



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: Smt. UDAYA GOURI

Wednesday the Twenty Fourth Day of October 2018

Appeal No. 40 of 2018

Preferred against order dt. 24.03.2018 in C.G.No. 943/2017-18
of CGRF Yadadri Circle

Between

M/s. Sree Laxmi Narasimhaswamy Rice Mill, represented by Sri.D.Devendar,
Kakkireni Village, Ramannapet Mandal, Yadadri Dist - 508 113.
Cell No.9961880508, 9705490743.

... Appellant

AND

1. The AAE/OP/Ramannapet/TSSPDCL/Yadadri Dist.
2. The ADE/OP/Ramannapet/TSSPDCL/Yadadri Dist.
3. The AAO/ERO/Ramannapet/TSSPDCL/Yadadri Dist.
4. The DE/OP/Choutuppal/TSSPDCL/Yadadri Dist.
5. The DE/DPE/Nalgonda/TSSPDCL/Nalgonda Dist.
6. The SE/OP/Yadadri Circle/TSSPDCL/Yadadri Dist.

... Respondents

The above appeal filed on 10.08.2018, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 11.10.2018 at Hyderabad in the presence of Sri. D. Devender - Appellant and Sri. K. Lakshmaiah - ADE/DPE/Nalgonda on behalf of DE/DPE/Nalgonda for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

This is an Appeal filed against the orders of the CGRF in YDD CG No. 943 of 2017-18 dt. 24.03.2018. The averments of the Appellant show that One D. Devender of M/s. Sri Lakshmi Narasimha Swamy Rice Mill, Kakkireni (V), Ramannapet (M), Yadadri Dist. filed a complaint before the CGRF stating that though they are paying the electricity bills regularly the Respondents have issued a notice demanding for payment of Rs 77,714/- towards short billing of the defective meter during the period from

02.04.2016 to 07.12.2017 without informing them that the meter was defective nor issued any notice to that effect and then disconnected the service connection on 29.01.2018 for non payment of the amount and when requested for reconnection they are seeking for a payment of 50% of the demanded amount. On the basis of the said complaint the learned CGRF disposed the matter without appreciating their averments and as such causing loss to them.

2. And hence aggrieved by the said order they have filed the present Appeal seeking for rectification of the meter and reconnection of the supply to the service connection and for the withdrawal of the short billing amount imposed against them. The Appellant contended that they have been regularly paying the electricity bills without any disturbance and were not informed of any defect in the meter by the Respondents at any point of time, but suddenly a notice was issued demanding a payment of Rs 77,714/- towards short billing for the defective period from 02.04.2016 to 07.12.2017. They pointed out that at no point of time they were informed about any defect in the meter and suddenly issuing a demand notice for Rs 77,714/- to them was beyond their capacity as they are having a small rice mill of 38 HP load in a small village. They pointed out that the orders of the CGRF mentions that 3 months average i.e. 773 units per month be taken into consideration by taking 3 highest readings of the consumption. And as such prayed that the said calculation is not only arbitrary but is also against the principles of natural justice as theirs is a small rice mill of just 38 HP load. Hence prayed that the meter be rectified and reconnected by withdrawing the short billing amount imposed by the CGRF and the Respondents.

3. The Respondents through AAO/ERO/Ramannapet vide Lr.No. 275 dt.28.08.2018 has submitted that ADE/OP/RPT vide his letter F.No./D.No.1715/17 dt.10.01.2018 issued a Provisional order for short billing due to less recording of Y & B phases voltages as per the MRI report the Y & B phases voltages were recorded low from 02.04.2016 (KVAH reading 28353) to 07.12.2017 (KVAH reading 34101) which was inspected on 06.12.2017. The CGRF on dt. 24.03.2018 issued the orders in the CG No. YDD-943/2017-18. As per the directions of CGRF the DE/OP/Choutuppall has issued Final Assessment Order on 10.08.2018 against SC No. 6106400300, M/s. Lakshmi Narasimha Swamy Rice Mill, Kakkireni (V), Ramannapet (M), Yadadri Dist., for an amount of Rs 65,653.12. The said amount of Rs 65,653.12 has not been included in the bill.

4. The DE/DPE/Nalgonda vide Lr.No. 366 dt.18.09.2018 has submitted that he inspected the SC No. 6106400300/III, M/s. Kakkireni (V), Ramannapet (M) on 06.12.2017 and found that Y & B phase voltages recording in the meter are very low due to which meter was recording low consumption. As such on receipt of meter test report (i.e. MRI Dump) imposed an amount of Rs 77,024/- to SLN Swamy Rice mill towards Back Billing (i.e. for less recorded consumption). He further stated that the consumer has not paid the Back Billing amount of Rs 77,024/- and approached the CGRF-1, and the Hon'ble CGRF instructed the DE/DPE/Nalgonda for submission of report duly studying the previous complaint pattern of seasonal months of November, December and January. Accordingly a report was submitted to CGRF-1. And hence the CGRF-1 ordered to issue a notice to the consumer for payment of revised bill @ 773 units per month. Accordingly officials of TSSPDCL Ramannapet - Sub Division issued revised bill. But again the consumer not paid the revised bill amount and approached the Vidyut Ombudsman.

5. The Appellant filed a rejoinder stating that during the hearing before the CGRF, he has submitted that the rice mill run by him is a small unit located at a small town and runs only during the paddy crop season, i.e. in the months of November, December and April, as such requested for withdrawal of the short billing amount imposed against his service and at that stage the Respondents deposed before the CGRF that they are taking the meter readings regularly and that the mill is running only during the crop season and as such the DE/DPE/Nalgonda assured for further analysis of the consumption taking into consideration the location of the mill in the remote area and the consumption pattern within 10 days but the Hon'ble CGRF failed to wait for the report of the said DE/DPE/Nalgonda and directed the Respondents to take the average as 773 units per month for the defective period of 21 months without taking into consideration the Off season months readings submitted by both the Appellant and the Respondents. They pointed out that taking the consumption of the seasonal months as the consumption for non seasonal months is against the principles of natural justice.

6. The above mentioned pleadings of both sides go to show that admittedly there was a defect in the recording of Y & B phases voltages as stated by the Respondents. The Appellant has not denied the same. It has also come on record that the Appellant was not aware of the said defective recording of Y & B phases voltages

till the demand notice is issued by the Respondents. It is also not denied by the Respondents that the Appellant was making the payments regularly. The records submitted by the Respondents with regarding to the MRI dump is also not denied by the Appellant. And so admittedly the recording of Y & B phases voltages was less during the period from 02.04.2016 to 07.12.2017.

7. Hence in the above mentioned circumstances the following issues are framed:

Issues

1. Whether the back billing for the defective period has to be assessed on the basis of average consumption as sought by the Appellant or on the basis of the consumption of three months during the seasonal period? And
2. To what relief?

Issue No.1

8. Admittedly the Appellant's rice mill is located in a remote village namely Kakkireni (V) in Ramannapet (M) of Yadadri Dist and the rice mill run by the Appellant is only of 38 HP load and the running of the mill is mainly based on the seasonal crop i.e. rice during the period November, December and April. In other words the Appellant has the maximum amount of consumption for his seasonal crop is only in the months of Nov, Dec and April, and hence the reading of consumption during the said three months would be high, while the reading of consumption for the other period during the year would not only be low but also would be nominal, particularly in view of the fact that the Respondents themselves have admitted that the rice mill run by the Appellant is a seasonal functioning unit.

9. In the said circumstances taking into consideration the average of consumption during the seasonal period for the purpose of assessing the back billing would cause a great burden on the consumer and would literally result in profit to the Respondents. Admittedly the Respondents have come into existence with an intention to provide consumer services i.e. to serve the general public without any profit or loss, but in this case if the billing is done on the basis of three highest readings during the seasonal period for the entire defective period the Appellant would be made to pay much higher price than what he has consumed not only during the non seasonal period but also during the seasonal period which means the Appellant would be paying for not

only the consumed quantum of the electricity but also the unconsumed quantity which is against the principles of natural justice. Even otherwise the learned CGRF failed to give any reason for taking the readings of the months during the seasonal period for back billings. As stated earlier the Respondents are service oriented organisation created for the benefit of the general public, as such the services given by them should not cause any kind of loss to the consumers and in this case if the consumption of seasonal period which is only three months is taken into consideration for making the back billings for the entire year the consumer i.e. the Appellant herein would end up in paying more than what he consumed. Hence, concludes that taking the average consumption of one whole year i.e. from Jan,2017 to Dec,2017 would suffice to prepare the back billing for the defective period from 02.04.2016 to 07.12.2017, to meet the ends of justice and not the high consumption of the seasonal period as taken by the Respondents on the directions of the CGRF. Hence decides this issue against the Respondents.

Issue No.2

10. In the result the Appeal is allowed and the Respondents are directed to prepare the back billing on the average consumption of one year as stated above for the defective period.

11. The licensee shall comply with and implement this order within 15 days from the date of receipt of this order under clause 3.38 of the Regulation 3 of 2015 of TSERC.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 24th day of October, 2018.

Sd/-

Vidyut Ombudsman

1. M/s. Sree Laxmi Narasimhaswamy Rice Mill, represented by Sri.D.Devendar, Kakkireni Village, Ramannapet Mandal, Yadadri Dist - 508 113. Cell No.9961880508, 9705490743
2. The AAE/OP/Ramannapet/TSSPDCL/Yadadri Dist.\
3. The ADE/OP/Ramannapet/TSSPDCL/Yadadri Dist.
4. The AAO/ERO/Ramannapet/TSSPDCL/Yadadri Dist.
5. The DE/OP/Choutuppal/TSSPDCL/Yadadri Dist.

6. The DE/DPE/Nalgonda/TSSPDCL/Nalgonda Dist.
7. The SE/OP/Yadadri Circle/TSSPDCL/Yadadri Dist.

Copy to :

8. The Chairperson, CGRF- I, GTS Colony, Vengal Rao Nagar,
Erragadda,Hyderabad.
9. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul,Hyd.