

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

On this the 3rd day of November' 2020

C.G.No:283/2019-20/Kadapa Circle

Present

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

Chairperson
Member (Technical)
Independent Member

Between

Smt. Sarada,
M/s. Sri Nandi Modern Rice Mill
Thallamapuram,
Proddatur,
Kadapa -Dist

Complainant

AND

1. Assistant Accounts Officer/ERO/Proddatur
2. Deputy Executive Engineer/O/Proddatur Rural
3. Executive Engineer/O/Proddatur

Respondents

ORDER

1. The case of the complainant is that she is having service connection No. 2222527000789 of Thallamapuram (V), Proddatur (M). She received bills during April'19 to July'19 with abnormal KVAH units while KWH units recorded is very low. This fact was brought to DEE/O/ Proddatur Rural who recommended for revision to EE/O/Proddatur stating that the difference in KVAH and KWH units is due to Distribution transformer problem, but Division officer rejected the same though there is no fault on her side and requested to revise the bill.
2. Respondent No. 2 alone filed written submission stating that the service connection No.2222527000789 is in the name of the complainant and that service is released under LT Cat-III (B) with a contracted load of 82.75 HP. Complainant represented in her letter dt:06.07.2019 for revision of bill for the months of May'19 to July' 19 were on higher end. She was informed that the bills are at higher end on account of recording of low power factor AEE/ Rural/Proddatur while forwarding representation of the consumer recommended for revision on the ground that on 26.04.2019 distribution transformer has failed and it was replaced. After replacement, the power factor of the service was 0.57 and bill was issued for Rs.48,823/-. Consumer was advised to replace the old capacitors and the same was done by the consumer but CC bill was not reduced and power factor recorded for the month of

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DATE

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06/2019 is 0.37 and bill is Rs.65,637/-. The service was inspected by DEE/HT meters/Kadapa and held that HT meter is in good condition. The distribution transformer was replaced on 29.06.2019. The consumption pattern for one (1) week was observed and the power factor is improved. The consumption details including power factor was furnished in a table from October'18 to July'19. On detailed examination of the power factor details clearly indicates a continuous reduction from the month of November'18 and at increased rates from the month of April'2019. AEE informed that the capacitors were replaced by the consumer without mentioning the actual date of replacement. Consumer in her representation dt : 06.07.2019 mentioned about the information relating to the defective capacitors and reported suggestion of AEE to replace the transformer mask. It is observed from the report of AEE/O/Rural/Proddatur Dt: 12.07.2019 consumer was advised to replace the capacitors after issue of bill for May'19. Therefore, it indicates that consumer was advised to replace the capacitors in the month of June'19 and consumer has replaced it in the month of June'19 only. Complainant while representing for revision of bill through her letter dt : 06.07.2019 has not filed any bill for purchase of capacitors. So the bill for purchase of capacitors dt: 05.04.2019 appears to be fabricated and fictitious one. AEE/O/Rural/Proddatur without examining and considering the power factor pattern of the service recommended for revision and it cannot be considered. Consumer was served with bill every month. Therefore consumer was made aware of decrease of power factor right from November'18 as per Clause. No. 12.2 of GTCS. It is the responsibility of the consumer to maintain power factor with 0.95 every month. Hence there are no grounds for revision of the bill. Hence the complaint may be dismissed.

3. Personal hearing through video conferencing was conducted on 15.06.2020. Complainant's husband and respondents present.
4. Point for determination is whether there are any reasonable grounds for revision of the bill for the months from April'19 to July'2019?

The detailed written statement of respondent No.2 shows that the power factor is less and reduced from Nov'2018 to April'2019. Distribution transformer was replaced on 26.04.2019. After replacement of distribution transformer, it was still reduced in the months of May'19 to July'19 from 0.57 to 0.31. Again Distribution transformer was replaced on 29.06.2019.

According to the written statement of Respondent No.2 which reveals that AEE recommended for the revision of bill on the ground that even after replacement of distribution

transformer, the power factor was 0.57. But consumer bill was not reduced and power factor in the month of June'19 is 0.37. The recommendation of AEE was not taken into consideration on the ground that the date of actual replacement of capacitors were not mentioned by AEE in his letter and on the basis of the report of AEE dt : 12.07.2019, consumer was advised to replace the capacitors in the month of June'19 and consumer might have replaced it in the month of June'2019. Consumer did not file the bill for the purchase of capacitors in her letter dt : 06.07.2019, she has enclosed the bill for purchase of capacitors dt : 05.04.2019 and it is a fabricated one. The report of AEE need not be considered as the report was given without observing the power factor pattern. Consumer is also aware of decreasing of power factor through the bills.

The written statement of respondent No.2 did not specifically state whether meter reading was done by DEE personally or not? But the written statement filed by him shows that AEE recommended for revision and he advised to replace the capacitors. So it can be presumed that AEE was the person who took meter reading. In this connection, it is appropriate to refer Clause No. 2.3 of the Designated Officers Notification issued under Clause No. 4 of GTCS by APSPDCL which is as follows:

2.3(Meter reading, (7.1.4 and 7.4.1)

The officers designated for meter reading from time to time as follows:

S. No	Category	Designated officer
1	All LT Categories – Low Value) – Consumer to be specifically informed while reading of meters fixed in Boxes mounted on pole	O & M Staff/Outsourced agencies/persons Designated by the Licensee
2	All LT Categories – High Value) – Consumer to be specifically informed while reading of meters fixed in Boxes mounted on pole	Line inspector/SLI/Foreman/ AE (Operation)
3	All HT services upto 1000 KVA of total contracted demand from all sources including DISCOM	ADE (Operation)
4	All HT services above 1000 KVA of total contracted demand from all sources including DISCOM	DE (Operation)

In this case the service is released under LT Cat - III-B with a contracted load of 82.75 HP and service is billed under LT Cat-III-B with HT metering. So as per the above designed officers notification ADE /Operation has to record the meter reading. But in this case, it was not mentioned who has done the meter reading.

Admittedly as per the version of respondent No.2 the Distribution transformer was replaced on two occasions i.e. on 26.04.2019 and 29.06.2019. The first Distribution transformer was replaced on the same day due to its failure. Respondents failed to state as to why they have not tested the failure distribution transformer to ascertain the reason for its failure.

No reason was given for replacing of the transformer on 2nd occasion i.e. on 29.06.2019. It is also not stated as to why the distribution transformer was not tested by digital tong tester and got it simply replaced.

As per the particulars given by Respondent No.2 in his written statement, the power factor was in between 0.87 to 0.85 from November'18 to March 2019 and it was further reduced to 0.71. After replacement of Distribution transformer on 26.04.2019, it was reduced to 0.57 in May'19 and further reduced to 0.37 in June'19 and further reduced to 0.31 in the month of July'2019. Respondents also not mentioned whether they physically inspected the old capacitors with digital tong tester to ascertain whether they are adequate and in working condition. So also whether they have tested the replaced capacitors with digital tong tester to ascertain whether they were adequate and in good condition. Had the respondents tested both old and new capacitors the problem would have been solved then and there itself.

Complainant filed receipt for purchase of capacitor on 05.04.2019. Respondent No.2 disputing the genuineness of the receipt on the ground that AEE might have advised to replace the capacitors after the receipt of the bill for May'2019 i.e. in the month of June'19. Consumer made a representation to him on 06.07.2019 without enclosing the purchase of the bill for capacitors. So it clearly shows that the receipt is a fabricated one. Respondent No.2 in his entire written statement stated about that consumer failed to replace old capacitors with new adequate capacitors. So the heavy consumption shown in the meter is only due to non-providing of appropriate capacitors and consumer is liable to pay the CC bill. But he did not state as to why the distribution transformer was replaced on 29.06.2019. No test was made for the distribution transformer before replacement. If really there was no defect in distribution transformer, what is the necessity for the respondents to replace it? Admittedly the first distribution transformer was replaced on 26.04.2019 complainant was advised to replace old capacitors after receipt of the bill in the month of May'19 i.e. in June'19. So replacing of capacitors by the complainant subsequent to 05.04.2019 and prior to replacement of 1st distribution transformer on 26.04.2019 does not arise and no reliance can be placed on the receipt dt: 05.04.2019 for purchase of capacitors by the complainant. There is no record to show when the capacitors were actually replaced. But as per the version of respondent No.2 AEE advised the complainant to replace the

capacitors after receipt of CC bill for the month of May in June '19. No prudent man will keep quiet when he came to know that he is receiving huge bills even without consumption and he will certainly change the capacitors to see that he will get CC bills for his actual consumption only. So the version of respondent No. 2 that as the date of replacement of capacitors was not mentioned in the representation of the complainant given to him on 06.07.2019, so it has to be presumed that complainant did not replace the capacitors prior to that date is not tenable. Complainant would have certainly replaced the capacitors immediately after the advice of AEE. Merely because complainant filed a receipt dt : 05.04.2019 to prove that she purchased capacitors and did not mention about it in her representation dt; 06.7.2019, it cannot be held that the complainant did not replace the capacitors at all.

Consumer filed Photostat copy of account of her rice mill to show that mill was not run to its capacity. It is only account sheets of 9 pages of Photostat copies not attested by any authority. So no reliance can be placed on it. Though complainant stated that the mill worked for shorter time during the disputed period, the same cannot be considered without any documentary evidence. It is not possible to say without any evidence that the 2nd distribution transformer which was replaced on 29.06.2019 was in working condition and the abnormal recording of consumption in the meter was not due to the defect in the distribution transformer and it was only due to non-providing of adequate capacitors by the complainant. It is well settled proposition that whenever there is any slightest doubt in the contention of the respondents, the benefit shall be given to the consumer.

The first distribution transformer was replaced on 26.04.2019. Again it was replaced on 29.06.2019. Complainant is entitled for revision of the bill between 26.04.2019 to 29.06.2019.

Admittedly rice mill is a seasonal business. The appropriate provision for calculating the units for the disputed period are given in Clause No. 7.5.1.4 of GTCS. The appropriate provision for the facts of this case is Clause No. 7.5.1.4.2 of GTCS which is as follows:

"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".

Hence the consumption of units for the disputed period has to be calculated as per the above said provision. The consumption of the complainant for the months of April, May and June '2018 was 3077, 4291 and 3000 respectively. The average units per month is 3456 $(3077+4291+3000 = 10368/3)$. Hence the consumption of the complainant for the disputed

period between 26.04.2019 to 29.06.2019 has to be calculated by taking average monthly units of 3456 only. The point is answered accordingly.

5. In the result respondents are directed to revise the bill of the complainant for service connection No. 2222527000789 by taking monthly average units of 3456 for the period between 26.04.2019 to 29.06.2019 and issue revised bill within 15 days from the date of receipt of this order and submit compliance report 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.

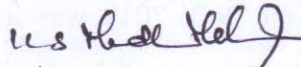
This order is passed on this, the day of 3rd November'2020.

Sd/-
Member (Technical)

Sd/-
Independent Member

Sd/-
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.