



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

Wednesday, the Twenty Third Day of November 2016

Appeal No. 59 of 2016

Preferred against Order Dt.11.08.2016 of CGRF in

CG.No:193/2016-17 of Hyderabad North Circle

Between

Sri. N. Santosh Kumar, B Block, Flat No. 108, Survey No. 26, Mythri Apartments,
All Saints Road, Thirumalagiri, Secunderabad - 500 015. Cell:9492478272.

..... Appellant

AND

1. The ADE/OP/Lal Bazar/TSSPDCL/Secunderabad.
2. The AAO/ERO/Bowenpally/TSSPDCL/Secunderabad..
3. The DE/OP/Bowenpally/TSSPDCL/Secunderabad.
4. The SE/OP/Hyd.North Circle/TSSPDCL/Hyderabad.

..... Respondents

The above appeal filed on 03.10.2016, came up for final hearing before the Vidyut Ombudsman, Telangana State on 27.10.2016 at Hyderabad in the presence of Sri. N. Santosh Kumar - Appellant and Sri. N. Sreedhar - ADE/OP/Lal Bazar, Smt. G.V.N.N. Bhavani - AAO/ERO/Bowenpally for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant is a tenant of the premises bearing SC No. AZ023887. There is an allegation by the Appellant of abnormal bill of Rs 5,849/- stated to be for 806 units. At his request, the meter was tested at MRT lab Hyderabad on 11.5.2016 and the test revealed that the meter was faulty. The Appellant paid an amount of Rs 5,849/- on 19.5.2016 on being threatened with disconnection of the service. The Appellant then sought rectification of the bill issued in the month of May,2016 and an order for

refund of excess amount paid. On such a complaint, the matter was taken cognizance of by the CGRF.

2. Before the CGRF AAO/ERO/Bowenpally/R2 through letter dt.23.7.2016 stated that on receipt of bill revision proposals received from AE/O/Lal Bazar, the bill has been revised and an amount of Rs 5326/- has been withdrawn towards excess billed amount and this amount has been tagged on as Advance Payment to be adjusted in the future bills.

3. On the basis of the material on record, the CGRF examined the matter and found the meter faulty as per the MRT test report. The CGRF, on the basis of the statement of the AAO and proposal of AE/OP/Lal Bazar, the bill was revised in the month of May,2016 by taking the previous three months average and an amount of Rs 5,326/- has been withdrawn from the excess bill amount and thus the grievance of the Appellant has been resolved and disposed of the complaint through the impugned orders.

4. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal claiming that he is a tenant in occupation of the flat where the service connection is located and that he would be tenant at the will of the owner and on vacating the flat, the owner is not going to pay him the excess amount paid by him to the DISCOM and requested the amount to be paid to him, instead of recovering through deductions from the future bills.

5. The 1st Respondent/ADE/OP/Lal Bazar submitted a report dt.27.10.2016 in the Appeal to the effect that the Appellant gave the details of the bill for Rs 5849/- for alleged consumption of 806 units and that he immediately sent his lineman to the service to verify the allegation and suggested meter testing at MRT lab for clarification and on the tenant paying the testing charges, he got the meter tested and found it defective. He stated that the meter was replaced and after collecting report from MRT lab, he (1st Respondent) suggested revision of the bill and thus the bill was revised in the month of June,2016. The AE addressed a detailed report dt.22.10.2016 to R1 in this regard. Through a letter dt.26.10.2016 the 2nd Respondent/AAO/ERO/Bowenpally reported that the bill after verification was revised to Rs 5,376/- for the month of June,2016.

6. Steps to dispose the matter by mediation failed in view of the nature of the dispute.

Arguments heard

7. On the basis of material on record, the following issues arise for disposal:
 1. Whether the Appellant being a tenant is entitled to refund of the excess amount paid by him towards the CC bill?
 2. Whether the Appellant as a tenant is entitled to refund of the amount to the exclusion of the registered consumer?
 3. Whether the impugned orders are liable to be set aside?

Issues 1 to 3

8. The dispute regarding abnormal bill has been settled between the parties. The Appellant/Tenant of the premises sought withdrawal of the amount of Rs 5,376/- and refund by way of cash/cheque and whereas, the Respondent No.2 expressed his inability to refund the amount sought by the Appellant on the ground that the service connection is existing and no request for dismantlement is sought and on the other hand, the excess paid amount as per the rules can be adjusted only in the subsequent CC bills.

9. For refund of excess paid CC bill, Clause 7.5.1.5.4 of GTCS clearly gives guidance under similar circumstances, which is as follows:

“Wherever the test results indicate a clear level of error, the bills for the period of defectiveness of the meter, bills for the period prior to the month in which the dispute has arisen may be adjusted as per the test results. In case the meter is found to be fast, the refund shall be adjusted in the next bill. In case meter is found to be slow, additional charges shall be recovered along with the next bill.”

10. The Clause 7.5.1.5.4 permits only adjustment of the excess amount in the CC bill. It does not permit refund of the amount in cash or by cheque. Further the Appellant is a tenant/beneficiary of the power supply and whereas, the registered consumer of the service is Sri. K. Vijaya Kumar, the owner of the premises. Even if the amount is refunded, the cheque will be released only in the name of the registered consumer Sri. K. Vijaya Kumar and not the Appellant. Under this

circumstances, the refund of the amount to the Appellant is not permitted. However, what is permitted is adjustment of the excess paid bill in the future CC bills.

11. Further Clause 8(3) of Regulation 5 of 2016 (Licensee's standards of performance) which is reproduced here under:

"All payments of compensations shall be made by way of adjustment against the current and/or future bills for supply of electricity, but not later than 90 days from the date of violation of a Guaranteed Standard."

also does not help the Appellant regarding refund of the amount.

12. Based on the consumption pattern of the Appellant, which is almost below 100 units per month with approximate charges at Rs 200/- per month and whereas as on October, 2016 an amount of Rs 4,851/- is available to the credit of the service connection, it may take another 24 months approximately to clear the excess paid amount. This situation is typical in nature. Further the registered consumer is not a party to the proceedings and it is not known what his stand would have been in the present case. Either way, the DISCOM would be in a further problem if the disputes spillover from between the tenant and the registered consumer.

13. The Appellant pleaded vehemently for refund of the amount and with great difficulty, he could gather the amount in view of urgency and paid to avert disconnection of the power supply. He pleaded that now he cannot recover the money he paid towards excess bill on the ground that he may not stay in the tenanted premises for long and that refusal to refund would cause financial loss to him. Unfortunately, the registered consumer is not on record to know his stand in the case. The terms of GTCS provide for adjustment of the excess paid bill in the future CC bills. The Appellant unfortunately is not entitled to refund by way of cash/cheque, in view of the facts on record and he is entitled to only refund by way of adjustment in the future CC bills. Either way, the matter is not going to be resolved in a satisfactory manner. Under these circumstances, the impugned orders directing adjustment in the future CC bills has to be confirmed. The issues are answered accordingly.

14. In the result, the Appeal is disposed of as follows:

1. The Appellant is found not entitled to refund by way of payment of cash/cheque for the excess payment made by him.
2. The Appellant is entitled to payment by way of adjustment in the future CC bills only.

3. The Appellant may settle the matter with the registered consumer regarding recovery of the excess payment made by him to the DISCOM.
4. The impugned orders are confirmed.

15. 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 23rd day of November, 2016.

Sd/-

VIDYUT OMBUDSMAN

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Mythri Apartments, All Saints Road, Thirumalagiri, Secunderabad - 500 015.
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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.