

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 22 -04-2013

Appeal No.26 of 2013

Between

Sri Papishetty Ashok Kumar
C/o. Laxmi Narasimha,
Amarabad (V) & (M),
Mahaboobnagar Dist.

... Appellant

And

1. Addl.Assistant Engineer / Operation/Amarabad / APCPDCL / Mahaboobnagar
2. Assistant Divisional Engineer/ Operation /Achampet/ APCPDCL/ Mahaboobnagar
3. Asst. Accounts Officer / ERO /APCPDCL / Nagarkurnool/ Mahaboobnagar
4. Divisional Engineer / Operation/APCPDCL / Nagarkurnool/ Mahaboobnagar
5. Superintending Engineer / Operation/APCPDCL/Mahaboobnagar Circle / Mahaboobnagar

....Respondents

The appeal / representation filed on 21.01.2013 of the appellant has come up for final hearing before the Vidyut Ombudsman on 18.04.2013 at Hyderabad. Sri P.Ashok Kumar, appellant, Sri Thouriya Naik, ADE/O/Achampeta and Sri S.Srinivasulu, AAO/ERO/Nagarkurnool, respondents present and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The appellant filed a complaint against the Respondents for Redressal of his Grievances and stated as hereunder:

“The house with SC.No.00028 Amarabad village is their own and a school, for Residential bridge course under Rajeev Vidya Mission, is located there. The CC bill

for that house has come for payment of Rs.36,513/- which has no relation to actual consumption. This is very unjust.

Hence, it is requested to cancel the above bill and fix another meter. They are regularly remitting the CC charges bill. The Xerox copy of October 2012 receipt bill is enclosed.

They request to make justice”

2. The respondent-2 submitted his written submissions as hereunder:

“For SC.No.2201-00028 of Sri Laxmi Narsimha, Amarabad the supply is utilized for the building for Residential school cum Hostel. The building consists of 12 Rooms and one hall. The meter is fixed in a room. It is always in Door lock and meter reader billed for average units. At the time of inspection by DEE/Op/Nagarkurnool during 01/2011 meter reading is 04184 and billed for 2764 units and issued notice to the consumer to pay Rs.18,010/-. As the consumer has not paid the amount, the service is disconnected.

After disconnection, the above consumer is utilizing the supply by direct tapping during the night hours. As the consumer paid part of the bill, service is reconnected. The check readings are taken and billed for Rs.11,775/- and January billed for Rs.10,068/-. As per the consumption from July 2009 to October 2012, the meter consumption is correct for the existing load details are given below.

- 1. Bulbs 10x100=1000 W*
- 2. Fans 2Nos =120 Watts*
- 3. 1No.TV =180 Watts*
- 4. Single Phase Motor =1.50 HP*

From November 2009 to October 2012, the average consumption works out to (9999-00001) =9998/36=280 units/month. On consumer representation, above meter was got tested and found that the meter is running normally.

However as per the consumer representation the above meter is replaced with new meter on 15-11-2012. After 10 days, it was noticed that the meter recorded 86 units. (8.6 units/day).

The consumption of SC.No.2201-00028 Category-II Amrabad is correct and consumer has to pay the normal consumption utilised bills from 2009 to October 2012.”

3. He has deposed before the Forum as follows:

“The existing connected load of the service of the complainant is 2.8 KW and supply is utilized for running a private school cum residence building. Actually the complainant is using power supply per month at an average 280 units per month. As

per the complainant's representation the meter was tested at MRT Lab Mahaboobnagar and found normal."

4. After hearing both sides and after considering the material placed before the Forum, the Forum passed the impugned order as here under:

"Sri Papi Shetty Ashok Kumar of Amrabad village in Achampet Mandal of Mahaboobnagar has a Residential School and Hostel at his residence. After he complained about excessive bills, the meter was replaced. The new meter also confirmed that he was utilizing about 258 units every month.

The huge bills are because he has not been prompt in payment of CC bills.

The Respondents are at liberty to collect the arrears from the Complainant.

The complaint is disposed accordingly."

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same on the following grounds:

(i) In the month of December 2010, 1420units reading was shown. In January 2011, 4184 units and how it can be 2764 units in one month shown and demanded Rs.18,010/-. Again in the month of April 2012, 1784 units, May 2012 1445 units were recorded and it was wrongly informed to the Forum.

(ii) The door was not locked and the reading was not recorded due to the negligence on the part of the respondents is not correct.

(iii) How could it be possible to utilize 2282units by a small R.B.C school and it is impossible to unitise the said units. The old meter 640379 was not properly functioning and it was tested and report was manipulated. Again another meter IB 640384 was replaced. The Forum did not look into the readings in detail and in depth and passed the impugned order and requested this authority to take the average reading prior to 6/09 and to take action against officials for submitting false test report and also for awarding compensation of Rs.1,00,000/- for the mental agony he sustained.

6. Now, the point for consideration is, "whether the impugned order is liable to be set aside or modified? If so, on what grounds?"

7. The appellant appeared before this authority and narrated all the grounds mentioned in the grounds of appeal and submitted that it was never crossed 170 units and the department officials are harassing the appellant by disconnecting the service connection now and then and the impugned order is liable to be set aside.

8. Whereas, the respondents are represented by Sri Thouriya Naik, ADE/O/Achampeta and Sri S.Srinivasulu, AAO/ERO/Nagarkurnool and categorically stated that the room in which the meter located is locked and the reading is recorded as normal or zero and the estimation is made accordingly by the JAO by taking average and there are no grounds to interfere with the order of the Forum and the appeal filed by the appellant is liable to be dismissed.

9. The appellant has a residential school and hostel and it is the respondents when he complained about excess billing, the meter was replaced. The new meter also confirmed the utilization of 258 units every month as per the information furnished by the respondents.

10. The record reveals that the appellant failed to attend at the time of testing the meter but he is accusing that the report is manipulated and obtained a favourable report. Having failed to attend the meter testing, he has no right to question the propriety of the test report. So question of taking any action against the officials or atleast by way of suggestion to take action is also unwarranted and it can not be entertained.

11. So far as the mental agony is concerned, this authority is not competent to award any compensation on that count. He can approach a competent Civil Court for such compensation if he is so entitled. This authority is not competent to conduct an enquiry to award compensation and it is beyond the scope of the Forum as well as this authority.

12. So far as the reading is concerned, JAO has submitted a statement and he has calculated the average @ 252 units per month. So far as the reading pattern is concerned, only in three months, the excess reading is shown but for most of the months recorded as Zero. The zero itself indicates that the premises is door locked and the reading is shown for some months as 30, 30, 20, 15. They are all suppressed or recording minimum readings and there is a possibility to record the reading as shown in the months of 1/11, 4/12 and 5/12 on account of suppression or minimum recording due to door locking.

13. Even according to the recording of reading in the normal course, it has never crossed 180 units per month. If the reading is suppressed accordingly, it may reach to 2764 units in the month of January or 1784 units in the month of 4/12 but immediately 1445 units in the month of 5/12 is not possible, there may be some defect in the very recording pattern itself. Whether this technical defect may be observed at the time of testing the meter or not cannot be assessed by this authority.

14. Further, it is proper and necessary to pass an order to meet the ends of justice by taking the average as 180 units per month which is on the high side instead of 252 units as furnished in the table by the JAO/Nagarkurnool.

15. It is necessary to direct the respondents to take average of 180 units per month excluding the months when the service connection is disconnected and calculate the amounts accordingly. The appellant is directed to pay the same in accordance with the said calculation failing which the department is at liberty to take appropriate steps against the said service connection.

This order is corrected and signed on this day of 22nd April, 2013

Sd/-
VIDYUT OMBUDSMAN