

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED
TIRUPATI

On this the 13th day of June 2013

In C.G.No:362/ 2012-13/ Vijayawada Circle

Present

Sri K. Paul
Sri A.Venugopal
Sri T.Rajeswara Rao
Sri A. Satish Kumar

Chairperson
Member (Accounts)
Member (Legal)
Member (Consumer Affairs)

Between

Sri. Musunuri Suresh Kumar
C/o Musunuri Janardhana Rao,
Poranki Village & Post,
Penamaluru Mandal,
Krishna-Dist

Complainant

And

1. Assistant Accounts Officer/ERO/Machilipatnam Respondents
2. Assistant Engineer/Operation/Rurals/Machilipatnam
3. Assistant Divisional Engineer/Operation/Town/Machilipatnam
4. Divisional Engineer/M & P/Vijayawada
5. Divisional Engineer/Operation/Machilipatnam

Sri. Musunuri Suresh Kumar, C/o Musunuri Janardhana Rao, resident of Poranki Village & Post, Penamaluru Mandal, Krishna-Dist herein called the complainant, in his complaint dt:12-03-2013 filed in the Forum on dt:12-03-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. He had purchased a land from Smt.Seelam Lakshmi Nirmala Ratna Devi, legal hair Seelam Leela Vara Prasad at Sulthan Nagar of Machilipatnam Mandal, Krishna-Dist.

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2. There is an electrical service connection number:191 in the above property with a connected load of 3.5HP.
3. The said property was transferred to his control during February 2012 and utilizing power from the same connection with the same name paying the bills regularly.
4. Subsequently he laid out plots in the said land.
5. In the month of March 2012 he received a bill for an amount of Rs.10,113/- and the consumption was shown as 1701 units.
6. On enquiry he came to know that the bill is on high side on account of the category changed from I to II.
7. Subsequently for April 2012 he received bill for amount of Rs.22,480/- and the consumption was 4359 units. He paid this amount also.
8. For the month of May 2012 he received bill for an amount of Rs.1,30,117/- and the units shown as 15042.
9. He represented the matter to the AE, who did not take any action for two months and told that he had to pay the bills issued for an amount of Rs.1,04,000/- for monthly consumption of 7034 units on average basis and the total amount of bill was Rs.2,30,000/-. He was threatened that the service will be disconnected if the amount is not paid.
10. The matter was taken to the ADE/ Operation/ Machilipatnam and explained at the site who in-turn get the meter replaced on the next day.
11. The consumption with the new meter in September was 289 units with bill amount of Rs.3,076/- and in the next month he received bill for an amount of Rs.2,50,000/- and again threatened of disconnected if not paid and finally the service was disconnected.

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12. He approached the Assistant Divisional Engineer/ Operation/ Machilipatnam again and the Assistant Divisional Engineer assured that the meter will be tested if he pays Rs.30,000/- towards the bill.
13. The meter was sent for testing and the test was done in his presence at Gunadala where it was declared that the meter is functioning normally, but however it will be under observation for the entire night and the final report will be given on the next day morning. They got his signature in the register.
14. The next day he went to the Lab and came to know that the meter is in good working condition and he was asked by the AE concerned to pay the entire bill amount.
15. Then he approached the Divisional Engineer/Operation/ Machilipatnam who expressed that he is helpless in the matter and directed him to meet the Superintending Engineer/Operation/ Vijayawada.
16. He appraised the matter to the Superintending Engineer /Operation/ Vijayawada who duly convinced to his argument ordered the Divisional Engineer /Operation/Machilipatnam to re-test the meter if possible.
17. On 06-03-2013 the Divisional Engineer /Operation/Machilipatnam informed him that the meter cannot be tested since it was already sent to the company.
18. Requested to render justice duly conducting detailed enquiry in the matter.

Notices were served upon the respondents duly enclosing a copy of complaint.

The respondent-5 Divisional Engineer/Operation/Machilipatnam in his written submission dt:25-03-2013, received in this office on 28-03-2013 stated that:

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1. Sri. S.Suresh Kumar, who is consumer of USC.No:6222358000191 of Sulthanagaram, submitted a representation to the honourable Forum for redressal of his grievance.
2. The consumer represented the under signed about the issue with relevant documents and after enquiry of the issue from the Assistant Accounts Officer/ERO/Machilipatnam, the Assistant Engineer/Operation/Rurals/Machilipatnam, the Assistant Divisional Engineer/Operation/ Machilipatnam and Divisional Engineer/M&P/Vijayawada, it is informed to the consumer that there is no possibility to conduct re-test about the performance of the meter, since the meter is not available in the LT.Meters/Vijayawada.

The respondent-3 Assistant Divisional Engineer/Operation/Town/Machilipatnam in his written submission dt:25-03-2013, received in this office on 28-03-2013 stated that:

1. The service was released on 31-10-1991 with a connected load of 3.5HP under category-III (prawn tank) in the name of Sri.S.L.V.Prasada Rao. The consumer represented for the huge consumption during the month of 05/2012, 06/2012 (i.e. 15042 and 7034 units respectively) on 16-06-2012. As per the request of the consumer the premises of the meter was inspected along with the Assistant Engineer/Operation/Rural/Machilipatnam and noticed that there is 15 Nos. tube lights (utilized for yard lighting) and I No. 1.5 tone air conditioner in the hut. As per the field condition and available load with the consumer we declared the meter as creeping and proposed to revise the bill for 4359 units per month (i.e., previous month consumption) for the disputed period i.e. 05/2012 and 06/2012)

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2. Accordingly the Assistant Engineer/Operation/Rural/Machilipatnam sent a proposal to ERO/ Machilipatnam for revision of bill for the disputed period as submitted above. The consumer not satisfied with the revision and he was advised to apply for testing of the meter. Accordingly he has applied for testing of the meter by paying of the required amount and the Assistant Engineer /Operation/Rurals/ Machilipatnam, sent the meter to the Assistant Engineer /LT.Meters, Gunadala on 30-08-2012 for testing. The test result was communicated by the Assistant Engineer /LT.Meters/ Gunadala, stating that the meter condition is normal vide LrNo:AE/LT.Meters/GDL/FNo: /DNo:256/2012, dt:17-09-2012.
3. The same was communicated to the consumer and requested to pay the outstanding amount. The consumer refused to pay the CC.Charges and it was disconnected during 09/2012 due to non payment of CC.Charges and it is still under disconnected.

The respondent-2 Assistant Engineer/Operation/Rurals/Machilipatnam in his written submission dt:26-03-2013, received in this office on 28-03-2013 stated that:

1. Sri. S.Suresh Kumar, who is consumer of USC.No:6222358000191 of Sulthanagaram, submitted a representation to the honourable Forum for redressal of his grievance. The service was released on 31-10-1991 with a contracted load of 3.5HP under category-III (prawn tank) in the name of Sri. S.L.V.Prasad Rao.
2. The consumer converted fish tank land into residential plots i.e. real Estates named as **Balaji Lay Out**. The same was observed and the

category of the service was changed from cat-III to cat-II. Immediately vide Lr.No.AE/O/R/MTM/F.No. /DNo.395/12, Dt:24-04-2012 w.e.f 04/2012.

3. The consumer is utilized supply for lifting of water from fish tank and filling the fish tank with sand and earthwork and lighting purpose for preparation of the lay out work etc. The fish tank becomes real estate and named as **Balaji Lay Out**.
4. The consumer was not paying the bills for the month of 05/2012 and 06/2012 of Rs.181694/-. The consumer made a representation dt:16-06-2012 (submitted here with) stating that the meter was recording high consumption and requested to revision the bills. Immediately the service was inspected by me along with Assistant Divisional Engineer/Operation /Machilipatnam, and observed that the meter was creeping. The revision of bills proposals submitted to Assistant Accounts Officer/ ERO/Machilipatnam vide LrNo:AE/O/R/ MTM/F.No.54/ DNo:620/12 DT:30-06-2012.
5. The meter was replaced on 17-08-2012. Even though the bills were revised and meter was replaced the consumer was not paid the bills. The consumer was requested several times to pay the out standing arrears. But the consumer was requested several times of bills.
6. Finally the consumer was challenged the meter for testing. The meter was sent to LT.Meters lab, Gunadala, vide LrNo:AE/O/R/MTM/FNo: /DNo:783/12, dt:30-08-2012 as per request of the consumer.
7. The meter was tested in the presence of the consumer and declared the meter condition is OK by Assistant Engineer /LT.Meters/Gunadala.

8. The same was intimated to the consumer and requested to pay the outstanding arrears. The consumer was not paid the bills, hence the service was disconnected on 24-09-2012.
9. Still this service is under disconnection.

The respondent-1 Assistant Accounts Officer/ERO/Machilipatnam in his written submission dt:26-03-2013, received in this office on 28-03-2012 stated that:

1. Sri. S.Suresh Kumar, who is consumer of USC.No:6222358000191 of Sulthanagaram, submitted a representation to the honourable Forum for redressal of his grievance. The service was released on 31-10-1991 with a contracted load of 3.5HP under category-III (prawn tank) in the name of Sri. S.L.V.Prasad Rao.
2. The Assistant Engineer /Operation/Rurals/Machilipatnam intimated vide Lr.No.AE/O/R/MTM/F.No. /DNo.395/12, Dt:24-04-2012 (submitted herewith) to change the category as II since the service is being used for commercial purpose (i.e. Real Estates). As per the above the category was changed as II w.e.f 04/2012 and raised shortfall for Rs.22,572/- and intimated to the consumer and the same was paid by him. The consumption and demand particulars for the disputed period of the service is submitted.
3. Subsequently the Assistant Engineer /Operation/Rurals/Machilipatnam, intimated vide LrNo:AE/O/R/MTM/F.No.54/DNo:620/12 DT:30-06-2012. (submitted herewith) to revise the bill for an average units of 4359 per month for the period 5/12 and 6/12 since the meter is creeping.
4. As per the above the bill was revised and withdrawn an amount of rs.94307/- against the demand of Rs.1,81,694/- vide RJNo: 44/04-2012 and intimated the same to the consumer for payment of outstanding amount.

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5. The consumer not satisfied with the revision and he was advised to apply for testing of the meter. He paid Rs.30,000/- during 08/2012 before applying for testing.
6. Further no corresponding was received from the Assistant Engineer /Operation/Rurals/Machilipatnam in this regard. Now the service is under disconnection status with an amount standing arrears of Rs.2,36,052.68 upto 03/2012

The respondent-4 i.e. the Divisional Engineer/M & P/Vijayawada in his written submission dt:06-04-2013, received in this office on 12-04-2012 stated that:

1. The Assistant Engineer /Operation /Rurals/Machilipatnam has sent 1No. 3 phase LT meter of make HPL (10-40). Sl.No:1c338769 pertains to the ScNo: 6222358000191 of Sri S.L.V.Prasad rao, Sultanagaram for special testing of the meter due to high consumption recorded duly collecting the testing fee Rs.300/- vide DDNo:872030/28-08-2012.
2. Further the above meter has been specially tested in LT meter lab Gunadala on 30-08-2012 in the presence of the consumer & Operation staff of MTM and obtained the following results.

1. Full load UPF	:-	0.196%
1/10 UPF	:-	0.106%
Full Load 0.5F	:-	0.856%
2. Dail Test	:-	With limits
3. No. Load Test	:-	No Creeping
3. In view of the above results, the meter is recording within the permissible limits of error when compared to electronic reference standard meter. Hence the healthiness of the meter is found OK.

At the request of the consumer on 30-05-2013, the meter was once again examined and tested at the MRT lab, Gunadala, Vijayawada in the presence of the consumer, the DE/M&P/Vijayawada the respondent-4 in this case, the fourth member of the Forum and Chairman with the aid of RSS meter and noticed the following.

- i. the meter is intact.
- ii. the reading at the time of examination by the Forum was 081759.
- iii. the test results at UPF with different currents of 1Amp, 1.5Amps, 3 Amps and the respective errors or 0.683%, 0.526% and 0.365% and all the 3 errors are well within the permissible limits.
- iv. the dial of the meter being mechanical counter type was also examined for sort of any malfunctioning in it and noticed that there is no such possibility of advancement of readings and the mechanism is intact in a closed dust proof PVC box.
- v. all the above findings are witnessed by the consumer and his signed the test report duly convincing and accepting.
- vi. as such it is accepted by all present at the testing and felt that the final reading in the meter as well as the performance of the meter are in good condition and hence the final reading as on the date of replacement of the meter i.e. 81759 is to be billed and the consumer is bound to pay the CC.Charges accordingly.
- vii. and the consumer while on one hand accepting the performance of the meter satisfactory, the other hand still raising doubt that the said consumption in the meter is abnormally high when compared to the connected load, but the reason could not be established reasonably.

Findings of the Forum:

1. The grievance of the complainant is that he received bills on high side for his service and he suspects the performance of the meter. He met all the officers right from AE to the SE concerned, but he did not get any relief excepting the testing of the meter where in it was declared normal and is bound to pay the entire amount of bills. He wanted retesting of the meter at a later date which was not possible. Requested the Forum to render justice duly probing into the matter in detailed.
2. The respondent-5 i.e. the Divisional Engineer/Operation/Machilipatnam in his reply stated that the retesting of the meter for its performance was not possible since the meter was not available in the LT meter slab, Vijayawada.
3. The respondent-3 i.e. the Assistant Divisional Engineer/Operation/Town/Machilipatnam in his reply stated that
 - i. the service was released on 31-10-1991 for a load of 3.5HP under category-III prawn culture.
 - ii. On the representation of the consumer that the consumption on high side the premises was inspected by him along with the AE concerned and noticed that there were 15 numbers tube lights for yard lighting and one number 1.5 ton air conditioner in the hut.
 - iii. As per the load available he recommended for revision of bill at 4359 units consumption per month treating that the meter is creeping.
 - iv. The consumer not satisfied with the said revision. Requested for testing of the meter and sent to MRT lab

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- v. On 30-08-2012 the meter was tested wherein it was declared that the meter condition is normal, but the consumer refused to pay the CC.Charges and hence the service was disconnected in 09/2012.
4. The respondent-2 i.e. the Assistant Engineer/Operation/Rurals/Machilipatnam in his reply stated that
- i. The consumer converted the erstwhile fish tank into real estates with the title Balaji Lay out and hence the category of the service was changed from III to II in 04/2012.
 - ii. For the said conversion the consumer utilized power for pumping of water out side the fish tank to make it empty and fill with sand. Besides lighting purpose.
5. The respondent-1 i.e. the Assistant Accounts Officer/ERO/Machilipatnam in his reply stated that
- i. The category of the service was changed into LT-II with effect from 04/2012 and an amount of Rs.22572/- was levied as shortfall which was paid by the consumer.
 - ii. Based on the recommendations of the Assistant Engineer/Rural/Machilipatnam, the bills of the service for 05/2012 and 06/2012 are revised and bill raised at 4359 units per month, since the meter is creeping and an amount of Rs.94307/- against the demand of 181694 was withdrawn through RJNo:44/04-2012.
 - iii. The same was intimated to the consumer, but not satisfied with the revision he opted for testing of the meter duly paying Rs.30,000/-.

- iv. The service is under disconnection due to non payment of CC.Charges amounting to Rs.236052.68 upto 03/2012.
6. The respondent-4 i.e. the Divisional Engineer/M & P/Vijayawada in his reply stated that
- i. The meter of the service of the complainants service was tested duly collecting Rs.300/- on 30-08-2012 at LT-Meters lab Gunadala and the test results reveled that the average error is within limits and in the no load test no creeping was noticed. The over all performance of the meter is within the permissible limits of the error and hence found OK.
7. On going through the account copy of the service, it is noticed that the service was converted to LT category-III in the month of 11/2004 from LT-II and subsequently it was recategorised to LT-II in the month of 04/2012 i.e. after about 7 ½ years.
8. The other point that was ignored by the respondents and observed from the meter change slip and the account copy of the service is difference between the final reading and the reading last billed.
9. The final reading as per meter change slip was 081759 where as in the account copy it was 44341 and difference is 37418 units which was left unbilled and the corresponding amount of bill will be about Rs.2.62 lakhs.
10. The disputed meter was in service from 11/2008 to 08/2012 i.e. the consumption recorded is for 45 months and the final reading was 81759 which indicates that the monthly consumption was 1817 units on average.

11. The total connected load as reported was 2800 watts comprising of 15 numbers tube lights and one number 1.5 ton AC. In accordance with GTCS the expected monthly consumption with this load under commercial category will be $2.8KW \times 0.8 LF \times 8Hrs \times 30 Days = 537$ units.
12. There is much variance between the assessed consumption at item-11 and the recorded consumption at item-10 above it is almost 3 times.
13. The consumer stated that he possessed the said property in February 2012 which indicates prior to that the service was continued with 3.5HP load for prawn culture purpose which is classified under LT-III (A) and the expected monthly consumption with the load of 3.5 HP in accordance with GTCS will be $2.2 \times 0.8 \times 9 \times 20 = 316$ units.
14. The consumer himself was present and witnessed the testing of the meter and attested the test results duly signing in the register and moreover the meter was disposed and hence requesting for the testing of the meter is not accepted.
15. For the satisfaction of the consumer, the meter was once again examined and tested at the MRT lab, Vijayawada on 30-05-2013 in the presence of the consumer and the Member Consumer affairs of CGRF and found nothing adverse both performance wise and physical appearance.
16. As such the consumer herein the complainant is liable to pay the bill amounts as raised by the respondents and get reconnection.

In view of the above, the Forum passed the following order.

ORDER

The respondents are directed that they

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1. Shall bill upto the final reading of 081759 at the time of removal of the meter duly apportioning the consumption over the period right from its installation to its removal and adopting the tariffs applicable to the appropriate category from time to time and collect the CC.Charges accordingly adjusting the amounts already paid.

The consumer is advised that he may pay the amounts of bills after adjustment to clear the dues in the premises as it prevents release of further services in the premises besides permanently dismantling the existing services.

Accordingly the case is allowed and disposed off

If aggrieved by this order, the complainant may represent to the Vidyut Ombudsman, O/o the APERC, 5th floor, Singarenibhavan, Redhills, Hyderabad-500004, within 30 days from the date of receipt of this order.

Signed on the 13th day of June 2013.

Sd/-
Member (Legal)

Sd/-
Member (C.A)

Sd/-
Member (Accounts)

Sd/-
Chairperson

Forwarded by Orders

Secretary to the Forum

To
The Complainant
The Respondents
Copy submitted to the Honourable Ombudsman, APERC, 5th floor, Singarenibhavan, Redhills, Hyderabad-500004.
Copy to the General Manager/CSC/Corporate office/Tirupati for pursuance in this matter.

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