

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

On this the 6th day of June 2020

C.G.No:182 & 252/2019-20/ Guntur Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao
Sri. Dr. R. Surendra Kumar

Chairperson
Independent Member

Between

Smt. A. Nagalakshmi,
W/o. A. Kiran Kumar,
15-19-65,
5th Ward, Old Town,
Repalli,
Guntur -Dist

Complainant

AND

1. Assistant Accounts Officer/O/Repalle
2. Deputy Executive Enigneer/O/Repalle
3. Executive Engineer/O/Tenali

Respondents

ORDER

1. The case of the complainant is that service connection No. 1245433002275 was released for the house bearing No.15-19-65 of Repalle Town in Guntur Dt. in the year 1979. On 13.03.2019 she purchased the house along with service connection . The bill was issued in the name of Late. Balisetty Niranjan Rao upto June'19. The connected load is 1.6 KW there are 2 fans, 2 tube lights, 2 No's 60 watts bulbs and 0.5 HP motor in the house.

On 18.06.2019 the meter reader scanned the meter and represented that the consumption is shown as 20446 units and advised for payment of challenging test of the meter. Accordingly her husband paid the amount for meter testing on 18.06.2019. The meter was changed on 22.06.2019. The report was issued stating that the meter is working in normal condition. Subsequently respondents issued a notice for payment of Rs. 58,431/-. The consumption never exceeded 100 units from April'14 to September' 19 and they received only bills between Rs.250/- and Rs.300/-. After change of service connection in their name in March' 19 they are using only 2 tube lights, 4 No's 60 watts led bulbs, 1 mixie, 1 washing machine and 0.5 HP motor.

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Even though they are not consumed energy due to defects in electricity supply and technical reasons the consumption is shown at high end. Hence requested to cancel the bill issued for Rs. 58,431/-.

2. Respondents No.2 and 3 filed joint written submission stating that while checking of AE billing login services on 18.06.2019, it is noticed that SC No.1245433002275 of Repalle town was not billed with the reading 20446 due to abnormal consumption records and the same was informed to the consumer and the consumer applied for challenging test on 22.06.2019. The old meter was changed with new meter on 22.06.2019 and old meter was sent for testing at LT Meters Lab, Tenali on 25.06.2019 during testing results and found that meter is working as normally.

DEE/HT & LT-1/Guntur recommended as Final Reading 20446 to be billed with accumulated consumption to be apportioned for 5 years. After receipt of MRT report the bill was raised with demand of Rs.58,431/-, consumer not satisfied and filed this compliant.

Based on the spot billing contractor report, the service was billed with wrong billing by the spot billing reader without knowledge of the department personnel. The spot billing reader stated that service was door locked and reading was given by the tenant for every month. They have called explanation of the SBA contractor and warned not to repeat this type of mistakes and avoid inconvenience to the consumers.

4. Complainant also filed another complaint with the same facts subsequent to filing of her earlier complaint and inadvertently another number is assigned for the said case. Since complaint filed two complaints for the same issue they are jointly disposed off.
5. A personal hearing through video conferencing was conducted on 18.12.2019 wherein husband of the complainant and respondent No.3 were present. Again personal hearing was conducted on 12.02.2020. Respondents alone were present.
5. The point for determination is whether the bill raised for Rs.58,431/- by the respondents is liable to be withdrawn?

The averments of the complaint shows that complainant purchased the property on 13.03.2019. According to respondents the bill recorder did not record the

correct reading of the meter on the ground that house was locked and noted the readings furnished by the tenant of the house. Respondents also enclosed the copy of the statements given by SBA contractor and spot bill recorder. Spot bill recorder said to have stated that consumer did not allow him to note down the meter reading and furnishing the reading. Whereas the SBA contractor stated that the tenant in the house used to furnish the meter reading to the spot bill recorder and the house was kept under lock whenever meter reader went to the house for recording the consumption of units. In view of the specific case of the respondents that the tenant in the house prior to the purchase of the house by the complainant gave meter readings to the bill reader without allowing him to record the correct reading. The contention of the complainant is that the consumption prior to her purchase never exceeded 100 units, hence they received a huge bill without consumption cannot be considered. So duty cast on the complainant when she purchased the house with service connection to ascertain the meter reading till the date of taking possession of the house and see that the arrears are paid by her vendor. Had she taken such precaution, this episode would not have occurred.

The case of the respondents is that as per the version of the meter reader and contractor is that meter is in the house and house was kept under lock and the tenant furnished fictitious readings as such they recommended for apportionment of the amount for 5 years. So it has to be presumed that the meter is inside the premises of the house. In this connection it is appropriate to refer Clause 7.1.4 of GTCS.

“Clause No. 7.1.4 of GTCS is as follows:

Meters shall be installed according to the convenience of accessibility for reading and inspection at any time.

To enable easy accessibility, reading and inspections and to enable issue of bills to the consumers promptly, the Licensee shall have a right to install meters for LT consumers at a suitable location as the Licensee considers it

necessary, including in the boxes mounted on the poles. This shall be subject to the provisions of the Regulation of the CEA under section 55 read with Section 177 (2) (c) of the Electricity Act, 2003.

In respect of meters in the boxes mounted on the poles, the designated officer of the Licensee should inform the consumer at the time of meter reading so that the consumer has the opportunity to be present and see the meter reading.

In respect of the meters installed within the premises of the consumers, the meter box should be fixed at a height of not more than about 5' in the first room/verandah etc., located at the entrance of the building to enable easy reading of the meter. In such cases, it shall be the consumer's responsibility to ensure the safety of the main meter as well as the check meter, if any”.

Respondents have not followed this provision till the dispute of the bill raised by the complainant and allowed the consumer to have the service connection inside the premises. Had the respondents followed this provision this episode would not have occurred.

Respondents themselves admitted in their written submissions that recording of reading 20446 as on 18.06.2019 is an abnormal consumption and after receipt of MRT report they have apportioned the accumulated consumption for 5 years. So it clearly shows that respondents are admitting that the consumption for which the bill was given by them to the consumer is not correct. Respondents are attributing this lapse on spot billing reader and contractor. Respondents are intending to collect accumulated consumption for about five years. Admittedly respondents are issuing bills every month and collecting monthly electricity charges. Now their claim is that meter recorder recorded fictitious readings. Hence they apportioned the accumulated consumption. Admittedly respondents are not entitled to collect energy charges beyond 2 years as per Sec. 56 (2) of Electricity Act.

Sec 56(2) of the Electricity Act is as follows:

“Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such

sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity”.

In view of the above specific provision respondents are not empowered to collect electricity charges for more than two years on the ground of accumulation of consumption. The point is answered accordingly.

5. Hence respondents are only entitled to collect average monthly units recorded by apportion of the consumption only for two years period prior to the date of change of the meter dt: 22.06.2019 i.e. from 23.06.2017 to 22.06.2019 only. Respondents are directed to revise the bill and issue notice to consumer within 15 days from the date of receipt of this order and submit the revised bill to this forum within 15 days thereon.

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 6th June 2020.

Sd/-
Independent Member

Sd/
Chairperson

True Copy

Member/Finance

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.