from his regular usage, but the learned CGRF failed to take the same into consideration in spite of his repeated requests and dismissed his application. Hence aggrieved by the same the filed the present Appeal.

3. The Appellant repeated his grievance in the present Appeal and contended that taking the average consumption of the summer months for assessing the consumption of the regular month would put the consumer into a loss. He also contended that during the month of September,2018 he and his family were away from his house for about 15 days in view of their festivals and as such their consumption of electricity during the month of September was hardly for 15 days and that when his consumption rate is taken into consideration throughout the year and the preceding year, other than the summer months clearly shows that he hardly consumed 10 units per month and as such the calculation of the Respondents for the months in which the meter got stuck at 543 units was not only exorbitant but was also unreasonable. He also stated that he approached the Respondent officials i.e. AE and appraised them about the situation, but they expressed their helplessness saying that the provisions of the Act does not permit them to change the calculations as per his request though the same is reasonable. Hence is entitled for revision of the said bill issued by the Respondents. Hence prayed that the Respondents may be directed to revise the bill.

4. The Respondents on the other hand filed their reply through Respondent No.3 i.e. AAO/ERO/Gaganpahad vide Lr.No.500 dt.22.01.2019 stating that in the month of September,2018 bill issued under stuck up (02) status, in this regard previous three months average 543 units for Rss 3970/- proposed automatically in billing software, the above service average units i.e. 543 units calculation details are as follows:

Month	Status	Closing Reading	Units in Kwh	Remarks
Sep,2018	2	11195	543	stuck up billed with average units
Aug,2018	01/IR	11195	276	stuck up period
Jul,2018	01/IR	10919	356	
Jun,2018	01/IR	10563	782	
May,2018	01/IR	9781	492	

Hence, the bill was issued by taking previous 3 months average units as per the existing rules, there is no excess bill was issued to the consumer, the same was agreed to CGRF and issued order on 27.10.2018 and stated that there is no need to revise the bill. The consumer is liable to pay Rs 3970/- to avoid disconnection of his service connection and the consumer has also paid the amount vide PR No. 41811014976 dt.06.11.2018 for Rs 7965/-.

The Respondent No.2/ADE/OP/Rajendra Nagar also submitted his written submission reiterating the above given information by the AAO/ERO/Gaganpahad.

5. Heard both sides

6. Hence in the face of the said contentions by both sides the following issues are framed:-

1. Whether the calculation for the billing by the Respondents as stated by the Appellant is not in accordance with the provisions of the Act?
2. Whether the Appellant is entitled for the revision of the bill? and
3. To what relief?

Issue Nos. 1 & 2

7. Admittedly the Appellant namely Mohammed Khan who is resident of Flat No. 301, in Plot No. 42, New Friends Colony, Upparpally, Rajendra Nagar, Hyderabad is sanctioned the service connection No. 320812878. It is also admitted that the Respondent officials have informed him that the meter for the month of September,2018 got stuck and as such the Respondent Officials calculated the billing for the month of September and October,2018 on the basis of the average

consumption of the Appellant for the preceding 3 months, which are summer months.

8. The Appellant contended that the calculation of the billing for the months of September and October in which the meter got stuck on the basis of the preceding 3 months, which are summer months is not only unreasonable but is also arbitrary. As the consumption of electricity in the summer months would definitely be more than the other months of the year. He also contended that the meter got stuck not because of any act on his part and as such he was not responsible for the same and so he cannot be burdened with more billing than his average consumption. The Respondents on the other hand contended that they are following the rules and regulations that are laid down for the purpose of calculation under the provisions of the Act. As such pointed out since their inspection show the consumption readings for the months of August and September, 2018 as 11195, they realised that the meter got stuck in the month of August itself hence the same reading was shown in the month of September as well, but it has come to their notice in the beginning of October, 2018. And as such they calculated the average consumption of the preceding 3 months i.e. July 2018, June 2018 and May 2018 and arrived at 543 units as the bill for the month of September and October 2018. They pointed out that the calculation of consumption made by them was in accordance with the provisions prescribed and as such the Appellant is liable to pay the said bill amount. They also pointed out that the Appellant paid the said amount i.e. the billing made by them for the months of September and October, 2018 @ 543 units per month.

9. The said averments of both sides and the documentary evidence adduced by them clearly shows that the Appellant who is provided with the service connection No. 320812878 is asked to pay bill on an average rate of 3 preceding months from the month on which the meter got stuck. The contention of the Appellant is that calculating the consumption for the month of September and October on the basis of the average consumption of the preceding 3 summer months is unreasonable as the consumption in the summer months would definitely be more than the regular months. Admittedly a consumer uses more electricity in the summer months in view of using Fans, A.Cs etc. in comparison with the consumption in the other months, but the contention of the Respondents is that the provisions i.e. Clause 7.5.1.4.1 of the GTCS provides that the calculation has to be made on the basis of the average consumption of the preceding 3 months.

10. In view of the above contentions of both sides the provisions of Clause 7.5.1.4.1 is perused and reproduced as follows:-

“7.5.1.4.1:- The number of units to be billed during the period in which the meter ceased to function or became defective, shall be determined by taking the average of the electricity supplied during the preceding three billing cycles to the billing cycle in which the said meter ceased to function or became defective provided that the condition with regard to use of electricity during the said three billing cycles were not different from those which prevailed during the period in which the Meter ceased to function or became defective.”

The said provision on which the Respondents relied for billing of the service connection of the Appellant shows that admittedly when the functioning of a service connection becomes defective the bill shall be determined for the defective month on the basis of the preceding 3 months, but a perusal of Clause 7.5.1.4.2 of GTCS shows otherwise and the same is reproduced as follows:-

“7.5.1.4.2:- If the conditions with regard to use of electricity during the periods as mentioned above were different, assessment shall be made on the basis of any 3 (three) consecutive billing cycles during the preceding 12 Months when the conditions of working were not different.”

Which means that though 7.5.1.4.1 provides for taking into consideration the average of the preceding 3 months, the Clause 7.5.1.4.2 shows that the average of the consumption for 3 months from the preceding 12 months with the same conditions has to be taken.

11. In this case the Appellant rightly pointed out that the meter got stuck in the month of September i.e. in the rainy season in which the consumption of electricity would be low, but the Respondents have calculated the bill on the basis of the preceding 3 summer months in which the consumption would be at high level and so the same goes to show that the conditions in the month of September and in the months preceding September would not be the same and so Clause 7.5.1.4.2 applies and not 7.5.1.4.1 as applied by the Respondents.

12. Hence in the said circumstances it is concluded that the calculation of billing made by the Respondents requires to be revised for the months of September and October, 2018 on the basis of the average of 3 preceding months of the 12 preceding months which have the same conditions for the usage of electricity. Hence

decides that the calculations of the billings made by the Respondents is not in accordance with the provisions prescribed and as such requires to be revised. Hence decides these issues in favor of the Appellant.

Issue No.3

13. In the result the Appeal is allowed directing the Respondents to revise the bill for the months of September and October,2018 on the basis of the average consumption for the months of March 2018, February 2018 and January 2018 in accordance with Clause 7.5.1.4.2 of GTCS.

14. The licensee shall comply with and implement this order within 15 days from the date of receipt of this order under clause 3.38 of the Regulation 3 of 2015 of TSERC.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 28th day of January, 2019.

Sd/-

Vidyut Ombudsman

1. Sri. Mohammed Khan, National Institute of Rural Development and Panchayat Raj), (Ministry of Rural Development, Government of India), Rajendra Nagar, Hyderabad- 500 030. Cell: 9818924111.
2. The AE/OP/Rajendranagar/TSSPDCL/RR Dist.
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Copy to :

7. The Chairperson, CGRF- GHA, GTS Colony, Vengal Rao Nagar, Erragadda,Hyderabad.
8. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul,Hyd.