



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 EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

Appeal No. 62 of 2023-24

Between

M/s. Tirumala Rice Mill, represented by Sri D. Kiran, s/o. Saidulu, H.No.4-25/1,
Village & Sec. Lohehra, Nirmal District - 504 104. Cell: 7702384789.

.....**Appellant**

AND

1. The Assistant Engineer/Operation/Lohehra- 9440811710.
2. The Assistant Engineer/DPE/Nirmal-7901625140
3. The Assistant Engineer/LT & CT Meters/Nirmal - 9490156697
4. The Additional Divisional Engineer/LT & CT Meters/Nirmal - 9440811274.
5. The Additional Divisional Engineer/DPE/Nirmal - 984906159.
6. The Additional Divisional Engineer/OP/Basar-8331034974.
7. The Assistant Accounts Officer/ERO/Bhainsa-9440811731.
8. The Divisional Engineer/Operation/Bhainsa-9440811674.
9. The Divisional Engineer/DPE/Adilabad - 9440811270.

..... **Respondents**

This appeal is coming on before me for the final hearing on this day in the presence of Sri D.Kiran, representative of the appellant, virtually and Sri Shiva Krishna - AE/OP/Lohehra, Sri Raj Kiran - AE/DPE/Nirmal, Sri Chaitanya - AE/LT&CT Meters/Nirmal, Sri R. Ramesh - ADE/LT&CT Meters/Nirmal and Sri Kumaraswamy - AAO/ERO/Bhainsa for the respondents, virtually and having stood over for consideration, this Vidyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - Nizamabad (in short 'the Forum') of Telangana State Northern Power Distribution Company Limited (in short 'TSNPDCL') in Reg.No.CGRF-II-230002311 & C.G.No. NZB/201/2023-24/ dt.22.02.2024.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant before the Forum is that the respondents have released Service Connection No.160300614, LT Category-III (in short "the subject Service Connection") to the appellant at Lohehra Village. The respondents have proposed back billing of the subject Service Connection from July 2019 to February 2023 for an amount of Rs.1,69,338/- wrongly. Hence is was prayed to verify the said bill and rectify the same.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply filed by respondent No. 3 and 4 before the learned Forum, it is, inter-alia, submitted that the subject Service Connection was inspected by AE/CT Meter/Nirmal in the presence of the consumer on 12.01.2023. While testing the service it was observed that current in Y-Phase was not recording and it was shown as Zero in meter, even though actual currents are shown in multi meter through wiring connecting CTs to Meter. Based on the above observation they noticed that the meter was defective and the same was informed to the AE/DPE/Nirmal on 12.01.2023. Subsequently

on 23.02.2023, AE/CT Meters/MRT/Nirmal has inspected the subject meter along-with AE/DPE/Nirmal and the meter was declared as defective. The said meter was replaced with healthy meter. MRI dump of the defective meter was collected before replacement of new meter. They noticed that Y-Phase current was missing from 23.07.2019 to 23.02.2023. Then AE/DPE/Nirmal has prepared back billing for an amount of Rs.1,69,456/-. The error was (-) 33.33%. The subject Service Connection was periodically tested on the following dates:-

1. 05.07.2019
2. 19.05.2020
3. 07.11.2020
4. 04.02.2022
5. 22.07.2022 (door lock as per register entry)

4. Respondent No.8 has also filed his written reply, more or less, similar to the written reply of respondent Nos. 3 and 4.

AWARD OF THE FORUM

5. After considering the material on record and after hearing both sides, the learned Forum has confirmed the back billing amount. But a sum of Rs.10,000/- (Rupees ten thousand only) was awarded to the consumer to be adjusted in future bills and also directed the Superintending Engineer/OP/Nirmal to identify the employees responsible for the present dispute and also to conduct an enquiry on periodical test conducted earlier and report compliance.

6. Aggrieved by the impugned Award of the learned Forum, the present appeal is preferred, contending among other things, that no prior notice was given in respect of the back billing. The impugned Award is not justifiable. Hence it is prayed to withdraw the back billing amount.

WRITTEN SUBMISSION OF THE RESPONDENTS

7. In the written reply filed by respondent No.4 before this Authority, he has reiterated his written reply filed before the learned Forum.

ARGUMENTS

8. It is argued on behalf of the appellant that without notice back billing was given falsely; that earlier inspection reports do not say that the meter was defective and hence it is prayed to withdraw the back billing amount.

9. On the other hand, it is submitted on behalf of the respondents that respondent Nos.1 and 3 were newly recruited at that time and hence they did not focus on the periodical inspection and it is prayed to reject the appeal.

POINTS

10. The points that arise for consideration are :-

- i) Whether the appellant is entitled for withdrawal of the back billing amount as prayed for?
- 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 the subject Service Connection to the appellant under Category LT-III. It is also an admitted fact that the appellant is a rice-mill.

SETTLEMENT BY MUTUAL AGREEMENT

12. Both the parties have appeared before this Authority virtually. 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. The present appeal was filed on 06.03.2024. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

14. A perusal of the record it appears that the meter in the appellant premises was defective as such Y-Phase current was not recorded in the meter from 23.07..2019 to 23.02.2023. The error was (-)33.33%. As regards the back billing amount, the learned Forum has analysed the issue in proper perspective and also referred the relevant Clauses of General Terms and Conditions of Supply (in short "GTCS") and came to the correct conclusion and

held that the appellant is liable to pay the said amount. I do not see any reason to differ with the said conclusion. The appellant has submitted that no prior notice of back billing was given to the appellant. The record shows that after calculations the back billing notice was given to the appellant mentioning the amount. That itself is a notice. No prior notice is mandated under any Clause of GTCS or any other law. Apart from confirming the back billing amount, the learned Forum has awarded sufficient compensation to the appellant. Further it has also gave directions to the Superintending Engineer in respect of identifying the erring employees and also in conducting an enquiry. No interference is required on these findings by this Authority. However, the number of instalments is not mentioned in the Award. Therefore this Authority can fix the said instalments. Accordingly, I hold that the appellant is not entitled for withdrawal of the back billing amount and the Award of the learned Forum is not liable to be set aside. These points are decided against the appellant and in favour of the respondents.

Point No.(iii)

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

RESULT

16. In the result, the appeal is rejected confirming the Award passed by the learned Forum. However, the appellant is granted (10) monthly equal instalments to pay the back billing amount. The first instalment shall be paid on

or before 15.04.2024 and continue to pay the balance monthly instalments. In default the respondents are entitled to recover the balance due in 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 this the 18th day of March 2024.

Sd/-

Vidyut Ombudsman

1. M/s. Tirumala Rice Mill, represented by Sri D. Kiran, s/o. Saidulu, H.No.4-25/1, Village & Sec. Lohesra, Nirmal District - 504 104. Cell: 7702384789.
2. The Assistant Engineer/Operation/Lohesra- 9440811710.
3. The Assistant Engineer/DPE/Nirmal-7901625140
4. The Assistant Engineer/LT & CT Meters/Nirmal - 9490156697
5. The Additional Divisional Engineer/LT & CT Meters/Nirmal - 9440811274.
6. The Additional Divisional Engineer/DPE/Nirmal - 984906159.
7. The Additional Divisional Engineer/OP/Basar-8331034974.
8. The Assistant Accounts Officer/ERO/Bhainsa-9440811731.
9. The Divisional Engineer/Operation/Bhainsa-9440811674.
10. The Divisional Engineer/DPE/Adilabad - 9440811270.

Copy to

11. The Chairperson, CGRF, TSNPDCL, Power House Compound, Heritage Building, Nizamabad.