

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

On this the 26th day of March' 2021
C. G. No: 278 /2019-20/Ongole Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao
Sri. R.M.M. Baig
Sri. Y.Sanjay Kumar
Sri. Dr. R. Surendra Kumar

Chairperson
Member (Finance)
Member (Technical)
Independent Member

Between

M/s.Indus Towers Ltd,
C/o. V. Madana Mohan Reddy,
Sy.No.133,4-51, 8th Floor,
SLN Terminus,
Gachibowli,
Hyderabad.

Complainant

AND

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

Respondents

ORDER

1. V. Madan Mohan Reddy authorized representative of M/s. Indus Towers Ltd presented a complaint stating that they received an abnormal bill of Rs. 8,46,487/- for their service No. 4222312000207 for the period between April'2019 to November'2019. Meter was changed in the month of April'2019. Prior to the change of meter, their average consumption is 4100 per month but they received CC bill for 12854 units after meter was changed for the period between April'2019 to November'2019. They made a representation to concerned officers but they refused to entertain their representation. Meter was tested and found as 'OK'. But the meter was again changed in the month of November'2019. After meter is changed, in the month of December'2019 after

DESPATCHED

DATE 27/3

change of meter, they received bills as per the consumption. Hence requested to revise the abnormal billing and restore the service till the dispute is resolved.

2. Respondents are directed to restore the service connection No.4222312000207 subject to payment of $\frac{1}{4}$ th amount i.e. Rs.43,200/- from the total amount due for the month of CC bill of January'2020 of Rs. 1,72,654/- and on such payment the service shall not be disconnected for non-payment of balance of arrear amount during the pendency of the complaint before the forum as per orders in I.A. No. 19/2019-20 dt: 28.01.2020.
3. Respondent No.3 filed written submission stating that meter of the service connection No. 4222312000207 of Gollapalli (V) in Tarlupadu (M) was stuck up during 03/2019 and meter was changed on 27.03.2019. Shortfall amount is raised by DPE wing for the stuck up period based on previous consumption of the service. The total back billing amount raised is Rs.67,382/- for the shortfall units of 6697 and included in the demand during April'2019. Further shortfall amount of Rs.85,023/ was imposed on their service by internal audit wing vide IA/Slip No.08/2019 for the same period i.e. 03/2019 and included in the demand during 10/2019. As per the request of consumer, a report was submitted by Dy. EE/O/ Markapur for withdrawal of back billing amount of Rs. 67,382/ raised by DPE wing as the shortfall amount of Rs.85,023.75 is already imposed by internal audit wing referred above for the same period for the same service. Final assessment order was issued duly nullifying the back billing amount of Rs.67,382/- and that amount was withdrawn vide RJ No. 08/06-2020 and communicated to the consumer. High consumption recorded during 06/2019 to 09/2019. Meter was sent to MRT lab for accuracy test as per the request of the consumer. MRT wing tested the meter on 16.09.2019 and stated that meter was found 'OK'. There was no provision to revise the bill amount for the consumption recorded in the period from 06/2019 to 09/2019.
4. Personal hearing was conducted through video conferencing on 18.06.2020. Complainant was absent. Respondent was directed to file audit copy.

5. Respondent No. 3 again filed additional submissions furnishing the details of monthly consumption of the service from 04/2019 to 10/2019 which is as follows:

<u>Month</u>	<u>Units</u>
04/2019	4173
05/2019	9336
06/2019	14449
07/2019	13618
08/2019	14429
09/2019	11845
10/2019	3817

Since the meter condition is 'OK' there is no provision to revise the bill and complaint may be dismissed.

6. Again personal hearing was conducted through video conferencing on 16.02.2021. Rafi representative of complainant and Respondent No. 3 present and heard both sides.
7. Point for determination is whether complainant's service No. 4222312000207 recorded abnormal consumption in between April'2019 to November'2019 is liable to be revised?

The contention of the complainant is that meter was changed in the month of April'2019. Prior to change of meter the average consumption for their service is 4100 units but they have received bill for 12854 units after the meter was changed. The meter was again changed in the month of November'2019 and there after they are receiving bills as per their consumption. The meter was found to be correct when it was tested, they asked for MRT dump as the abnormal consumption is only due to fault in the meter. But it was not provided.

On the other hand, the contention of respondent is that when the meter was tested, it was found 'OK'. They have also filed test report. The bill was received only due to consumption and it cannot be revised.

The written statement of respondent No. 3 shows that meter was stuck up during 03/2019, the meter was changed on 27.03.2019. Hence shortfall amount was raised by DPE wing for an amount of Rs. 67,382/- basing on the previous consumption and included in the demand during April'2019. Internal audit wing also raised shortfall amount of Rs.85,023/- for the same period and included in the demand during October'19. On the request of the consumer, the back billing amount of Rs.67,382/- raised by DPE wing was withdrawn as already shortfall amount is imposed by the internal audit wing for the same period for an amount of Rs.85,023/-

The facts of the case shows that meter was changed on 27.03.2019 on the ground that it was stuck up. Again, as per the version of complainant the meter was changed in the month of November' 2019. The consumption for May'2019 is 9336 units, June'2019 is 14449 units July'2019 is 13618, July 13447, August' 2019 14429, September'2019 is 11845, October'2019 is 3817 and November'2019 is 9302 units. The consumption in May'2019 and in May'2020 is almost similar i.e. (9336 in 05/2019 and 9023 in 05/2020)

On observation of consumption pattern during 04/2018 to 05/2020 of the consumer, the consumption range is in between 2308 units and 9302 units. Consumption of the service never exceeded more than 10000 units in any month from April' 2018 to May'2020 except during the months of 06/2019 to 09/2019.

As per written submission submitted by Executive Engineer/O/Markapur that the meter was replaced on 27.03.2019 due to stuck up and again meter was replaced on 26.08.2019 on the complaint of recording high consumption recorded during 05/2019 to 09/2019. The meter sent to MRT Lab, Ongole for checking accuracy test as per the request of the consumer. The copy of the meter test report vide Lr. No. AE/LTM/ONG. F. No. TR/D. No. 1452 /19/Dt: 16.09.2019 shows that meter was received by the lab on 12.09.2019. The report is as follows:

“The above said service meter was brought to MRT Lab, Ongole by the consumer for challenging of meter. The consumer paid fee of Rs.500/- vide PR. No. (Not clear) dt : 23.08.2019 . The meter was tested in the presence of consumer & departmental staff S.K. Munier (Rep) A .Muthaiah /S.L.I. /Tarlupadu” . (The report is not completely legible)

So the above report and the written submission of respondent 3 shows that challenge fee was paid on 23.08.2019 , meter was replaced on 26.08.2019 , meter was received by the lab on 12.09.2019 and report was dispatched on 16.09.2019 . The meter report did not disclose on what date the meter was tested in the lab.

It is relevant to refer Clause 7.5.1.2 of GTCS which is as follows:

“The associated circuitry including CT/PT shall be tested at the premises of the consumer. In addition wherever the consumer disputes or otherwise considered necessary, the Inspecting Officer shall also ensure that the meter, which is found to be defective at the time of inspection, is sent to the MRT laboratory for testing after replacement with a correct meter. The testing at MRT shall be conducted by an officer notified by the company as per Designated Officers’ Notification in the presence of the consumer (or his authorised representative) who should be given at least two weeks advance notice by the company. He shall send the Meter Test Report to the Officer authorised as per Designated Officers’ Notification to issue assessment notice, within 3 days from date of testing with copy to consumer and all other concerned”.

Respondents did not file any material to show that they have followed the above procedure. Respondents also did not record the consumption of energy in the premises of the complainant with check meter to ascertain what is the exact consumption at the relevant point of time in the premises? It is an admitted fact that meter will be tested in the MRT lab under certain conditions. There may be possibility of sudden jump in recording of consumption of units due to system disturbances.

This forum is competent to decide on the aspect of consumption of energy when the consumer disputes about the recording of units in the meter.

The relevant Clause is 7.3.6 of GTCS which is as follows:

“Where any difference or dispute arises as to where any meter fixed to a service to record the amount of energy supplied to a consumer is or is not correct, the matter

shall be decided by the Forum for Redressal of consumer Grievances constituted in accordance with Section 42 (5) of the Act, on application by consumer”.

The contention of the respondents since the meter performance is satisfactory, it has to be presumed that complainant consumed the energy as per the recording in the meter is not tenable in this case as the pattern of consumption shows that the consumption never exceeded 10000 units in any month from January'2016 to May'2019 and from October '2019 to December'2020 except in the months of June'2019 to Septemebr'2019. It is an admitted fact that there is no change in the connected load during the above said period. Testing of the meter is one of the methods to ascertain whether actual consumption is recorded and levied as per the respective tariff rates. But it is not a sole criteria to determine the consumption and other factors have also to be taken into consideration when the consumption pattern for about four years is otherwise though there is no change in the connected load and that too when consumer raised a dispute with regard to the performance of the meter claiming that his average consumption never exceeded about 4100 units . Respondents did not give any explanation as to why they failed to provide MRT Dump

The meter was replaced on 26.08.2019. Complainant in his complaint categorically stated that after replacement of meter, the meter recorded as per their consumption. Hence the dispute period is only for the months of May'2019 to Septemebr'2019. The consumption in May' 2019 and in November'2019 is 9336 and 9302 units and in May'2020 is 9023 units respectively. The units recorded in the month of November'2019 and May'2020 is only after replacement of the meter ~~is~~ on 26.08.2019. So the contention of the complainant is that the bill for May'19 and November'2019 is also to be revised cannot be taken into consideration as the consumption in the month of November'19 is after replacement of meter and it is also almost similar to the consumption in May'2020. Since the consumption recorded in June'2019 to September' 2019 is more than 10000 units and the same may be due to sudden jump in the meter due to system disturbances. Hence the same is liable to be revised.

The relevant clause for computation of assessed units where the meter is found to be defective is provided in Clause 7.5.1.4 of GTCS. The relevant provision taken into consideration in this case is Clause No. 7.5.1.4.2 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”.

This forum is of the opinion that average consumption for three months i.e. May'2018 to July'2018 during preceding 12 months can be taken into consideration for arriving the average consumption in the disputed period. The consumption in the months of May'2018 to July'2018 is 3530, 3292 and 6906 respectively. The average consumption is 4576 units. The average consumption of 4576 units can be safely taken for arriving the consumption of the units for the service during the period between May'2019 to September'2019.

Respondents are directed to revise the bill taking the average consumption of the service as 4576 units per month for the months of May' 2019 to September'2019. The point answered accordingly.

8. In the result respondents are directed to revise the bill for the months of May' 2019 to September'2019 by taking average consumption of units as 4576 per month within 15 days from the date of receipt of this order and submit compliance report within 15 days thereon. The amount paid if any by the complainant as per orders of this forum in I.A. No. 19/2019-20 dt : 28.01.2020 shall be adjusted in future bills.

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 26th March'2021.

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

Forwarded By Order

[Handwritten Signature]
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 (Chief General Manager (O&M)/ Operation)/ CGRF/ APSPDCL/ Tiruati.
Copy to the Chairperson/CGRF/APCPDCL/Vijayawada
Copy submitted to the Chairman & Managing Director/APCPDCL/Vijayawada
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.