

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 25 -03-2013

Appeal No. 29 of 2013

Between

Sri J.Haribabu

S/o.Subrahmanyam

24B-10-25, Gaghavachari Street, R.R.Pet

Eluru, WG Dist.

... Appellant

And

1. Asst.Engineer/operation/North /APEPDCL/Eluru
2. Assistant Divisional Engineer/ Operation / Town/Eluru/ APEPDCL/W.G. Dist.
3. Asst.Accounts Officer/ERO/Town/APEPDCL/Eluru/WG dist.
- 3..Divisional Engineer / Operation/APEPDCL / Eluru/WG Dist.

....Respondents

The appeal / representation filed dt.21.01.2013 (received on 29.01.2013) of the appellant has come up for final hearing before the Vidyut Ombudsman on 20.03.2013 at Hyderabad. Sri J.Hari Babu, appellant present and Sri B.V.Krishna Raja ,AE/Op/North/Eluru for 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:

“He has filed a complaint stating that abnormal CC bill was issued against his service. Hence requested for justice.”

2. The 2nd respondent has filed his written submissions as hereunder:

“Sri J.Babu Rao, R.R.Peta in North Section, Eluru has represented to CGRF towards the abnormal CC bill issued and meter was not tested in front of the consumer for Sc.No.19075/Z-10 (2108).

After verification, the consumer has paid meter testing charges of Rs.300/- in Call Centre vide CSCER 45952, Dt.10-08-12 as meter may be under creeping. Accordingly the existing electro mechanical high accuracy meter was replaced with new one on 18-08-12 and intimated the consumer to attend the testing of the old meter. But the consumer has given willing letter for MRT Lab testing duly stating that ‘he was not able to attend the testing and also he will obey whatever be the results of lab test’.

Based on the consumer willing letter the removed meter was sent to MRT Lab on 13-09-12 and tested by the Asst. Engineer/CT. Meters/Eluru in supervision of the Asst. Divisional Engineer/CT. Meters/Eluru and in the presence of Asst. Engineer/North/Eluru and found the meter working satisfactorily with -0.42% error and Lab test report for the same received from MRT on 13-09-12.

The above facts are explained to consumer and also a notice has been issued to pay the pending CC bills arrear amount of Rs.8,046/- to avoid disconnection for the said Sc.No.19075/Z-10 (2108).

Again the service was inspected on 11-12-12 and found the connected load as 4.140KW (At present the consumer has removed the A.C for replacing the same with new model).”

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

- **Once the meter test results declared in the presence of consumer or without presence of consumer (with consent letter), he must obey the testing results whether it is in favorable to consumer or not as it is technically proved. Blaming the existing testing system by the complainant is incorrect. The CC bill itself is a notice.**
- **The request of the complainant for 2nd time testing for the same removed is not considered as per the rules in vogue.**
- **Hence, the complainant is liable to pay the regular monthly CC bills issued accordingly.**

Accordingly, CG.No.579/12-13 is disposed off.

4. Aggrieved by the said order, the appellant preferred this appeal mainly projecting the following grounds:

- (i) The Forum has failed to give a finding to take the average of electricity consumption and order for collection of charges.
- (ii) It also failed to appreciate the abnormal consumption in the months of 08 /12 and also after fixing the new meter the consumption is normal and correct and this will positively indicate that the meter tested is defective.
- (iii) The Forum failed to observe if the meter is working satisfactorily and why the same should not be fixed to the house of the appellant.
- (iv) The Forum has failed to follow the rules. It also failed to see the consumption recorded for 10 days when the old meter was working at 440units and whereas the consumption for 20 days after fixing the new meter is only 121 units. Hence, after fixing the new meter the consumption reading for 9/12 is only 171 units.
- (v) The inspecting officer wrongly noted the connected load as 4.10, though it was actually 2.140KW and the inspecting officer while assessing the connected load wrongly added the load as if AC is fixed and connected.

5. Now, the point for consideration is, "Whether the impugned order is liable to be set aside / modified? If so, on what grounds?"

6. The appellant has submitted several grounds attacking the very report of the MRT report. He failed to attend the testing of the meter and authorized them to conduct in his absence. When once the report is given, he cannot question the same. At best he can ask for testing for 3rd party testing for which he should pay huge amount of more than Rs.30,000/- for the said testing. Taking into account the load, reading of the meter, etc., are concerned, it is highly unreasonable to order for 3rd party testing. Probably that may be the reason for the Forum in refusing the 2nd time testing of the meter.

7. It is an admitted fact that the meter was removed on 18.08.2012 by fixing a new meter. The removed meter was tested on 13.09.2012 and found working

satisfactorily. The appellant is not expected to question the said testing. At best he can represent for 2nd test. It is nothing but 3rd party test which is highly expensive. This authority has observed that the respondent has failed to note the reading upto 18.08.2012 before removing the meter and thereafter reading after fixing the new meter separately. The appellant has mentioned units as 440 with old meter and 121 units with new meter. What is the basis for him to arrive is not borne out from any documents filed by the respondents. No material is also filed by the appellant on that aspect. They ought to have segregated and when the meter itself is not defective what is the problem in segregating the same and placing before this authority. This itself is an omission on the part of the respondents. They ought to have taken average of the readings by taking the maximum reading from the beginning of the year. Maximum reading 310 for 08/11, 394 for 06/12.

9. It is clear that the reading for the other months is 200 to 350 units for all the months except the disputed two months. The reading in the month of August is 742 units and September is 561 units. It is almost double the normal reading. The appellant approached the Forum basing on the abnormality. No doubt the testing report is normal yet there may be some technical defective mechanism now and then in working and recording the reading which may not be observed in the MRT test. Even according to standard books on the electrical devices, there is a possibility of jumping in the meters now and then, though the working condition is satisfactorily. Under those circumstances, it is quite reasonable to take the average reading and which may be reasonably acceptable by both parties. Hence, it is taken as 450 units per month instead of 742 units in August and 561 units in September 2012.

10. Therefore, it is quite reasonable to take the average by fixing 450 units for both the months as the very record discloses that the appellant has removed the AC during that period for replacing the new model AC. Probably that may be the reason for this consumption in the month of September issued in the month of October as 171 units.

11. In the light of the above said discussion, I am of the opinion that fixing up the average units of the meter reading at 450 units for the two months is quite reasonable and the respondents are directed to arrive the same taking the units as 450 for each month of August and September bills and collect the same accordingly. If any excess amount is paid by the appellant, the same may be adjusted in the future bills of the appellant.

12. The order of the Forum is modified accordingly.

13. In the result, the appeal is disposed by giving a direction to the respondents as mentioned above.

This order is corrected and signed on this day of 25th March 2013

Sd/-
VIDYUT OMBUDSMAN