

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

**On this the 26<sup>th</sup> day of June 2014**

**In C.G.No: 194/2013-14/Guntur Circle**

***Present***

***Sri K. Paul***  
***Sri A. Venugopal***  
***Sri T. Rajeswara Rao***  
***Sri A. Satish Kumar***  
***Affairs)***

***Chairperson***  
***Member (Accounts)***  
***Member (Legal)***  
***Member (Consumer***

***Between***

Sri. Uppu Satyanarayana  
PSR Industries, Etukur By-Pass  
Guntur-Post,  
Guntur  
Guntur-Dist

Complainant

***And***

1. Assistant Accounts Officer/ERO/Town-1/Guntur
  2. Assistant Engineer/Operation/D-2/Guntur
  3. Assistant Divisional Engineer/Operation/Town-3/Guntur
  4. Assistant Engineer/Meters-1/Guntur
  5. Divisional Engineer/Operation/Town-1/Guntur
  6. Senior Accounts Officer/Operation/Guntur
- Respondents

\* \* \*

Sri. Uppu Satyanarayana, PSR Industries, Etukur By-Pass, Guntur-Post, Guntur, Guntur-Dist herein called the complainant, in his complaint dt:24-01-2014 filed in the Forum on dt:24-01-2014 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. He is an industrial consumer with SCNo:172739 at Guntur utilizing supply under three phase under the title PSR industries and the purpose for Ginning of cotton.

2. He was informed by the department that the meter was recording less consumption due to some internal problem.
3. On 30-01-2013 he received a notice from the ADE/Opn/T-3/Guntur for an amount of Rs.246508 towards back billing he immediately on 26-02-2013 met the officers and got a representation filed by the registered consumer to the DE/Opn raising objections on the said notice.
4. Subsequently on 31-10-2013 the DE/Opn passed orders to pay the amount in full as mentioned in the notice earlier supporting the ADE/Opn/T3/Guntur and also the said notice contains that he can make an appeal to the SE/Opn upon depositing of the full amount of the bill. Again on 20-01-2014 while he was contacting the officers and negotiating in the matter regarding the bill the staff arrived at his premises of the mill and disconnected the service demanding to pay at least 50% of the bill amount.
5. Accordingly since there is no other go he had paid 50% of the bill amount through bank.
6. Requested the Forum to examine the following factors and render justice
  - a. It was decided that the meter was recording 48% less energy corresponding to one phase and the said decision was not technical and was just a prediction.
  - b. **From 05-04-2011 till 04-01-2013 i.e. for a period of 21 months** it was presumed that the meter was recording 48% less energy corresponding to one phase, but the period was not decided by the MRT officers after due testing of the meter.
  - c. It is also not known to him when the disputed meter was tested in the MRT lab, but it was not tested in his presence.

- d. On receipt of notice from the ADE on 26-02-2013 he put-forth his explanations and objections in writing before the DE and made an appeal on the assessment, but the DE had not considered his appeal and it was not mentioned in the notice also. But the notice contains that he had accepted for the arrears.
  - e. The meters of services having huge consumption will be normally tested by the MRT officers frequently, but the meter of their service was tested several times for its performance in between 05-04-2011 and 04-01-2013, but the factor was not considered by the DE and made the assessment unilaterally for the disputed period of 21 months.
  - f. It is against the law for not testing the meter for 21 months and making the consumer responsible for bad performance of the meter.
  - g. He is not aware of any thing what had happened in the meter and hence he is not responsible. More to this there was no point of discussion in the monthly bills about the said disorder and the said 48% less is not proved by the officials through proper calculations.
  - h. Though he had raised objections on 26-02-2013 on the back billing notice and it was already 11 months elapsed there is no solution for their appeal and the officers kept calm and hence it shall be treated that the appeal is still pending with the DE.
  - i. Without having taking any decisions on his appeal disconnecting the service and getting half of the amount deposited is against law.
  - j. The unit rate is also unlawful.
7. As such since there is deficiency of service in all the above 10 items requested the Forum to enquire in the matter and cancel the order of the

DE dt:31-10-2013 besides allowing compensation for the deficiency of services and costs towards the complaint and render justice.

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

**The respondent-1 i.e. the Assistant Accounts Officer/ERO/Town-1/ Guntur in his written submission dt:31-01-2014, received in the Forum on 01-02-2014 stated that:**

1. The service No.172739, category-III was inspected by AE/Meters-1/Assessment on 04-01-2013 and observed that the meter was declared faulty.
2. On 30-01-2013 the ADE/Opn/Town-3/Guntur was issued assessment notice for Rs.246, 508/- (Rupees Two Lakhs forty six thousand five hundred and eight only) towards back billing for the period from 05-04-2011 to 04-01-2013.
3. On 31-10-2013 the DE/Opn/Town-1/Guntur has issued notice to the consumer to pay the back billing amount of Rs.2,46,508/- as the notice was already issued by the ADE/Opn/Town-3/Guntur.
4. Further the consumer has paid 50% amount of Rs.1,23,000/- vide P.R.No.656094 dt:21-10-2004 and the consumer has not paid the balance amount of Rs.123508/- of supervision charges Rs.150/- even though the notice finalised by the DE/Opn/Town-1/Guntur on 31-10-2013.
5. A copy of letter DE/Opn/Town-1/Guntur vide DNo.1354 dt:31-10-2013 is herewith enclosed.

**The respondent-3 i.e. the Assistant Divisional Engineer/Operation/Town-3/Guntur in his written submission dt:05-02-2014, received in the Forum on 07-02-2014 stated that:**

1. The LT ScNo:172739, category-III, D2 section, Guntur was inspected by the AE/CT Meters-1/Guntur on 04-01-2013 and communicated the following remarks vide Endt. No.AE/CTM1/GNT/DNo.154/2013/11-01-2013.

*Attended the meter for testing on complaint from the AE/O/D2/Guntur, tested the meter and found meter recorded '0' Amps in B-phase corresponding to Accu-check meter recorded 42A, with negative error of -48%. The current coil connection to the meter from CT B-phase found opened. The fault rectified on the spot, back billing notice may be issued to the consumer for defective period'.*

2. Again vide LrNo.AE/CTM-1/GNT/DNo.154/2013, DT:11-01-2013 THE AE/CT METERS-1/Guntur has communicated defective period (from 05-04-2011 to 04-01-2013) after studying the MRI data. Based on the recommendations of the AE/CT meters-1/Guntur the then ADE/Opn/T-3/Guntur has issued back billing notice vide Lr.No.ADE/O/T3/GNT/ F.NO.57/DNO.3930/13 DT:30-01-2013 for Rs.2,46,508/- and served the notice to the consumer. The consumer has acknowledged the receipt of the notice on 07-02-2013 and there is no representation from the consumer as per records available in this office.
3. The DEE/opn/T-1/Guntur has issued the final assessment order vide proceedings No.DEE/O/T1/GNT/AEE.Tech/F.No.57/DNo.1354/13 dt:31-10-2013 for an amount of Rs.2,46,508/-. The final assessment order was served to the consumer and the same was acknowledged by the consumer on 01-11-2013.
4. As the consumer has not paid the back billing amount, in spite of constant pursuance, and hence finally the service was disconnected on 20-01-2014.

The consumer has paid an amount of Rs.1,23,000/- vide PRNo.656094/ Dt:21-01-2014 being 50% of the final assessment order.

**The respondent-2 i.e. the Assistant Engineer/Operation/D-2/Guntur in his written submission dt:Nil, received in the Forum on 13-02-2014 stated that:**

1. It is to submit that while taking HV readings during the month of October-12 it is observed '0' Amps in B-Phase in the CT meter of the LT ScNo.172739, category-III, the same was intimated to the AE/CT-Meters-1/Guntur from the spot over phone. The AE/CT-Meters/Guntur has attended the complaint along with me on 04-01-2013 and found meter recorded '0' Amps in B-Phase corresponding to acu-check meter recorded 42A, with negative error of -48%. The current coil connected the meter from CT-B-Phase found opened. The fault rectified on the spot and the same was communicated vide Endt.No.AE/CTMI/GNT/DNo.154/2013/11-01-2013.
2. The ADE/Opn/T-3/Guntur has issued back billing notice vide Lr.No:ADE/O/t3/GNT/F.NO.57/DNo.3930/13 dt:30-01-2013 for an amount of Rs.2,46,508/- and served the notice to the consumer. The consumer has acknowledged the receipt of the notice on 07-02-2013.
3. The DEE/Opn/T-1/GNT has issued the final assessment order vide proceedings.No.DEE/O/T1/GNT/AEE.Tech/F.No.57/DNo.1354/13,dt:31-10-2013 for an amount of Rs.2,46,508/-. The final assessment order was served to the consumer and the same was acknowledged by the consumer on 01-11-2013.
4. As the consumer has not paid the back billing amount, in spite of constant pursuance, and hence finally the service was disconnected on 20-01-2014. The consumer has paid an amount of Rs.1,23,000/- vide PRNo.656094/Dt:21-01-2014 being 50% of the final assessment amount.

**Findings of the Forum:**

1. The grievance of the complainant is that the licensee's officers without following the standard procedures in testing of the meters and arriving at the errors in the meters have simply presumed that the meter is recording 48% less energy due to defect in one phase for a period of 21 months and levied an amount of Rs.2,46,508/- as back billing for the entire period all at once and disconnected his service under the threat of payment of the 50% of the above assessed amount which he could not fulfill. Requested the Forum to interfere, conduct an enquiry and pass such orders waiving the assessment orders of the DE/Opn/Gnt for Rs. 2,46,508/- and also awarding compensation besides allowing costs towards the petition.
2. As could be seen from the reading register extract of the officer concerned, ie the AE/Opn/D-2/Guntur for the said service, no where it was established that there is defect in the meter, excepting in the month on 11-06-2012 wherein it was shown as zero voltage in 3<sup>rd</sup> phase. Also, the reader ignored certain parameters like instantaneous currents and voltages and put them at his own accord, but at a later date , corrected the currents as 'Zero' from 09-03-2012 till 14-12-2012 readings.
3. As stated by the respondent-4, i.e. the AE / CT Meters, Guntur and as per his test report, The meter was tested on-line by the team of licensee's authorized Engineers on 04-01-2013 in the presence of the consumer Uppu Satyanarayana herein the complainant up on complaint from the AE/Opn/D-2/Guntur and the test results revealed that there is zero current in the third phase of the Meter, and it was commented that the meter recorded zero currents in B-Phase when compared to the Standard Check meter wherein it was 42 Amps correspondingly and the error

arrived was ( - ) 48%. The defect noticed was that the current coil connected to the meter from B-Phase CT was found open. The same was rectified and the meter retested and found that the errors were in limits. The said Test Report was acknowledged by the complainant also duly accepting the contents. As such back billing is to be done for the entire period of meter defective duly observing departmental formalities.

4. The other point of consideration is the period of assessment. In accordance with the clause 7.5.1.4.4 General Terms and Conditions of Supply as approved by the Honourable APERC and as adopted by the Licensee i.e. the APSPDCL, *the assessment shall be made for the entire period during which the status of defective meter can be clearly established subject to a maximum period of 3 months prior to the date of inspection in the case of Domestic and Agriculture and **6 months in the case of other categories.***
5. As such the period of assessment shall not exceed 6 months in this case being the service does not fall under the categories neither domestic nor agl.
6. As such the period of assessment shall be 6 months prior to the date of testing of the meter that was on 04-01-2013 implies that the period of assessment shall be limited to the period from 05-07-2012 to 04-01-2013 for which, the consumer had to pay. The MRI data support shall be taken for the purpose
7. But since it is established that the meter was defective from 05-04-2011 till 04-01-2013 the date on which it was rectified and hence the energy that was not recorded by the meter and was left unbilled beyond the period of said 6 months, shall not be left over even the period



is more than 6 months, since it a loss of revenue to the licensee on account of the laxity of the officers responsible for such loss and there is a constraint to limit the period of assessment to 6 months on the consumer side, the rest shall be recovered / recouped from the responsible persons/officers.

8. Here since the officers concerned are at fault and the cause of the deficiency of services, shall bear the cost of energy left unbilled beyond 6 months period i.e. from 05-04-2011 to 04-07-2012 make good the revenue of the APSPDCL.
9. As could be seen from the account copy of the service, the said amount of assessment was included in the consumer's bill in 11/2013 and 50% of the amount was paid in 01/2014 and the rest of the amount is appearing in the arrears portion while the consumer continued to pay the regular CC.Charges. No where the status of the service was reflected as under disconnection. But however, the consumer paid Rs.1,23,000/- as 50% of the final assessment on 21-01-2014, the next day after disconnection of the service on 20-01-2014 as reported by the AE/Opn/D-2/Guntur, the 2<sup>nd</sup> respondent in this case.
10. The contention of the complainant, herein the consumer that the error of 48% negative for one phase defectiveness of the meter and the assessment there upon had got no mathematical support and not law binding are not accepted, as he himself had witnessed the testing of the meter and acknowledged the same. The error of a three phase meter is arrived as a whole by comparing with RSS meter, but not phase-wise and hence the error of (-)48% shall be possible and accepted and there shall not be any dispute in this regard. Thus kept aside.

11. In accordance with the Guaranteed Standards of Performance, any defective meter shall be replaced within 22 days of its notice in town areas. But here in this case, it was only a delay in identification of the meter defect resulted in postponement of revenue of the Department APSPDCL, but there is no suffering of the consumer regarding power supply. As such the request for compensation by the complainant is not accepted.
12. The request for costs by the complainant towards the petition also is not accepted since there is no provision of such in the Electricity Act 2003.
13. **Compensation for delay in rectification of the meter for a period of 21 months.**

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

#### **ORDER**

The respondents are directed that they shall

1. revise the final assessment order dt: 31-10-2013 of the 5<sup>th</sup> respondent i.e. the DE/Opn/T-1/Guntur duly limiting the period of assessment from 05-07-2012 to 04-01-2013 within 15 days from the date of this order.
2. make good the revenue of the APSPDCL by meeting the cost of units unbilled from 05-04-2011 till 04-07-2012 from their own within 15 days from the date of this order.
3. report compliance on the items 1 and 2 of the order above within 30 days from the date of this order
4. No costs as to the petition.

The complainant is directed that he shall pay the assessment amount as laid in item-1 of the order above within 15 days from the date of receipt of the assessment notice.

