

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated:26 -03-2013

Appeal No. 36 of 2013

Between

Sri Md.Fazlulla Baig
Managing Director,
M/s. Bismillah jewelers (P) Ltd
10-3-304/C, S.D.Eye Hospital Road, Humayunnagar,
Mehdipatnam, Hyderabad – 28.

... Appellant

And

1. Assistant Divisional Engineer/ Operation / Chanchalguda/ APCPDCL/ Hyderabad
- 2.Divisional Engineer / Operation/APCPDCL / Asmangadh/ Hyderabad
- 3.. Superintending Engineer / Operation/APCPDCL/South Circle/ Hyderabad

....Respondents

The appeal / representation filed dt.18.02.2013 (received on 26.02.2013) of the appellant has come up for final hearing before the Vidyut Ombudsman on 21.03.2013 at Hyderabad. Md.Fazlulla Baig, appellant and Sri D.Krishna, DE/MRT/Hyderabad (South), Sri P.Suresh, ADE/O/Chanchalguda 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:

“They have written a letter on 17.12.2010 to ADE/Chanchalguda regarding abnormal mete reading. Since they did not receive any response from them, they have represented to Chairman/APERC on 10.11.2011. They did not get any reply from them even after eight months. Hence, requested this Forum to do justice.”

2. The respondent no.1 submitted his written submissions as hereunder:

“Based on the complaint of the consumer, the meter of HT Sc No.HDS-662 tested by ADE/HT meters on 21.12.2010 and found that the % error of the KWH is (-) 0.35% and % of error in KVAH and MD is (+)100%. There is no defect found in KWH parameter and defect is found in KVAH and MD parameters. Accordingly, the billing was done on consumption of KWH, and MD was taken as 57.9 instead of 306 as per the instructions of ADE/DPE/HT. The billing was done as per the rules of the meter test and is in order; and that there is no need for further revision of the bill.”

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

“The respondents are directed to arrange 3rd party testing of the meter. The bills may be revised based on test results”.

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

- (i) The electricity department charged excess reading of 27453 units and they paid Rs.1,78,291/- and made a complaint to the Chairman / APERC and there was no response till date.
- (ii) Again, they approached the Forum, APCPDCL and informed them that the meter was defective. It was replaced on 27.12.2010. Again, replaced the meter on 06.01.2011. Then onwards, the meter was recording correct readings.
- (iii) After hearing both sides, the Forum made an order asking the meter to be tested by third party. They failed to understand the order as the APCPDCL itself is accepting the defects in the meter and meter was replaced and further requested the Forum to instruct that the testing charges to be shared by both the parties.
- (iv) Unfortunately, the request was turned down and arrived at a biased judgment.

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

6. The appellant appeared before this authority and stated that the jewellery shop closes in between 9.30 PM to 10.00 PM as in the case of other jewellery shops every night and that the MRT team says that the consumption was recorded only at midnight by which time there is no consumption at all.

7. Whereas, the respondents are represented by Sri D.Krishna, DE/MRT/Hyderabad (South), Sri P.Suresh, ADE/O/Chanchalguda appeared before this authority and submitted their written submission as hereunder:

- (i) As per the test report of ADE/HT meters the % error of the KWH is (-) 0.35% and % of error in KVAH and MD is (+)100%. That is there is no defect found in KWH parameter and defect is found in KVAH and MD parameters. Accordingly, the billing was done on consumption of KWH, and MD was taken as 57.9 instead of 306 as per the instructions of ADE/DPE/HT. The defective meter was replaced with healthy meter on 27.12.2010 as per the instruction of ADE/DPE/HT.
- (ii) Again the meter was also changed on 06.01.2011 by ADE/MRT/HT meters. During the No Display period i.e from 27.12.2010 to 06.01.2011 the ADE/DPE/HT recommended to add 4362 units in the bill and the same units were added in the January 2011 bill.
- (iii) The billing was done based on the KWH consumption not on KVAH consumption and also MD taken as 57.9 instead of 306. The same is intimated to the consumer.
- (iv) The consumer appealed to CGRF APCPDCL and the Chairperson, CGRF of APCPDCL has given orders to DE,MRT,Hyderabad, South that **“the meter is to be tested at nay CPDCL approved testing laboratory ie., like ETDC or CPRI. The charges for arranging the third party testing shall be borne by the complainant only”**.
- (v) The DE,MRT,Hyderabad, South directed ADE/O/Chanchalguda to collect an amount of Rs.25618/- (Test charges 22800 + 12.36% service tax on the charges payable) in the form of demand draft in

favour of PAO,DIT,New Delhi from the consumer for arranging testing of HT Trivector Meter (single Mode) at Electronics Test & Development Centre, Kamalanagar, ECIL, Hyderabad. The same was intimated to the consumer.

8. The appellant herein expressed his unwillingness to send the same to the 3rd party testing as ordered by the Forum on the ground that the meter is in the custody of the officials of the respondents throughout and the same is not kept with the 3rd party. Moreover, he is not willing to deposit the said amount. He stated that the observation made by the Forum as well as the written arguments are incorrect and the very readings have disclosed the same and the same is lost sight of by the Forum and the same is liable to be revised.

9. It is clear from the record that the consumer is disputing the bills issued in September to December 2010 as abnormal on the ground that there is no additional load and there is no change in the connected load. As per the meter test results there is 100% defect in the parameters of KVAH but KWH parameters is normal. The billing was done taking KWH recording in the meter. As per the letter dated 30.12.2010 DE/MRT/Hyderabad South it is revealed that the MRI data of HT SC No HDS 662, M/s. Mujtaba Jewellers , Meter No.362814 TTL make was analysed from 20.08.2010 to 27.12.2010 and found that the meter started recording more KWH than the previous readings at mid night hours from 10.30 PM to 10.30 AM from 17.10.2010 to till the change of the meter ie., 27.12.2010. It may be due to various reasons.

- (a) utilized of power by the consumer during late night hours as per his requirement.
- (b) defective capacitors units, which may draw high active load.
- (c) defective transformer may draw more loss component.
- (d) defective or bad earthing at consumer side.
- (e) over compensation of capacitor units by consumer.

- (f) the meter tested on consumer load on 21.12.2010 and errors found within limits for KWH reading and for KVAH and KVA readings errors found abnormal and the same has been intimated to ADE/O/Chanchalguda / Hyderabad.

10. It is no where mentioned that the transformer and the capacitors were defective during that period. When the shop itself is going to be closed between 9.30 PM to 10.00PM recording abnormal beyond 10.30 PM is absurd and the very observation is incorrect. This shows that there is abnormality in recording by the meter. They have not explained as to how it is defective in one parameter and correct in another parameter.

11. Furthermore, the meter was replaced on 27.12.2010, that meter was also not functioning. Again it was replaced on 06.01.2011. The reading was recorded as 4362 for this 9 days ie., 27.12.2010 to 06.01.2011 at 4362 units. This itself is abnormality as recording is for the entire month is 7000 to 8000 for the entire 30 days.

12. Furthermore, the meter itself was removed on 27.12.2010 on the complaint given by the appellant projecting the defects in the meter. The readings for months of October, November and December are abnormal from the readings and previous months of July, August and September, etc are taken into account.

13. When the meter itself is defective on one part it cannot be said that the remaining part is working well. So, the abnormality found for those three months have to be rectified by taking 3 months average of July, August and September.

14. In the light of the above said discussion, the respondents are directed to take average of 3 months billing of July, August and September fixing the same for the months of October, November and December and collect the amount by issuing revised bills. If any excess amount is paid by the appellant, it shall be adjusted in

the future bills as he is not having any grievance subsequent to the change of meter from 06.01.2011.

15. In the result, the appeal is allowed by setting aside the impugned order and the appeal is disposed with the above said observation. No order as to costs.

This order is corrected and signed on this day of 26th March 2013

Sd/-
VIDYUT OMBUDSMAN