



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

Monday the Twenty Ninth Day of June 2020

Appeal No. 45 of 2019-20

Preferred against Order dt.03.02.2020 of CGRF in
CG No. 412 of 2018 of Adilabad Circle

Between

Sri.A. Charandas, M/s. Sri Sai Venkateshwara Filling Station,
Survey No.10/E, Adegaon Village, Echoda Mandal, Adilabad District.
Cell: 9490423389, 9701888063.

... Appellant

AND

1. The AAE/OP/Echoda - 9440811642.
2. The ADE/OP/R/Adilabad - 9440811684.
3. The AAO/ERO/Adilabad - 9440811729.
4. The DE/OP/Adilabad - 9440811672.

... Respondents

The above appeal filed on 18.03.2020, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 11.06.2020 at Hyderabad in the presence of Sri. A. Charandas - Appellant and Sri. G. Ravi - AAE/OP/Echoda, Sri. J. Laxman - ADE/OP/Adilabad and Sri. G. Rajanna - AAO/ERO/Adilabad for the Respondents and having considered the record and submissions of both parties, the Vidyut Ombudsman passed the following;

AWARD

That my Grievance was dismissed by the CGRF, Nirmal with a direction to pay the electricity shortfall bills pertaining to difference between the KWH & KVAH reading units or tariff for Rs 4,22,300/- in(15) equal monthly installments apart from my regular bill, in case if the commits default in payment of any one of the installments which is not considerable orders against my case with proper

examination of records and grievances.

It is also advised by the CGRF-II Nirmal to appeal the vidyut oMbudsmen if the orders were not aggrieved within the 45 days from the date of receipt of the orders issued vide reference above 2nd cited.

Since in view of the above CGRF orders against my case of grievance; it is to submit in pursuance with the monthly bills particulars and in connection with the internal audit finding shortfall statement and with my several written and personal grievance petitions, I am herewith submitting my omissions cum appeal against the orders with following submission to your kind authority for examination that.

- a. The Individual authorities of concerned NPDCL Echoda, adilabad not having provided me the actual authorised cum authentic MRI reading bill particulars against the service No.095800084. After several my personal and written representation the concerned authority has provided the un authorised shortfall difference statement which has been found out by the internal audit authorities which is not the correct.
- b. Moreover the concerned authority had charged additional KVAH units 839 per each month from April, 2011 to may ,2016 irrespectively and without actual MRI readings against the KWH opening and closing readings.
- c. Whereas verification and examining my KWH previous reading bills and bills of may 2016 and june, 2016 of KVAH there were only readings consumptions difference is around 50 to 100 below units, in which basis the additional KVAH readings units raised are not clearly redressed which were also not in connection with the MRI reading.
- d. It is there department lack of negligence to not changed the tariff for which I shall made lot of physical and mental harassment thereby concerned and further it is also submit that for the period of 2011 to 2016 pertain to the kVAH I have been charges the additional charges amount wheres I have paid my regular KWH bills.
- e. To issue the necessary orders to concerned authorities to provide the authentic cum authorities actual MRI readings of KVAH from April,2011 to may 2016.
- f. It is also requested that if there were any difference in between KWH and KVAH units the amount may be exempted for which it is thereby the department lack of negligence as far.

- g. Issue the standard orders to the concerned authorities not to suspend disconnect the supply service until redressal of the payments/grievances issue.
- h. Requested for issuing the necessary orders not to be raised the additional charges and the paid additional charges may be adjusted in further bills until redressal of grievances.
- i. It is further to submit in keeping view of the power factor calculated with support of individual experts as certain the details of monthly average power factor of KWH and KVAH is found and submitted for kind intervention and examination as detailed below.
 - a. KWH 08/2006 to 03/2011 for 56 months with average power factor@ 1.00.
 - b. KWH 04/2011 to 05/2016 for 62 months with average power factor@ 0.61.
 - c. KWH 06/2016 to 01/2020 for 44 months with average for power factor@ 0.80

I beg to convey to your authority that the charge amount of Rs 4,22,300 was net genuine and was added without any MRI. So I request to provide the KVAH monthly charges from 2011 to 2016 or if power factors were calculated may be considered and adjusted with my already paid bills without any further charges.

2. Written submission of AAO/ERO/TSNPDCL/ADILABAD:

It is to submit that chairperson , CGRF issued orders to the consumer to proceed to Vidyut Ombudsman for the State of Telangana Hyderabad and as per the reference 2nd cited, the details case history of the service is furnished here for the kind consideration and the load of SC.No 0958 00084 Adegaon B (Vg) Echoda section cat-II name of the service is M/s Sri Sai Venkateshwara filling station HP Limited is above 10 KW i.e 25 KW/HP as per the rules of TSNPDCL the meters has installed to the service on 11.07.2006, the billing was also done on the bases of KWH reading and the same was issued to the consumer. But in the year 2011 the internal audit has revised the rules and as per the rules is the load is more than 10 KW and when the CT meter was fixed the billig has to be done as per the KVAH reading and not the KWH reading. But in this case the billing has taken place KWH instead of KVAH reading. In this regard it is brought to your kind notice that the Corporate Office Warangal has intimated that the proposal for withdrawn of shortfall pointed out by the internal Audit in inspection report of 05/2015 is examined and issued instruction to ERO Adilabad to withdrawn the capacitor surcharge and raise the shortfall in respect of which difference of below 100 units between KWH and KVAH readings vide Memo No

GM(A)/AO(A)/NPDCL/WGL/AAO(III)/D.No.999/17, Dt:06.09.2017 based on instruction this office has raised the shortfall for and amount of Rs.422300/- for this service and the same has included in the CC charges with debit JE in the month of september,2017 and at the same time as per the instruction of Corporate Office warangal the short fall towards capacitor surcharge for and amount of Rs.45826/- is withdrawn in the month of september 2017 duly crediting the said amount to the service with credit JE in the month of september 2017 and the same was intimated to the corporate office warangal. Further more it is so submit that the consumer is paying the CC charges but he is not arranging the short fall till to date.The billing is done on KVAH readings only.A copy of the case history is enclosed here with for kind perusal and for taking further necessary action.

3. Rejoinder by appellant:

i. It is submitted before the Hon'ble Vidyut Ombudsman, Hyderabad, with a request to may kindly be glanced my previous detailed written petition cum grievance to reviewing and dismissing the certain billing charges which had have not been inadequate with compare to the authentic actual MRI reading of KVAH and in par with the power factor were calculated.

ii. Accordingly I have been directed during the personal hearing held on 27.05.2020 by The Hon'ble Vidyut ombudsman to submitting the re written submitted against the AAO/ERO/Adilabad report of appeal vide above reference 4th cited and to be appear before the chair on 4.06.2020.

iii. Since in connection with AAO/ERO/Adilabad report, it is brought to convey your kind authority that AAO/ERO/Adilabad has started to submitted only the basic particulars which were I have already been submitted his authority of ombudsman that;

- a. The meter has installed on 11.7.2006 and billing was done based on KWH reading.
- b. And from 2011 the billing has to be done bases of KVAH as per the internal audit rules.
- c. But in case the billing was done KWH instead of KVAH reading.
- d. The shortfall of billing was pointed out by the internal audit inspection report.
- e. Corporate office warangal issued instruction to ERO adilabad to withdraw the capacitors surcharge and raise the shortfall in respect of which difference of

below 100 units between KWH and KVAH readings vide memo No GM(A)/AO(A)/NPDCL/WGL/AAO(III)/D.NO999/17 DT 6.9.2017.

- f. Raised shortfall amount Rs 4223000 for this service.
- g. Surcharge amount Rs 45826/- which was withdrawn in the month of 09/17.
- h. Paying CC charges but still pending of shortfall till to date.

iv. But, so far of my painful circumstance with regards to shortfall pendings billing amounts there were not been examined or clarifil]ed my grievance or requisitions were being submitted by me in the previous detailed written submission neither providing the authentic MRI reading of KVAH from april 2011, charging additional KVAH units i.e 839 per each month from 4/11 to 5/16 considering my power factor calculation readings which were below average of 1.00 for 08/2006 to 05/2016 of KWH and 06/2016 to till month of 01/2020 of KVAH and nor examined opening readings to be 181650 fro arriving 183529 and 1879 units of KVAH.

v. Further i request to submit the monthly KVAh readings since from date of release, In accordance with AAO/ERO/Adilabad report wherein it was stated that the billing done as per KVAH readings only.

vi. I therefore once again request the Hon'ble Ombudsman to review the application with my detailed submission and issuing the further in this regard orders without paying any further charges of shortfall under consideration.

Heard both sides

Issues

4. In the face of the averments by both sides, the following issues are framed:-

- 1. Whether the short billing is in accordance with the statute?
- 2. Whether the assessed amount is correct or to be revised?
- 3. To what relief?

Issues 1 & 2

5. The Appellant Sri. A. Charandas is having a service connection 095800084 for his filling station, Sri Sai Venkateshwara Filling Station, at Echoda, under LT Category- II with a contracted load of 25 HP. The dispute is on the demand raised by the Respondents over difference of units 51,125 between KWH and KVAH readings for the period from 4/2011 to 5/2016 for an amount of Rs 4,22,300/-. The demand was

raised, vide Memo No. GM(A)/AO(A)/NPDCL/WGL/AAO(III)/D.No.999/2017 dt.06.09.2017, wherein Corporate Office, Warangal, directed the ERO/Adilabad to raise the shortfall amount of Rs 4,22,300/-. Subsequently the amount was raised in the CC bill for the month of September'2017.

The Appellant opposed the raised demand stating that there is no authenticity to show the difference of units between KWH and KVAH of 51,125 and the Respondents failed to show any evidence such as MRI readings even after the repeated request put on by him. That the Respondents has vaguely arrived at 839 units per month from April'2011 to May'2016 without verifying actual MRI readings. He has justified his claim with comparison of average power factor (which is KW/KVAH) evaluated in three different spell from the date of release of service connection, first spell before the dispute period i.e. 08/2006 to 03/2011 for 56 months, where the PF is unity (1.00), second spell during the dispute period 4/2011 to 5/2016 for 61 months, the average power factor is 0.61 and third spell after disputed period 06/2016 to 01/2020 for 44 months with an average power factor of 0.89. He claimed that the assessment of 839 monthly units during the disputed period is wrong, as the P.F before is 1.00, during the dispute period P.F is 0.61 and after starting of KVAH billing is 0.89. Taking cue of this difference, Appellant held that the Assessment is unrealistic as the least P.F value of 0.61 was reflected during the assessment period claiming abnormal amounts levying a burden on them. That it is the negligence of the Respondents that they have not carried out KVAH billing as required and hence the amount has to be withdrawn along with the additional charges raised.

6. The Respondents held that the shortfall amount was raised in view of the internal audit, based on the Clause Part B - LT Tariffs, LT Category- II, Sub Clause Notes (4) of Tariff Order for the FY 2011-12, which envisages KVAH billing in place of KWH billing for computation of energy charges and removing the existing applicable power factor penalty w.e.f. 01.04.2011, for all the HT consumers and LT consumers for whom trivector meters have been provided for. The change in KVAH billing mandated in the Tariff Order was not affected by the Respondents from Apr'2011, affected only after the discovery of the irregularity during the internal audit in 2015. However, the KVAH billing was started from June'2016 with initial reading of 181650 with consumption of 1879 units of KVAH closing reading of 183529.

7. As mandated under Tariff Orders, when the Appellant load is more than 10 KW, here in this case the load is 25 KW/HP, having a trivector meter capable of recording KVAH units, the billing ought to have been under KVAH units. There is no doubt that the provisions of the Tariff Order under Clause Part B - LT Tariffs, LT Category- II, Sub Clause Notes (4) of Tariff Order for the FY 2011-12, legitimates the action of the Respondents over raising of the shortfall amount with difference of units between KWH and KVAH units, but there is negligence also on the part of the Respondents over not implementing the change in computation of units in KVAH units in place of KWH units, w.e.f.01.04.2011. The demand of the Appellant to provide MRI data may be legitimate, but the limitation of restoring the vast data for such a long period is technically not possible. However the KVAH reading recorded in the meter until June'2016, itself shows the actual KVAH units consumed right from the date of release of the meter, which cannot be denied.

Assessment of shortfall units:-

As per the statement provided by the Respondents showing the KWH and KVAH difference units, in total of 51,176 units with 839 average monthly KVAH units from April'2011 to May'2016 were levied. The difference of units so arrived is 132353 KWH reading minus 183529 KVAH reading. There is no discrepancy in terms of the period of assessment for short billing, but the difference units of 51,176 is wrongly taken for the period April,2011 to May'2016, since the KVAH reading 183529 recorded in June'2016 covers the consumption for the whole period right from the date of release of the service connection i.e. July'2006, in other words the computed 51,176 difference units between KWH and KVAH pertains to the period from July'2006 to May'2016(179 months) and not for the short billed period as claimed by the Respondents i.e. from April'2011 to May,2016. The said 51,176 KVAH units is a combination of period before April'2011 and after, upto June-2016, prior to Apr'2011 period KVAH billing is not mandatory. The said billing came into existence in April'2011, prior to that KWH billing was in force as per the Tariff Order issued from time to time. Hence the assessment of short billing is subjected to further revision computing the average units as following:-

Total difference between KWH & KVAH units	- 51,176 Units
Total period of recording the difference 51,176 units	- 179 Months (July 2006 2006 to May,2016)
Average KVAH units per month	- $51176 \div 179 = 286$ Units

In the face of the above discussions it is found that the short billing is done in accordance with the statute provided for the same, but the assessment is not properly done. Hence, decides these issues accordingly.

Issue No.3

8. In the result the Appeal is partly allowed and hence the Respondents are directed to issue a fresh demand to the Appellant duly revising the shortfall amount of Rs 4,22,300/- and its consequent additional charges by following the above given procedure i.e. calculating the amount taking average units of 286 KVAH units, per month instead of 839 units, for the period from April'2011 to May'2016. The Appeal of the Appellant is partially admitted, the levy of shortfall amount is as per the Tariff Order 2011-12, withdrawal of total amount is not tenable and the assessment has to be revised as stated above. As such the Appellant is directed to pay the revised assessed amount in 10 equal monthly installments.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 29th day of June, 2020.

Vidyut Ombudsman

1. Sri.A. Charandas, M/s. Sri Sai Venkateshwara Filling Station,
Survey No.10/E, Adegaon Village, Echoda Mandal, Adilabad District.
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5. The DE/OP/Adilabad - 9440811672.

Copy to :

6. The Chairperson, CGRF- Nirmal,TSNPDCL, Shasthri Nagar, Nirmal.

7. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul,Hyd.