

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

**On this the 26<sup>th</sup> day of November 2019**

**C.G.No:46/2019-20/Vijayawada Circle**

**Present**

**Sri. Dr. A. Jagadeesh Chandra Rao**  
**Sri. D. Subba Rao**  
**Sri. A. Ramdas**

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

**Between**

M/s. Rajeswari Rice Mill,  
24/415, Fort Road,  
Gangamma Temple,  
Machilipatnam,  
Krishna -Dist.

Complainant

**AND**

1. Assistant Accounts Officer/ERO/Machilipatnam
2. Assistant Executive Engineer/O/ Machilipatnam South
3. Deputy Executive Engineer/O/ Machilipatnam
4. Executive Engineer/O/Machilipatnam

Respondents

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**ORDER**

1. The case of the Complainant is that they are having service connection No. 6222214024625. They are not running the rice mill since 15 years. They are using only for lightening purpose. The consumption in every month is 500 units and they are receiving monthly bill for about Rs.7,500/-. Regularly respondents are conducting periodical checking's regularly.

On 19.08.2017 AEE/O/D1/APSPDCL/MTM, AE/CT Meters /VJA inspected the service and issued a bill for Rs.43,775/-. On the same day in writing he requested 'Tamper Status Report/Scan Report', but the report was not given till the date of presentation of the complaint. He also sent his objections to EE/O/ Machilipatnam. He also paid the bill amount without prejudice to his contentions. Subsequently provisional assessment notice was served on him without enclosing the calculation sheets and data sheets. He has also paid Rs.24,176/-. Thus he totally paid Rs.67,951/-. There is no change of consumption of energy even after change of meter and it is constant on 19.08.2017. Hence requested to revise the bill and return the amount paid by him.

2. Respondent No.4 filed written submission stating that the service connection was released under Category-3. On 19.08.2017, the meter was inspected by AAE /CT Meters/M&P/ Vijayawada and observed that the meter was recording less energy

**DESPATCHED**  
**DATE 30/11**

consumption with an error of (-) 48.52%. Consumer paid an amount of Rs.43,775/- on 01.09.2017. A provisional assessment was issued on 23.05.2018. MRT report reveals that the meter was recording less energy " B' Phase current is low in the meter from 02.02.2017. Hence the short billing was done for Rs.48,352/-. Consumer has paid 50% of the case amount of Rs.24,176/- on 28.07.2018. Since the balance amount was not paid it was included in CC bill in the month of February'19. Finally assessed on 20.05.2019. Complainant is liable to pay an amount of Rs.48,784/-

3. Personal hearing was conducted on 14.11.2019. Complainant also filed written arguments.
4. The points for determination are:
  1. Whether the bill issued on 19.08.2017 for Rs.43,775/- on the ground that 'R' phase shortfall reading with an error of (-) 48.52% is liable to be revised?
  2. Whether issuing of final assessment towards back billing for 6 months from 02.02.2017 to 19.8.2017 for Rs.48,352/- is liable to be withdrawn?

The contention of the complainant is that there is no milling activity since 15 years in the premises. He is using the service connection for lightening purpose. Meter reading was taken every month. He used to pay the bill received by him. The bill paid by him during the last 15 years is ranging from Rs.6,000/- to Rs.7,500/- only, they never exceeded the contracted load of 50 HP since 2002 . The meter has to be replaced when meter error exceeds 3% as per Sec. 55 of Indian Electricity Rules, 1956. But the rule was not followed though he insisted tamper status report /scan report that was not given to him till today. Meanwhile respondents also served back billing notice for the last 6 months for an amount of Rs.48,352/- calculation sheets were not furnished to him. Even after installation of new meter their monthly bills never exceeded Rs.7,500/- There is no defect in the old meter. Issuance of bill for back billing is arbitrary and liable to be set aside.

On the other hand respondents stated that the meter was checked by AAE/CT Meters/VJA on 19.08.2017 and found percentage error of (-) 48.52 % .As per MRT data 'B' phase current is low in the meter from 02.02.2017. Hence back billing was given from 02.02.2017. They have also furnished the copies of test report. According to test report there is a voltage drop in 'R' phase and the error is (-) 48.52 %.

Respondents raised a bill for an amount of Rs. 43,775/- on the ground that units billed in Aug' 17 was just for 51.48% only due to meter defective of 48.52%. Again a shortfall bill was raised from 02.02.2017 for an amount of Rs.48,352/-.

According to respondents the meter was previously tested prior to 02.02.2017. So back billing was given from 02.02.2017 to 19.18.2017. Except the oral contention of respondents that the meter is defective from the date subsequent to the meter checking in Feb'17, there is no documentary evidence to support the version. There is a possibility of having defect in the meter even just before testing the meter. System disturbances can be happened at any time. So the contention of respondents that on 19.08.2017 they found voltage recorded in 'R' phase is (-) 48.52%, hence they have

taken the defect from the next date of previous testing of the meter is not supported by any scientific data. Complainant on oral request by the Forum furnished the copy of the bills for the months Apr'17 to July'17. The power factor in all the 4 (four) bills is shown as 1.00 whereas the power factor is shown as 0.06 in the bill issued dt:19.08.2017. So it clearly shows that the power factor was abnormally dropped resulting in high recording of 5725 (KVAH) units while recording 326 (KWH) units. The bill was raised basing on the above said units. The above data clearly indicate that the defect was taken place in the meter only in the month of Aug'17 and not earlier. So raising shortfall bill for 6 months is not correct and supported by any documentary evidence.

According to respondents the meter was found defective on 19.08.2017. Then how the respondents can raise the bill for the month of Aug'17 only basing on the reading recorded in the defective meter? Respondents have not filed any documentary evidence that under which provision they are entitled to take some of the readings to raise bill from a defective meter.

Admittedly the meter was changed on 19.08.2017. It is found from the account statement that the consumption pattern subsequent to change of the meter is ranging from 392 units to 600 units from Oct'17 to Sep'18. So also the maximum units consumed in between Oct'18 and Oct'19 is 650 units in the month of May'19. The account statement from Jan'16 to Feb'17 shows that units consumed in the month of Jul'16 was 998 units, Oct'16 was 663 units and 637 units in May'16. Except in these three months the consumption in the remaining months is less than 600 units in other months. So taking the consumption pattern from Jan'16 to Oct'19 also it can be safely concluded that in the entire period of above 3 ½ years mentioned above the average consumption is about 600 units except in 1 or 2 months. So even if this fact is taken into consideration raising of bill for the month of Aug'17 for Rs.43,775/- and raising of short fall bill amount of Rs.48,352/- is not supported by any material and hence not sustainable and liable to be withdrawn.

Clause No. 7.5.1.4, 7.5.1.4.1 and 7.5.1.4.2 of GTCS are 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".*

The consumption of units for the month of Aug'17 has to be calculated as per the above said provision i.e. 7.5.1.4.2. Units consumed by the complainant in the months of Oct'16 to Dec'16 is = 663+ 462+583 i.e. 1708/3 =569.33 rounded to 570 units. Bill for the disputed month of Aug' 17 has to be calculated by taking the consumption as 570 units.

5. In view of the above reasons respondents are directed to revise the bill taking the consumption units for the month of Aug'17 as 570 units by duly withdrawing the bill raised for Rs.43,775/- and also shortfall bill amount of Rs. 48,352/-. The excess amount collected from the complainant if any shall be adjusted in future bills. Respondents are directed to comply with the orders within 15 days from the receipt of this order and submit the compliance report within 15 days thereon.

If aggrieved by this order, the Complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh**, 3<sup>rd</sup> 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.

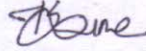
This order is passed on this, the day of 26<sup>th</sup> November 2019.

Sd/-  
**Member (Technical)**

Sd/-  
**Member (Finance)**

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 , 3<sup>rd</sup> 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, 4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.