



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

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

:: Present:: R. DAMODAR

Monday, the Twenty Eighth Day of November 2016

Appeal No. 58 of 2016

Preferred against Order Dt.26.08.2016 of CGRF in
CG.No:141/2016-17 of Rangareddy South Circle

Between

Sri. K. Dayakar Reddy, C/o. Madhu Kumar, H.No.1-1-11/10/A, Markamba Colony,
Tandur, RR District. Cell No. 951520300.

..... Appellant

AND

1. The ADE/OP/Tandur/TSSPDCL/RR District.
2. The AAO/ERO/Tandur/TSSPDCL/RR District.
3. The DE/OP/Vikarabad/TSSPDCL/RR District.
4. The SE/OP/RR South Circle/TSSPDCL/Hyderabad.

..... Respondents

The above appeal filed on 29.09.2016, came up for final hearing before the Vidyut Ombudsman, Telangana State on 27.10.2016 at Hyderabad in the presence of Sri. Dayakar Reddy - Appellant and Sri. J. Tuljaram Singh - ADE/OP/Tandur, Sri. P. Srinivas - AAO/ERO/Tandur for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant has SC No.224300500. He lodged a complaint with CGRF alleging that he received a CC bill for the month of May,2016 along with case amount without there being any demand notice regarding the case amount and that when he visited the office of ADE/OP/Tandur/R1, he was issued a copy of final assessment order for Rs 4,60,207/- and he requested for rectification of the bill.

2. The 1st Respondent/ADE/O/Tandur through a letter dt.29.6.2016 stated that there was a voltage drop in two phases in October,2014 and this was reported to the DPE wing and MRT wing. Both the wings inspected the service connection and found 66% error in the MRI dumps analysis. On the basis of MRI dumps, a short billing assessment was made and a demand notice was sent to the consumer, who refused to take the notice. This amount was added in the CC bill and only on receipt of CC bill, the consumer came to his office and took the assessment notice.

3. During the personal hearing, the Appellant stated that his Madhukar Stone Industry served by the Service Connection was leased to a tenant and the officials of the DISCOM inspected the service on 19.11.2014 and issued a short billing assessment notice for Rs 4,60,207/- for the period from 19.7.2013 to 16.12.2014. The Appellant pleaded that the service has the contracted load of 49 HP and concerned AE/OP ought to have immediately replaced the defective meter and taken prompt action by replacing the meter when it was found defective. He contended that there was no need for short billing and requested that if there is any short billing, it may be limited to one month only.

4. The ADE/O/Tandur/R1 represented that the service was inspected on 19.11.2014 and the service meter was found defective in two phases. The DPE and MRT wings have inspected the premises and found the error as (-)66%. The MRI dumps were taken and analysed and it was found that the meter was not working in two phases (R & Y). On this basis, the assessment was done for short billing during the meter defective period from 19.03.2013 to 10.12.2014 for Rs 4,60,207/-. He claimed that the 3rd Respondent DE/OP/Vikarabad issued final assessment orders and the amount was included in the CC bill issued to the consumer and if the consumer requests for 3rd party testing of the meter, it will be arranged on payment of the requisite fee.

5. On the basis of the material placed on record, the CGRF found the claim of defective two phases in the meter and examined the MRI dumps analysis and found that the Respondents were unable to furnish the MRI data from 24.8.2014 to 16.12.2014 and furnished the data only for the period from 19.7.2013 to 23.08.2014 and as per Clause 7.5.1.4.4 of GTCS, the assessment shall be made for the entire period during which the status of the defective meter can be established, if not, short billing can be resorted to limited only for 12 months immediately preceding the date of inspection and disposed of the complaint through the

impugned orders.

6. On behalf of the Respondents, the ADE/OP/Tandur/R1 submitted a report dt. 22.10.2016 to the effect that the service was inspected on 19.11.2014 and found the meter defective in two phases. The DPE and MRT wings have inspected the service and found the error of the meter as (-)66% and then the MRI dumps were taken and on analysis, the meter was found not working in R & Y phases and on that basis, assessment for short billing during the defective meter period from 19.3.2013 to 16.12.2014 for Rs 4,60,207/- was made and the 3rd Respondent/DE/O/Vikarabad issued the final assessment order confirming the amount.

7. The AAO/ERO/Tandur/R2 filed a report dt.26.10.2016 stating that as per the recommendation of the CGRF, the bill was revised and the excess claim of Rs 1,64,539/- was to be withdrawn after precheck by the Accounts Officer(Revenue) and SAO.

8. The efforts at mediation have not been successful, in view of the specific claim of the Appellant and its negation by the Respondents.

Arguments Heard

9. On the basis of the material on the record, the following issues arise for disposal:

1. Whether the short billing assessment is not valid and consequently the short billing claim for Rs 4,60,207/- is not correct and valid?
2. Whether the assessment for the period from July,2013 to August,2014 is valid?
3. Whether the impugned orders are liable to be set aside?

Issues 1 to 3

10. The Appellant claimed that his M/s. Madhukar Stone Industry served by the DISCOM was leased to a tenant. Without his knowledge, the service was inspected on 19.11.2014 and short billing assessment notice was given to him for Rs 4,60,207/- for the period from 19.7.2013 to 23.08.2014. He further claimed that the AE/OP/Tandur has to take the meter reading regularly and in case the meter is found defective, he should immediately replace the defective meter and had the AE taken prompt action, there would be no need for short billing and that he pleaded the short billing for one month only. Whether there was no prompt action as alleged by the Appellant, is not explained by the Respondents. The request of the Appellant to take one month period

only for short billing is negated by the Respondents. The Appellant not only claimed that the concerned AE was careless in identifying the defective meter and replacing it and that the short billing later is illegal and unnatural. He further claimed that he leased out the premises to a tenant, who is no longer his tenant and therefore, he cannot bear the extra amount and the actual user is no longer his tenant to recover the due amount if any.

11. The Respondents have no answer regarding the claim of prompt inspection and replacement of the defective meter, but they have on 19.11.2014 inspected and found that the meter was defective on two phases. Subsequently the DPE (Detection of Pilferage of Energy) and MRT (Meter relay Testing) wings inspected the service and found on test the error of the meter was to an extent of (-)66%. Analysis of MRI dumps disclosed that “R” and “Y” phases were defective and the meter was recording less consumption than utilisation. The assessment period was taken from 19.7.2013 to 16.12.2014 for short billing and the short billing was assessed at Rs 4,60,207/-.

12. The inspection report dt.09.11.2014 of the ADE/DPE (referred in Final Assessment Order dt.24.2.2016 of DE/OP/Vikarabad) discloses that when he checked the meter the following was discovered :

“Inspected the service based on the voltage missing complaint given by AAE/OP/Tandur Town. All meter seals are intact. The voltage pertains to VR-0V, VY-0V and VB-253V observed in the meter display. Where the voltages observed in the consumer cut out is VR-238V, VY-239V and VB-229V. The currents in all the phases are normal. The meter data logged into CMRI. The consumer availing the supply in all the three phases.”

Therefore he referred the meter to MRT Lab.

13. The Respondents initially resorted to back billing based on the availability of MRI data & ERS testing kit, the defective meter period and % error is arrived. At the time of the inspection, the voltages observed in the meter display were R-0 Volts, Y-0 Volts and B-253 Volts. Whereas the voltages observed after the meter at the consumers cutout were R-238 Volts, Y-239 Volts and B-229 Volts. The currents in all the phases were normal. This shows that the Appellant has been utilising the healthy supply having all the three phase voltages but the meter did not record the two phases voltages i.e. R and Y phases at pre testing stage, hence the energy consumption recording in the meter was less to an extent of (-)66% when compared

with the actually utilised energy. The assessment amount shall be calculated as per the guidelines for the assessment of short billing cases as given in the annexure XII (VII) (c) of GTCS.

The assessment made is as follows:

1) Contracted Load	=36554 W
2) Connected Load	=36554 W
3) Assessment period	=19.7.2013 to 16.12.2014
4) Units Assessment	=113565 units
5) Units recorded	=38612 units
6) Units Loss	=74953 units
7) Amount	=Rs 4,55,709
8) ED	=Rs 4498
Total	=Rs 4,60,207

This assessment has been revised by the 2nd Respondent on the direction of the CGRF and an amount of Rs 1,64,539/- has been arrived at as excess bill and after deducting Rs 1,64,539/- from Rs 4,60,207/-, an amount of Rs 2,95,668/- has been arrived at as representing the short billing amount due to defective meter in R and Y phases.

14. As far as the assessment of short billing amount is concerned, the amended Clause 7.5.1.4.4 of GTCS gives guidance as follows:

“The assessment shall be made for the entire period during which the status of defective meter can be clearly established, however, the period during which such status of defective meter cannot be ascertained, such period shall be limited to a period of 12 months immediately preceding the date of inspection.”

15. Based on Clause 7.5.1.4.4 of GTCS, the CGRF has directed that the assessment shall be made for the period of defective meter that can be established, otherwise the short billing can be for a limited period only for 12 months. In this case, the CGRF opined that the Respondents failed to furnish MRI data from 24.8.2014 to 16.12.2014 and that they could furnish only for the period from 19.7.2013 to 23.8.2014 and directed that the short billing should be only for this period. Though this absence of MRI data is not a hurdle for calculating the back billing for the total period, the order of CGRF is found to be reasonable under the circumstances. There is no other recourse to the Respondents but to follow the direction of the CGRF, which led the AAO/2nd Respondent to recalculate the amount.

16. The Appellant felt that he is being short billed for no fault of his, as there was no allegation of meddling with the meter and the actual user of the energy being a tenant, left with the entire burden on the Appellant. The Appellant is rightly unhappy because of the inaction of the Respondents in taking prompt action. The analysis of MRI data and the testing by ERS kit clearly established the period of the defective meter and the percentage of error. There is no hand of the Respondents in arriving at the defect and the error in the meter. The MRI dump gives clear data about the consumption as well as the voltages in three phases, which cannot be doubted and there is no allegation of such manipulation. Though the Appellant, according to his claim, has let out the premises to a tenant, the burden of short billing will definitely lay on him due to the defect in the meter in R and Y phases.

17. In view of the heavy financial burden on the Appellant, the way in which the entire matter has been dealt with by the Respondents, the Appellant is not only entitled to instalments but also waiver of interest on instalments as a measure of reducing the burden of bearing with inaction of the officer responsible in regularly checking the meter. As per Regulation 7 of 2013 amending Regulation 5 of 2004, the No. of Installments are limited to 12 in any case. In the present case the Licensee shall not levy the additional charges for delayed payment on the outstanding amount, for which the installments are being granted and also interest on the instalment amount. There are no grounds to interfere with the well considered impugned orders. The issues are answered accordingly.

18. In the result, the Appeal is disposed of with the following directions:

1. The short billing resorted to Under Clause 7.5.1.4.4 of GTCS for meter defective period from 19.7.2013 to 23.8.2014 for an amount of Rs 2,95,668/- is confirmed, which the Appellant shall pay in 12 equal installments starting from the month of Jan, 2017.
2. Failure to pay even one installment would entitle the Respondents to recover the balance due amount in a lump sum with all the attendant consequences.
3. There shall be a direction to the DISCOM not to levy interest on the instalments as per Clause 9 of Regulation 7 of 2013 and collect this interest amount from those officials responsible for not identifying the defect in the meter in time.
4. The impugned orders are confirmed.

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

Corrected, Signed & Pronounced on this the 28th day of November, 2016.

Sd/-

VIDYUT OMBUDSMAN

1. Sri. K. Dayakar Reddy, C/o. Madhu Kumar, H.No.1-1-11/10/A, Markamba Colony, Tandur, RR District. Cell No. 951520300.
2. The ADE/OP/Tandur/TSSPDCL/RR District.
3. The AAO/ERO/Tandur/TSSPDCL/RR District.
4. The DE/OP/Vikarabad/TSSPDCL/RR District.
5. The SE/OP/RR South Circle/TSSPDCL/Hyderabad.

Copy to:

6. The Chairperson, CGRF - Greater Hyderabad Area, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad.
7. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.