

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

On this 28th day of June 2019

C. G. No: 172/2018-19/Tirupati 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

T. Srinivasulu Reddy,
Yerrakotapalli,
Kalakada (M),
Chittoor Dt.

Complainant

AND

1. Junior Accounts Officer/S-ERO/Kalikiri
2. Assistant Executive Engineer/O/Kalakada
3. Deputy Executive Engineer/OSD/Kalikiri
4. Executive Engineer/O/Piler

Respondents

ORDER

1. Complainant presented a complaint before this Forum requesting to do justice by arranging to revise the CC bill in respect of his Service Connection No. 5731200004672. The complainant has also enclosed balance confirmation as on 31.03.2018 issued by JAO/S-ERO/Kalikiri wherein an amount of Rs. 63,050/- was shown as outstanding amount.
2. Respondents No. 1, 2, 3 and 4 in their joint written submission have stated that the service under question was used by the complainant for the purpose of supply of water by filling of water tankers. He has represented to the respondent No.2 on 25.11.2017 regarding high consumption. The respondent has advised him to pay the challenge fee of Rs.500/- at mee - seva. Accordingly the complainant has paid the amount on the same date. The respondent No. 2 has replaced the 3 phase meter with a new healthy one on 26.11.2017. The removed meter was sent to MRT Lab on 09.02.2018. The meter test results received on 14.02.2018 reveals that the removed meter is a healthy one. After replacement of the removed meter with a new one the consumption pattern remains the same and hence the complainant was informed to pay the balance amount, but the

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DESPATCHED
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complainant not turned up and hence the service was disconnected and issue of bills was stopped due to nonpayment of CC bills.

3. Personal hearing was conducted on 05.12.2018 at Kalikiri for which both the complainant and respondents No.2 and 3 presented. The complainant has represented that the respondents have not issued any notice at the time of testing of the meter but declared the meter as healthy. At this juncture the Forum has directed the respondents to furnish proof of giving notice to the complainant at the time of testing of meter within 10 days. If respondents fail to produce proof of such notice, orders will be passed as per the material available in the records. The respondents failed to submit the proof of notice till 08.03.2019. Since clarification in respect of meter readings recorded in manual reading registers are required by Member Finance to dispose the case Respondent No.2 was directed to appear before this Forum on 11.03.2019.
4. Respondent No.2 presented before the Forum on 11.03.2019 at Forum Office and promised to submit documentary evidence within 10 days. But the respondent has not turned up till to date and hence the Forum is constrained to dispose the case on the material available on the record.
5. Point for determination is whether the complainant is liable to pay the CC charges as demanded by the respondents?

The case of the complainant is that he has represented to the respondent No.2 on 25.11.2017 regarding huge consumption of bill issued. On the advice of the respondent No. 2 he has paid challenging fees of Rs.500/- on the same date the respondent has replaced the defective meter with healthy one on 26.11.2017 but the date of testing was not informed to him. The respondents without informing him have tested the meter in his absence and claiming the removed meter is a healthy one and hence the complainant is liable to pay the CC bills already issued is not tenable.

In spite of repeated reminders the respondents failed to produce documentary evidence as to issue of notice to the complainant to present at the time of testing of the meter. It is the bounden duty of the respondents to intimate the complainant regarding date and venue of testing of the meter. The meter should have been got tested in the presence of complainant only since he has paid the challenge fees challenging the healthiness of the meter. The respondents are expected to test the meter in the absence of complainant only if he furnishes an undertaking to that effect.

On perusal of the statement of account of the service connection under question it is noticed that the service was released on 13.12.2014 in the name of P. Srinivasulu

Reddy and bills are being issued under LT Cat-II. The complainant has cleared all the bills up to 09/2017 a bill for Rs.14,808/- was issued during 10/2017 and another bill for Rs.10,448/- was issued during 11/2017. The consumption and CC bills issued from 10/2017 to 04/2018 are as follows:

Month	Consumption	Bill amount	Payment
10/2017	1458	14808	-
11/2017	1018	10448	-
12/2017	943	9531	-
01/2018	1008	13629	-
02/2018	238	3983	-
03/2018	919	10649	-
04/2018	179	2718	-

The consumption recorded in the above months are seems to be on very high side when compared to the consumption recorded during Jan'2016 to 09/2017. Further the respondents have allowed the complainant to avail supply from 10/2017 to 04/2018 despite the fact that the complainant has not paid a single rupee. The respondents have disconnected the service during 04/2018 by the time the arrears accumulated to Rs.65,768/- . The respondents have not placed any documentary evidence as to recording of huge consumption from 10/2017 to 04/2018 and the reason for non disconnection of the service though the complainant has not paid the bills. Merely because the meter was tested that too in the absence of complainant and declaring it as healthy and insisting the complainant to pay the bills is arbitrary, illegal and against the principles of natural justice. As could be noticed from the consumption pattern it clearly shows that meter is a defective one and hence the respondents ought to have issued the bills as per the provisions contained in Clause No. 7.5.1.4 of GTCS. Thus the point is answered accordingly.

The consumption recorded during preceding 3 months period i.e. 07/2017 to 09/2017 is as follows :

Month	Consumption
07/2017	116
08/2017	43
09/2017	<u>26</u>
Total	<u>185</u>

Average units $185/3 = 61.66$ or say 62 units.

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In the light of the above respondents are directed to revise the bills from 10/2017 to 04/2018 by adopting 62 units as average units and issue revised bills on the complainant. The excess demand raised during the above months may be withdrawn together with the belated payment surcharge if any levied on the demand.

6. Accordingly the complaint is disposed off in favour of the complainant.

If aggrieved by this order, the Complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh**, 3rd Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008, within 30 days from the date of receipt of this order.

This order is passed on this, the day of 28th June 2019.

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

Forwarded By Order



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 , 3rd Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008.

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