

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

On this the 25th day of July 2013

In C.G.No:98/ 2013-14/ Tirupati Circle

Present

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

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

Between

Sri. N.Prakash Babu
C/o Ratnam Petroleum Agencies
Hindusthan Petroleum Corporation
Bhakarapeta Village, Post and Mandal,
Chittoor-Dist-517194

Complainant

And

1. Assistant Accounts Officer/ERO/Piler
2. Assistant Engineer/Operation/Chinagottigallu
3. Assistant Divisional Engineer/Operation/Piler
4. Divisional Engineer/Operation/Piler

Respondents

Sri. N.Prakash Babu, C/o Ratnam Petroleum Agencies, Hindusthan Petroleum Corporation, Bhakarapeta Village, Post and Mandal, Chittoor-Dist-517194 herein called the complainant, in his complaint dt:20-06-2013 filed in the Forum on dt:20-06-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. He is a consumer with SC.No: 5712101001462 for their petrol bunk under category-II at Bhakarapeta of Chittoor-Dist.
2. For the service above the meter was stuck up from October 2012 onwards and the matter was taken to the notice of the AE who dodged the issue demanding Rs.3,000/- and the meter was not replaced.

3. The same was reported to the ADE/Opn/Piler also in writing on 24-04-2013 and also on 25-05-2013, but there is no result.
4. He came to know that the meter ceased function right from its installation and the meter is to be replaced by the department at free of cost.
5. Finally the meter was replaced on 28-04-2013 without their notice, but this meter also is not functioning. When he approached the officers in this regard, he got the reply that the earthing of the transformer in his premises is improper.
6. Though the usage is very much less on account of the power cuts in the recent and he was forced to pay the bills on high side for the past 10 months as the consumption was taken on average basis.
7. He paid the bills under the threat that his service will be disconnected, if the payment is not done in time.
8. He felt that he was suffered by the AE by not replacing the meter for about 10 months for the only reason that he did not fulfill his demand of Rs.3000/- as bribe.
9. Requested to take action against the AE and to repay the amounts paid in excess, because of non replacement of the meter.

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

The respondent-2 i.e. the Assistant Engineer/Operation/Chinagottigallu in his written submissions dt:01-07-2013, received in this office on 01-07-2013 stated that:

1. Sri. N.Prakash Babu, C/o Ratnam Petroleum Agencies, Hindusthan Petroleum Corporation, Bhakarapet in Chinnagottigallu mandal for replacement of stuck up meter and high average units billed in stuck up period against SCNo:5712101001462 of Bhakarapet distribution. The following points.

- a. The display failure was noticed while recording periodical reading, during the month of 10/2012.
- b. The failed meter was replaced with the healthy meter on 08-12-2012. The old meter particulars are as follows M.No.16707065 HPL, 3 phase 10.40 Amps. FR: "No Display". The new meter details are as follows M.No:16724223, HPL, 3 Phase 10:40 Amps, IR:00002.
- c. The new meter was recorded the consumption upto 79 units and recorded the same on 14-12-2012. Further "no display" identified in the month of January i.e. on 14-01-2013 while recording the reading.
- d. Further the meter was replaced on 28-04-2013. The old meter particulars are as follows M.No:16724223, HPL, 3 Phase 10:40 Amps, FR:No display. The new meter details are as follows M.No:16723706 HPL, 3 Phase 10.Amps, IR:00003.
- e. The replaced meter was also further noticed in "nodisplay"condition during billing month of May 2013.
- f. By repeatedly replacing the healthy meters it self, the reading were not recorded.
- g. Further the earth points were renewed at consumer premises and new meter was again erected on 18-06-2013 with meter details are as follows old meter particulars are as follows M No:16723706, HPL, 3 Phase 10:40Amps, IR: no display. The new meter details are as follows M No:APS12140, UTL., 3 Phase 125/5 Amps, IR:37.6. Further the meter reading was recorded on 01-07-2013 at 9.10 hrs as "366". At present this meter is in running with healthy condition.
- h. The amount was not demanded at any time for replacing the meters of the said service. This is only the assumption of the party.

- i. The party refused to attesting while replacement of the meters in change slips at all the cases except during replacement on 18-06-2013.
- j. The average units recorded are as per the billing programme in the machine only, not by manual recording by the undersigned.

Findings of the Forum

1. The grievance of the complainant is that he was compelled to pay the CC.Charges on high side for the bills issued taking the consumption on average basis for the meter was stuck up for a considerable period of 10 months and requested to repay the excess amounts paid by him duly taking into consideration the power cuts and usage of generators as an alternative and also to punish the AE for delaying the replacement of the meter for such a long period for the reason that he had not fulfilled the bribe demand of Rs.3,000/- towards the meter replacement.
2. The respondent-2 i.e. the AE/ Operation/ Chinagottigallu replied that
 - i. the display failure for the service meter was noticed during the month of 10/2012 and the failed meter was replaced with healthy one on 08-12-2012 .
 - ii. After recording 79 units till 14-12-2012 the meter also suffered no display complained identified in the month of January i.e. on 14-01-2013.
 - iii. The meter was replaced on 28-04-2013 and the new meter also suffered no display in the billing month of May 2013.
 - iv. Finally new C.T.meter of 125/5Amps capacity was erected on 18-06-2013 duly renewing the earth points at the consumer premises which is running in healthy condition.

- v. No amount was demanded at any time for replacement of the meters and the consumer refused to sign the meter change slips at all the cases excepting on 18-06-2013.
- vi. The average billing was done as per the programme existing in the billing machine only, but is not a human error.
3. As could be seen from the account copy of the service the service was released under LT-II category with 15 KW contracted load and the date of supply was 10-07-2006.
4. The respondents first installed a whole current meter of 10-40 Amps capacity and continued replacement thrice with similar meters, but finally after replacement with CT.Meter of 125 /5 amps capacity only the problem of no display was over come.
5. The load being 15KW it takes not less than 25Amps in each phase at full load in balanced conditions or otherwise it will be more and a maximum of 75 Amps if all the single phase loads are put on one phase.
6. As such it is felt that the meters installed repeatedly or of insufficient capacity lead to burning of meters and finally display failure.
7. The problem mentioned by the respondents about the bad earthing of the transformer in the consumers premises shall also should have been rectified immediately after the burning of the first meter.
8. Since it is not a fault of the consumer it is not proper to insist upon the consumer to pay the necessary charges towards replacement of the meter and the licensee has to replace at free of cost.
9. Though the complainant mentioned that there was a demand of bribe an amount of Rs.3,000/- by the AE concerned, there is no proof to that effect and hence is not considered.

10. The other point of consideration is revision of bills for the 10 months period of defective metering in the light of the power cuts and the usage of consumer's generator as a substitute.
11. The request of the consumer cannot be taken into consideration since there is no supporting data of the supply position and the usage of generator which ought to have provided with authorized metering with the notice of the licensee for which the readings are to be taken every month along with the meter.
12. As could be seen from the account copy of the service the monthly consumption was ranging from 600 to 700 normally and rarely above 1000 units in 2 or 3 months right from the release of the service in 07/2006 to the period during which the meter was healthy.
13. The billing was done for 652 units for the period of meter defect which is almost equal to the average recorded in general for the service.
14. The contention of the complainant that the respondents have not considered the power failures due to LR for that particular period is not appropriate since the power cuts are prevailing every year due to shortage of generation and hence the consumption also will be similar. Hence the bills issued by the respondents needs no further revision as they are quite in order
15. Coming to the point of replacement of the meter, the meter was replaced first in the month of 11/2011 after about 5 years for the reason no display and subsequently in 12/2012 and finally in 05/2013.
16. The respondents shall have to replace defective meters within 30 days of its identification in rural areas where as in this case it was allowed for 3 months in the first instance and 4 months in the second instance for which the respondents are liable to compensate the complainant @ Rs.50/- for each

day of default, the total number of days delayed in replacement of the meter is $7 \times 30 = 210$ days and the amount of compensation is $210 \times 50 = 10,500/-$.

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

ORDER

The respondents are directed that they shall

1. Remit the amount of compensation Rs.10,500/- to the consumer's service within 90 days from the date of this order.
2. Report compliance on the item-1 above of the order within 100 days from the date of this order.

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 25th day of July 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.