

## **BEFORE THE VIDYUT OMBUDSMAN**

Present

**K.Sanjeeva Rao Naidu**  
**Vidyut Ombudsman**

Dated: 20-04-2013

### **Appeal No.13 of 2013**

Between

Krishna Priya Fishes  
27-14-13, Srirampuram,  
Padmalaya Theatre Road, Bhimavaram, WG Dist.

***... Appellant***

**And**

1. Asst Engineer/Operation/APEPDCL/Kaila
2. Asst Divisional Engineer/Operation/ APEPDCL/ Akiveedu
3. Asst.Accounts Officer/ERO/APEPDCL/Bhimavaram
3. Divisional Engineer/Operation/ APEPDCL/ Bhimavaram

***....Respondents***

The appeal / representation filed dt.01.01.2013 (received on 15.01.2013) of the appellant has come up for final hearing before the Vidyut Ombudsman on 08.04.2013 at Hyderabad. Sri V.K.Gandhi Raju, appellant, Sri D.V.S.S.Muralidhar, ADE/O/Akiveedu, and Sri P.Rama Subba Rao, JAO/ERO /Bhimavaram 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 that excess amount had been paid during no display period. Hence, approached the Forum for redressal of his grievance.

2. The respondent-3 submitted his written submissions as hereunder:

*“the meter of the Sc.No.696, Cat-III, Pedamiram is under no display due to failure of CTPT set which could be noticed by the Asst. Engineer/Operation/Kalla on 23-03-2008 while taking meter reading of the said service and CC bill issued with 36000 average units for the period from 23-02-2008 to 23-03-2008 and provisional assessment notice for Rs.51,470/- with assessed units 13580 towards short billing was served by the Asst. Divisional Engineer/Operation/Akiveedu owing to CTPT set found defective for the period from 23-02-2008 to 29-03-2008 and the meter got rectified by the Asst. Divisional Engineer/CT-Meters/Eluru on 29-03-2008.*

*The Divisional Elecl. Engineer/Operation/Bhimavaram has issued final orders for Rs.53,447/- with average units 14028 towards back billing charges proposed for no display period and demand raised for Rs.53,447/-. But neither the provisional assessment amount nor final assessment amount paid by the consumer.*

*However, the revision of bill proposals was submitted to the Superintending Engineer/Operation/Eluru for Rs.97,490/- after attending remarks as follows.*

- 1. Demand raised during the Month 3/2008 = 36000 units*
- 2. Demand raised as per the final order = 14028 units*  
*50028 units*

*Total average units to be billed during the meter no display period 2-3-08 to 28.3.08 = 24440 units*

*Total units to be withdrawn 25588 units*

*The approval was accorded for Rs.97,490/- by the Superintending Engineer/Operation/Eluru. The consumer has to pay an amount of Rs.89,336/- to the end of 30-11-2012 after adjustment of Rs.97,490/-.”*

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

- **“The grievance of complaint against Sc.No.696, Cat-III, Pedamiram Village Kalla (M), W.G.Dist has been resolved duly withdrawing the excess demand already raised utsupra.**
- **The balance amount after withdrawing excess demand is liable to pay the balance amount as mentioned by 3<sup>rd</sup> respondent.**

**Accordingly, CG.No.521/12-13 is disposed off.”**

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

- (i) Defective CTPT meter was replaced with new one on 29.03.2008. But AE/O/Kalla issued a demand notice for 36000 units for the No Display period and billed Rs.1,39,918/- and the same was paid.
- (ii) The provisional assessment notice was issued for 13580 units for a period of 36 days for No display period and billed for an amount of Rs.51,740/-.
- (iii) They have already paid Rs.1,39,918/- so the amount was not paid.
- (iv) The final assessment order was Rs.53,347/- by DE /O/Bhimavaram.
- (v) The appellant is entitled for refund of Rs.86,471/- as they have already paid in excess and the impugned order is liable to be set aside.

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

6. The appellant appeared before this authority and stated that average reading subsequent to the replacement of new meter is against to the procedure and the same is liable to be set aside.

7. Whereas, the respondents are represented by Sri D.V.S.S.Muralidhar, ADE/O/Akiveedu, and Sri P.Rama Subba Rao, JAO/ERO /Bhimavaram and stated that the order passed by the Forum is on correct lines and the appeal is liable to be dismissed.

8. It is clear from the record that SC No.696 Cat-III was inspected on 23.03.2008 by Sri T.Venkateswara Rao, ADE/DPE2/ELR along with Sri Ch.M.Prasad, AAE/O/Kalla. At that time it was found that CTPT set was defective and there is no display in the meter. Thereupon, healthy CTPT set was replaced on 29.03.2008. During the period of no display, the meter short billing is made from 23.02.2008 to 23.03.2008 provisional assessment for an amount of Rs.51,740/- by ADE. Later, the Final assessment was made by the DE and arrived at an amount of Rs.53,417/-. The consumer has to pay an amount of Rs.77,226/- by the end of 24.12.2012 after

adjustment of Rs.97,490/- against outstanding amount (excluding court-interim order on 50% back billing amount of Rs.75,713/-). This is the information they have furnished on 28.01.2013 at the time of hearing of this appeal.

9. No data is furnished as to how they have arrived the figure and the status of the units. The payments made by the appellant were also adjusted in the subsequent bills, i.e., current bills payable by the appellant. As per the procedure contemplated under 7.5.1.4.1 the assessment has to be made. The said clause reads as follows:

**“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.”**

10. It is clear from the above said provision that the units have to be determined by taking the average during the preceding three billing cycles to the billing cycle in which the said meter ceased to function or become defective. Therefore, it is nowhere mentioned whether they have followed the above said provision while assessing the units or not.

11. Now, it is crystal clear that the respondents have to calculate the units as per the above said provision and fix the liability on the average units as stated in the above said clause.

12. In the light of the above said discussion, the impugned order is modified as hereunder:

“The respondents are directed to determine the units 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 become defective.

As per the said clause adjustment has to be made and the bill has to be raised. The officials of the respondents are also further directed to adjust the amounts already paid towards the bills raised against the said service connection. If any excess amount is paid by the appellant, the same may be adjusted in the future bills or if any amount is to be paid by the appellant, the same may be collected from the appellant.”

This order is corrected and signed on this day of 20<sup>th</sup> April 2013

**Sd/-**  
**VIDYUT OMBUDSMAN**