

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

On this, the 21st day of September 2013

In C.G.No: 115/ 2013-14/ Ongole 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. Ch.Padma
DNo:7-82, Kurnool Road,
Srinagar Colony
Besides Andhra bank Post,
Ongole Town,
Prakasam-Dist-523002

Complainant

And

1. Junior Accounts Officer/ERO/Vetapalem
2. Assistant Engineer/Operation/Chinnaganjam
3. Assistant Divisional Engineer/CT.Meters/Ongole
4. Divisional Engineer/Operation/Chirala

Respondents

Sri. Ch.Padma resident of Kurnool Road, Srinagar Colony, Besides Andhra bank Post, DNo:7-82, Ongole Town, Prakasam-Dist-523002 herein called the complainant, in her complaint dt: 15-07-2013 filed in the Forum on dt: 08-07-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E. Act 2003 had stated that

1. She is an industrial consumer with SCNo:620, MNV Palem, Chinnaganjam mandal of Prakasam-Dist and the supply is being utilized for the purpose of prawn culture.

2. The meter was fixed to the service during May 2011 and was in good working condition and also provided with seals. The said meter was inspected by several officers of the department from CT meters, vigilance and the operation wings and were leaving the premises duly ensuring that the meter is functioning normally and the seal is intact. The bills were issued every month and she is paying the bills accordingly.
3. While so during April 2013 an amount of Rs.95219/- was shown as arrear amount and the payment was demanded, when she contacted the AE, Chinnaganjam about the said arrears she got the reply that he is not aware of the reason for the said additional amount and asked to pay the regular CC.bill amount and accordingly she paid the bill. In the bill for May 2013 also the same amount was displayed as arrears. But she paid the CC.bill amount leaving the arrears as advised by the AE. Same thing happened for the month of June also and the payment was made on 26-06-2013 by their supervisor.
4. After payment the AE/Chinnaganjam went to their site and served two numbers letters Dt:01-02-2013 and 14-12-2012. The gist of the two letters is that on 04-12-2012 in the three phase meter the defect of B - phase loose contact resulted in '0' current in that phase was noticed and was rectified. She is not aware that the APSPDCL persons have arrived to their site to repair the meter as said in the letters and nobody informed them about the said defect and no notice was given to them in the issue.

5. They are paying the CC.Charges as per the bill and the meter reading produced by the departmental people, but they are not aware of the said remark on the meter
6. Neither her nor her supervisor were informed about the said checking the defect while levying such huge amount of Rs.95,219/- and the notice were served to them after a period of 6 months after the said defect which indicates that there is no truth and is with the motive of suffering them.
7. If the meter is defective why the person reading the meter every month did not inform them. There is no evidence of such defect and the repairs there upon and it is only a fabricated story and is against the electricity act.
8. Requested to render justice by examining the case in depth and ordering the respondents to nullify the arrears shown in the notice.

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

The respondent-3, i.e. the Assistant Divisional Engineer/CT.Meters/Ongole in his written submissions dt: 22-07-2013, received in this office on 24-07-2013 stated that:

1. As per oral complaint of AE/Opn/Chinnaganjam section, the ISC.No:620, Munnavaripalem distribution, Chinnavaripaelm distribution, Chinnaganjam section was inspected by AE, CT.Meter-II section for rectification of the complaint 4/12/2012.
2. The complaint was attended and found that the B-Phase current was missing in the meter due to loose contact at the test terminal block (TTB). The same was rectified and MRI data was also taken from the meter for the purpose of arriving at the back billing units, in the

presence of the AE/Opn/Chinnaganjam and Mr. Abhilash, S/o Mr. Siva prasad (who is utilising the supply of ISC No:620 at that time). AE/CT Meters-II also informed Mr. Abhilash that back billing notice will be issued to the owner of the service after analyzing the MRI report. In this context, he refused to sign the test report and the test report was signed by AE/Opn/Chinnaganjam.

3. After analyzing the MRI data, back billing notice was transmitted to ADE/O/Vetapalem on letter dt:14-12-2012 about the unbilled units during the B-Phase missing current period.

The respondent-1, i.e. the Junior Accounts Officer/Sub-ERO/Vetapalem in his written submissions dt: 25-07-2013, received in this office on 03-08-2013 stated that:

1. The AE, CT.Meters was inspected the premises on 04-12-2012. At that time of inspection, it has been found that the 'B' phase current is "0" in the meter due to loose contact at TTB and the meter tested on accurate check with the consumer load for voltages and current meter recorded less energy. The problem has been rectified on 04-12-12.
2. The MRI data has been collected from the meter (Make: TTL Sl. No.SP 404387) for further analysis and it has been found that the "B" phase current was missing and restored period to 3.8.12. Hence the meter could not be record 18818 KVAH units. Hence back billing case is booked. A copy of inspection report of AE/CT meters/Ongole and provisional assessment notice are herewith enclosed for ready reference please.
3. As per the provisional assessment notice, the back billing amount i.e. Rs.95219/- was included in the CC.bill vide RJNo:24/3-13.

The respondent-2, i.e. the Assistant Engineer/Operation/Chinnaganjam in his written submissions dt: 26-07- 2013, received in this office on 05-08-2013 stated that:

1. He, B.Hari Prasad rao joined as AE/opn/Chinnaganjam on 23-05-2013. While attending the HV/NS 'D-List' an arrear amount of Rs.95,219/- was observed against ISC No.620MNV palem. By verifying it was understand that an amount of 95219.00 is an outstanding, as a back billing. After enquiry the consumer said that, "he don't know how this amount will raise against my service No:620 MNV Palem". Then he served the old back billing notice on 27-06-2013, which is herewith enclosed. In that notice assessment was calculated based on B-phase negative error (33.33%), due to loose contact, which was certified by AE/CT Meters/Ongole.

Findings of the Forum

1. The grievance of the complainant is that in the CC.bill for the month of 04/2013 an amount of Rs.95,219/- was shown as arrears surprisingly and she came to know that the said additional huge amount of bill is on account of defect in the meter not recording the consumption in B-Phase due to '0' current which was noticed during a test on 04-12-2012 conducted by the department persons about which they don't have any knowledge of and none informed them about the said defect at that time. Also the matter of arrear amount was brought to her notice after 6 months of its identification and requested to order the respondents to waive the said amount.
2. The respondent-1 i.e. the JAO/Sub-ERO/Vetapalem replied that the said amount of Rs.95219/- was included in the CC.bill through

RJNo:24/3-13 based on the provisional assessment notice issued by the ADE/Opn/Vetapalem on 01-02-2013.

3. The respondent-2 replied that after his assumption of charge in the section on 23-05-2013 while attending to the non slab D-list he observed the said amount of Rs.95,219/- against the said service and it is towards back billing. When he contacted the consumer he came to know that she is not aware of the said back billing, but however he served the notice dt:01-02-2013 on the consumer on 27-06-2013. The notice contains the information that the said amount is due to negative error 33.33% due to defect in B-Phase.
4. The respondent-3 i.e. the ADE/CT.Meters/Ongole replied that upon the oral complaint of the AE/Opn/Chinnaganjam he SCNo:620, MNV.Palem under subject was inspected by the AE/CT.Meters-II, on 04-12-2012 during which it was noticed that the B-phase current was missing in the meter due to loose contact at the TTB and the same was rectified at that incident, back billing units were arrived from the MRI data obtained from the meter in the presence of the AE/Opn/Chinnaganjam and Mr. Abilash, S/o Siva Prasad utilizing the supply at that time who refused to sign the test report after that he transmitted the data to the ADE/Opn/Vetapalem for issuance of back billing notice.
5. As could be seen from the material available it is understood that the meter failed to record the consumption corresponding to B-Phase due to loose contact in the current circuit at the TTB resulted in negative error 33.33% right from 03-08-2012 the date from which only the data available in the MRI till 04-12-2012.

6. The net consumption between the two dates was 4100 units (133955 – 92954) and the un-recorded consumption corresponding to B-Phase was arrived at 18818 units and the cost of the units thus arrived is Rs.95219/- ((18818 x 5) + ED at 6%).
7. The contention of the complainant that she is not aware of the defectiveness of the meter and none informed her about the short billing cannot be accepted as the representative of the consumer though present at the time of meter testing refused to sign the test report willfully. The consumer shall have to honour and accept the MRI data of the meter and there is no need for the respondents to penalize her without having any reason and it is only with the intention to safe guard the revenue of the department.
8. The other contention of the complainant that the shortfall amount was brought to her notice after a period of 6 months through bill for 04/2013 while the issue came to light in 12/2012 itself is not correct since the respondent prepared the back billing notice and dispatched it on 01-02-2013 is not mentioned any where the date on which the notice was served upon the complainant, but in view of the adamant attitude of the consumer the respondents might have not able to serve the notice, but however it is a loss to the department for the postponement of revenue.
9. It is of no matter whether the notice is served immediately or not, but the fact of meter defect and the short billing shall be accepted by the complainant in view of the MRI data which is un disputable.

10. The said back billing is done by the respondents in accordance with the clause 7.5.1 of the General Terms and Conditions of Supply and hence is in order.
11. As such the request of the consumer to waive the said amount of back billing is not considered and the consumer here in the complainant is liable to pay the said amount of back billing.

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

ORDER

The complainant is directed that she shall pay the said back billing amount of Rs.95,219/- along with any charges levied there upon immediately to avoid disconnection of the service and further complications due to implementation of RR Act.

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 21st day of September 2013.

Sd/- Member (Legal)	Sd/- Member (C.A)	Sd/- Member (Accounts)	Sd/- Chairperson
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Forwarded by Orders

Secretary to the Forum

To
The Complainant
The Respondents
Copy to the General Manager/ CSC/ Corporate office/ Tirupati for pursuance in this matter.