

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

On this the 08th day of March 2019

In C.G. No: 220/ 2017-18/Kurnool Circle

Present

**Sri. A. Jagadeesh Chandra Rao
Sri. A. Sreenivasulu Reddy
Sri. D. Subba Rao
Sri. Dr. R. Surendra Kumar**

**Chairperson
Member (Finance)
Member (Technical)
Independent Member**

Between

M/s. Indus Towers,
Thummalapenta,
Tadipatri,
Kurnool-Dist

Complainant

And

1. Assistant Engineer/O/Kolimigundla
2. Assistant Divisional Engineer/O/Koilkuntla
3. Divisional Engineer/O/Nandyal

Respondents

ORDER

1. The case of the complainant is that they are having non domestic service No.8421254000577 in Thummlapenta (V) for their tower. They have received a bill for shortfall amount of Rs.65,698/- during Feb'2016. It was mentioned that meter was changed in the period and from Feb'2016 every month bill received as abnormal bill and they have paid meter testing fees for meter creeping. Till now they have not received any report from the AE. So many times they have filed the case in Spandana for rectification of the bill. But the same was not resolved. They have paid for all the months from Feb'2016. They have received arrear notice stating that shortfall units of 6857 for Rs.65,698/- pertaining to meter live status which is not acceptable. After one month of meter change minimum bill was issued not taking actual reading of meter and issued total units billed in the next month. So the consumption pertaining to two months was taken as average for following months which is not acceptable as per GTCS. They have finally requested to recheck the billing pattern before Feb'2016 and revise the bill as there is no change in the connected load from previous to present. Further the complainant had also informed that during Apr'2016 to Oct'16 capacitor

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surcharge has been levied in the bill as they are not using any inductive load and billing done under KVAH, requested to revise the bill.

2. Respondents No.1, 2 and 3 in their written submission separately submitted that the service belongs to M/s. Indus Towers Ltd., and the service was released on 15.03.2010 with contracted load of 15 KW. The said service was audited by the internal audit and the shortfall amount was assessed as follows :

The service was billed for 221 units in 04/2016 and 3578 units in 08/16 which are less than the average units billed for the months of 05/2016, 06/2016 and 07/2016:

The units billed in 05/2016	6664
The units billed in 06/2016	4065
The units billed in 07/2016	5255

The average units billed for the above three months are calculated as 5328 units $(6664+4065+ 5255/3)$. The internal audit team assessed consumption for 04/16 and 08/2016 by taking average units of 5328. Since the service was already billed for 3799 units $(221+3578)$ for two months balance units assessed $(5328 \times 2 = 10656 - 3799 = 6857)$ units and assessed the same as per the tariff order. The above units were assessed because of change of meter in the month due to stuck up in 03/2016 and burnt in 08/2016.

Further the respondent had also submitted that the capacitor surcharge was levied against the service as per the tariff orders for the months of 09/2016 to 11/2016 as the service was not billed with KVAH units due to meter burnt but billed with KWH average units. The complainant has paid the meter testing charges on 09.12.2016 for testing of the meter which was installed in 02/2016. The meter was burnt in 09/2016 and replaced in 10/2016. The meter was sent to MRT lab on 15.10.2016. Further the testing of the meter was not possible as the complainant paid the meter testing charges in 12/2016 and by that time the meter was burnt. Testing of meter on keeping past complaint is not possible when the meter is burnt and only possible when the meter is in working condition.

3. A personal hearing was conducted at Kurnool Circle Office on 12.07.2018 for which all the respondents and the complainant attended and reiterated their arguments.

The respondents No.2 and 3 filed separate submissions wherein they have informed that the AAO/ERO/Banaganapalli has withdrawn the capacitor surcharge amount of Rs.38,088/- vide RJ No.34/07-2018 and requested to close their grievance.

4. When the complainant was contacted over phone by the secretary of the Forum on 12.11.2018, the complainant has expressed his dissatisfaction in non withdrawal of

average shortfall consumption but expressed satisfaction in withdrawal of capacitor surcharge.

5. Points for determination are whether the complainant is liable to pay the :
 1. Shortfall amount as assessed by the respondents for the months of 04/2016 and 08/2016?
 2. Capacitor surcharge amount?

The contracted load of the complainant service is 15 KW and as per the specific conditions of LT tariff for non domestic/commercial category –II the billing shall be based on KVAH and LT tri-vector meter shall be provided for the loads 10 KW and above. Since the complainant's service is having contracted load of 15 KW the energy charges shall be billed on KVAH basis. The internal auditors have raised the shortfall amount based on KWH units instead of recorded KVAH units. The objection of the complainant regarding adoption of average units is not acceptable as per GTCS. The provisions contained in Clause No. 7.5.1.4 of GTCS is as follows:

7.5.1.4 When a meter is found to be defective during meter reading or on inspection or otherwise, the following guidelines shall be followed for computation of the assessed units.

7.5.1.4.1 The number of units to be billed during the period in which the meter ceased to function or became defective, shall be determined by taking the average of the electricity supplied during the preceding three billing cycles to the billing cycle in which the said meter ceased to function or became defective provided that the condition with regard to use of electricity during the said three billing cycles were not different from those which prevailed during the period in which the meter ceased to function or became defective.

7.5.1.4.2 If the conditions with regard to use of electricity during the periods as mentioned above were different, assessment shall be made on the basis of any 3 (three) consecutive billing cycles during the preceding 12 Months when the conditions of working were not different.

7.5.1.4.3 Where it is not possible to select any 3 (three) consecutive billing cycles consumption, as indicated in clause 7.5.1.4.1 or 7.5.1.4.2 above, or if there is no meter installed, the number of units shall be assessed on the basis of the Assessment Rules in Appendix XII herein. Industrial consumers shall be given due consideration for the production figures and conditions of working in the period under question. For all services/equipment, which cannot be classified with the aid of the groupings under

LT I, II, III, Annexure XII (V) of Appendix XII of the GTCS may be used for the calculations. Annexure XII (V) of Appendix XII is also applicable for services under LT IV, V, VI, VII and VIII.

7.5.1.4.4 “The assessment shall be made for the entire period during which the status of defective meter can be clearly established, however, the period during which such status of defective meter cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection”.

As could be seen from the account copy of the complainant service as downloaded from the APSPDCL website it is evident that the meter of the service was replaced many a time due to meter stuck up and meter burnt. The meter was under burnt status during Jan’2014, Mar’2014, 10/2015 to Jan’2016, 09/2016 to 11/2016. The status of the meter was under stuck up during the months of 11/2014 to 09/2015, 02/2016, 10/2017 & 11/2017. The reasons for the defectiveness of the meter was not answered by the respondents. Frequent defects in the meter require proper study by both the respondents and complainant. In accordance with the GTCS provisions as stated supra it seems that the auditors could not assess the units during defective period in terms of Sub Clauses. 1, 2,3 and 4 they have selected consecutive three months consumption recorded in the meter during 05/2016 to 07/2016. Taking into consideration the status of the meter prior and after replacement of defective meter it seems the average units adopted by the internal auditors are reasonable and requires no revision. Furthermore number of units billed during the following months strongly supports the argument of the respondents.

The consumption billed during 07/2016	5255
The consumption billed during 10/2016	5577
The consumption billed during 11/2016	5577

The complainant had paid the CC bills as per the billing done. The argument of the complainant that there in no change in the connected load, hence the consumption will be uniform in all the months is not sustainable since the consumptions recorded in the healthy meter varies from 2300 units to 5255 units per month. Further the consumption recorded in May month is more than 4000 units.

In view of the above the Forum is of the opinion that the shortfall units arrived by the respondents are reasonable and hence the complainant has to pay the shortfall amount.

As far as the capacitor surcharge is concerned the respondents have withdrawn the entire capacitor surcharge amount and complainant had also expressed satisfaction

in withdrawal of the amount. The rule position is that since the billing is done on KVAH basis, no capacitor surcharge shall be levied. Thus both the points are answered accordingly.

6. The complainant has raised objection in non furnishing of test results of the meter for which he had paid the testing charges. The respondents on the other hand have submitted that since the meter was under burnt condition, testing cannot be done. When the respondents are not able to get the meter tested, it is the primary duty of the respondents to refund the meter testing charges paid by the complainant by way of adjustment in the current or future bills. Hence the respondents are directed to refund the meter testing charges paid by the complainant
7. In result the complainant is liable to pay the shortfall amount as raised by the respondents in the month of 09/2016 for 6857 units. The respondents are directed to refund the meter testing charges paid by the complainant. Accordingly the complaint is disposed off.

If aggrieved by this order, the Complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh, Flat No:401, 4th Floor, Ashoka Chambers, Opposite to MLA Quarters, Adarsh Nagar,Hyderabad-500063**, within 30 days from the date of receipt of this order.

This order is passed on this, the day of 08th March 2019.

Sd/-	Sd/-	Sd/-	Sd/-
Member (Finance)	Member (Technical)	Independent Member	Chairperson

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.

Copy to the Nodal Officer (Executive Director/Operation)/CGRF/APSPDCL/TPT.

Copy Submitted to the Vidyut Ombudsman, Andhra Pradesh ,Flat No:401 ,4th Floor, Ashoka Chambers, Opposite to MLA Quarters , Adarsh Nagar,Hyderabad-500063.

Copy Submitted to the Secretary, APERC,11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.