

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

On this the 2nd day of June' 2021

C.G.No:158/2019-20/ Anantapur Circle

Present

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

Chairperson
Member (Technical)
Independent Member

Between

A.Ramanatha Reddy,
Area Manager,
Jio Infocomm Ltd.
Tower Mall, 4th Floor,
Anantapur.

Complainant

AND

1. Assistant Accounts Officer/Tadipatri CCO
2. Assistant Executive Engineer/O/Putlur
3. Deputy Executive Engineer/O/Tadipatri CCO
4. Executive Engineer/O/Gooty

Respondents

ORDER

1. This complaint is filed by one A. Ramanath Reddy of Anantapur on behalf of M/s. Reliance Jio Infocomm Ltd. stating that they are having service No.7241239001047 – JIO ID: 1-AP-PUTL-ENB-9004 for their Reliance JIO tower at Ellutla (V) Putlur(M), Anantapur Dt. The said service received first bill in the month of January'19. After repeated persuasions they observed that they received huge electricity bill with huge KWH readings discrepancy in the months of February'19 and March'19 and the same was identified and escalated to the officers. Then the meter was replaced in May'19 with new one and old one was sent for testing. After testing it was found that meter is working normal and the memory of the meter is found with 13505 KWH, but the bills were received with the readings like 71490/90792 KWH which is not suitable to the meter reading so that as a proactive measure they have calculated the actual site load and given below for ready reference.

DESPATCHED
20/06

I-AP-PUTL-ENB-9004	
Current	7.9 Amps
Voltage	230V
Power	1798.83
KW	1.79883
Per Day Units	43.17192
Per Month Units	1295.158
Taking per unit charge	9.8
Per Month Bill	12692.54

Average units consumption: 1300 units per month

Number of months from 10.04.2017 to 31.07.2019 i.e. 27 months

Total amount 27 x 12692.54 = 342698.58.

The subject site was powered on 10.04.2017 and they received first electricity bill on 10.10.2018. Since then abnormal bill with high energy was issued and asked them to pay the issued amount around Rs.10,00,000/-. But as per site load calculations it may not charge more than 3.5 lakh and out of this they have already paid Rs.1,73,758/-. Hence look into the issue and resolve the grievance to enable them to pay the balance amount.

- Respondent. No. 1 filed written submission stating that meter was installed to the service on 11.07.2017. Due to non-updation of turnkey payments in CSC portal the service could not be released in the same month, after pursuance of payment from Corporate Office and IT wing the said service was released on 03.08.2018. The meter readings were not recorded properly from the date of supply to 01/2019 and the accumulated actual reading was billed in 02/2019. Due to this, huge demand has been issued CC charges bill for Rs.6,46,641/- and for Rs.2,04,688/- in 03/2019. Due to nonpayment of CC charges the service was disconnected and the service was billed in

UDC in 04/2019. Complainant registered a complaint for meter challenging test then the meter was replaced with IRDA port meter in 05/2019. As per the request of the complainant the meter is tested on 23.03.2019 in MRT test bench and certified that the meter is 'OK'. As complainant aggrieved with the testing the meter was again sent to MRT test bench on 27.07.2019 for testing as per the test record the meter is 'OK' with meter readings shown KWH '13504.9' and KVAH '17189.5'. After recording one (1) lakh units the meter dial will change automatically and reading starts from '1' and shown reading in testing on 27.07.2019 as KWH 13504.9 and KVAH 17189.5. Due to lack of technical knowledge on meters complainant suspected that how meter readings are less in 07/2019 when compared to 03/2019 and presented a complaint to this forum. Due to dial change of difference of units is to be billed and demand to be raised as follows:

	KWH	KVAH
Already billed	90792	93811
To be billed as per dial change	13504.9	17189.5

Demand to be raised for 22712.9 KWH units. The bills issued are correct

3. Complainant filed an application for reconnection of the service connection and not to disconnect the same till the disposal of the complaint before this forum. Accordingly an order was passed for reconnection of the service No. 7241239001047 in I.A. No. 10/ 2019-20 with a condition to deposit 1\4th of the disputed amount i.e. Rs. 2,19,100/- and on such payment the service shall be restored and not to disconnect till the disposal of the case before this forum and with a further direction he is liable to pay current CC bills.
4. Personal hearing was conducted on 15.06.2020 through video conferencing. Heard both parties. Both parties reiterated their versions mentioned in the pleadings.
5. Respondent No.4 filed written submission separately after personal hearing on similar lines and further stated that complainant is requesting to average the bill from 07/2017 to 03/2019 based on October'19 consumption.

6. This forum after considering the material on record, passed an order directing the respondents to revise the bill and issue bill from the actual date of releasing of service connection as per the version of the complainant i.e. 10.04.2017 to till the meter was replaced on 22.03.2019 with a Final Reading of '90792' and second bill from the date of change of meter i.e. 22.03.2019 with initial reading of ' 0 ' and issue revised bill within 15 days from the date of receipt of this order and submit compliance report within 15 days thereon. The amount paid by the complainant as per orders in I.A. No. 10/2019-20 shall be adjusted in the revised bill.
7. Aggrieved by the orders of this forum, a representation was filed by one Rebbapragada V.S. Ramarao, authorized signatory of Reliance Jio Infocomm Ltd . The Hon'ble Ombudsman was pleased to set aside the order of the forum and remand the case to the forum to give a finding on the point whether the grievance in the complaint, as pointed by the complainant is properly explained by the respondents and then determine the complaint afresh on merits. The forum shall restore this case to its original number on its file, issue notice to both parties and give an opportunity to file additional pleadings and lead evidence, if parties want to do so, before the case is decided afresh on merits.
8. In obedience to the orders of the Hon'ble Ombudsman notice was issued to parties to file additional submission if any and lead evidence if parties want to do so. Complainant did not choose to file any additional written submission or evidence.
9. It is pertinent to note that the original complaint was filed before this forum by one A. Ramnath Reddy, Manager whereas the representation before the Hon'ble Ombudsman was filed by Rebbapragada V.S. Rama Rao as authorized signatory.
10. Respondents filed additional written submissions. The contents of additional written submissions are almost similar in nature to that of earlier written submissions. The further contention of respondents is that consumer is requesting for average billing from July'17 to March' 19 based on the consumption in the month of October' 19. The recorded load of the service in September'20, October' 20 and November' 20 is 12.5 KW as per normal condition minimum units also 3000 per month will be arrived (12.5 KWX 8 Hrs per day X 30 days = 3000 approximately per month) Assessed period =

24 months from April' 17 to March' 19 and total units will be 72000 units. The request of consumer is not acceptable for average billing based on October' 2019 consumption. The meter was duly tested by the MRT wing and the results are OK.

11. Point for determination is whether the complainant is entitled to be permitted to pay CC bills as per his own calculation made by him for consumption of electricity or as per the alleged final meter reading of 13505 depicted in the second meter test held on 27.07.2019 for the period between 10.04.2017 to 22.03.2019 ?

In the representation submitted to Hon'ble Ombudsman, it is mentioned that the bill may be raised based on the actual load consumption data provided by the complainant or alternatively on the basis of final meter reading. The final reading at the time of second test conducted on 27.07.2019 is 13504.9. The contention of the respondents is that meter was dialed over i.e. after completion of 100000 units again the meter by default start with '01' unit and it was showing 13504.9 at the time of second test report. So complainant is liable to pay for 1,13,504.9 units i.e. reading of first meter and reading of 767 units in the second meter. The final reading noted by the staff of the respondents at the time of removal is 90792. Meter change slip available in the record shows that the old meter final reading is KVAH 93811 and 90792 KWH. Unfortunately the final reading of the meter was not mentioned in the first test report. Report also did not disclose who was present on behalf of the complainant at the time of inspection and also failed to obtain the signature of the representative in the first test report. Complainant taking advantage of the lapses occurred on the part of the officers who conducted first meter test report disputed the correctness of the report and at the request of the complainant again test was conducted. Now complainant is seeking to raise bill of the final reading of '13504.9' for the entire period from 10.04.2017 to 22.03.2019. i.e. for about 2 years or in alternative at 1300 units per month for 27 months. Complainant is also seeking to raise bill basing on the October' 2019 consumption. Complainant has not placed any authority before the Forum that complainant is entitled to have consumption bill for the previous period basing on the consumption of subsequent period. In the absence of

any authority to that effect, complainant is not entitled to get the bill for the previous period basing on the consumption of subsequent period.

Another objection raised by the complainant is that after testing the meter reading is 13504.9 KWH, but they received bill for 71490 KWH or 90792 KWH which do not suit the meter reading. Respondents have clarified that the meter reading at the time of second test report which was conducted after 27 months is 13504.9 after dial over of one lakh (100000) units. So according to respondents the final reading at the time of conducting meter test is 1,13,504.9, Complainant is insisting that bill has to be raised only on 13500 units (recorded units in the second meter test) or 1300 units per month as per their calculation of consumption. Even assuming the consumption of 1300 units per month given by the complainant is correct, total units will be 1300 units x 27 months = 35,100 units. But it will not be 13500 (units noted at the time of testing meter on 2nd occasion) under any stretch of imagination. Complainant did not show any supporting documentary evidence that average consumption will be 1300 units only per month.

According to respondents the connected load is 12.5 KW, under normal conditions, if the service is used for 8 Hrs per day, the monthly consumption will be around 3000 units and for 2 years it will be around 72000 units. If the complainant used power more than 8 Hrs in some days in a month it will be more than the claim made by the complainant. Admittedly the services utilized for a cell tower, it is well known fact that cell tower will be in operation round the clock i.e. 24/7 per year.

Though respondents have given explanation for the difference in the memory of the meter and reading mentioned in the bill, this forum took a view that as the first test report was not conducted as per the prescribed procedure, the final reading has to be taken as '90792' and not as '1,13,505' units and also on the ground that meter was tested second time after 4 months and 4 days of first test report.

No additional written submission and evidence is submitted by the Complainant to show that complainant is entitled to take the final reading of '13505' units only in the second test report as the consumption for 24 or 27 months,

Complainant also failed to show that the version of the respondents is not correct by supporting with any material or documentary evidence. No additional material is placed before this forum after the case is remanded.

When the meter was found in good condition in test report and when respondents gave valid reasons for appearing units of consumption at the time of second test report as "13505 units", Complainant is not permitted to raise dispute in respect of recording units in meter.

The initial burden is always lies on the complainant. He cannot succeed only basing on omissions and commissions committed by the employees of the licensee. Electricity is a national resource. He is liable to pay for the energy used.

In the absence of any material filed by the complainant, there are no grounds to revise the orders passed by the forum on 31.08.2020. The point is answered accordingly.


12. In the result respondents are directed to revise the bill and issue bill from the actual date of releasing of service connection as per the version of the complainant i.e. 10.04.2017 to till the meter was replaced on 22.03.2019 with a final reading of '90792' and second bill from the date of change of meter i.e. 22.03.2019 with initial reading of '0' and issue revised bill within 15 days from the date of receipt of this order and submit compliance report within 15 days thereon. The amount paid by the complainant as per orders in I.A. No. 10/2019-20 shall be adjusted in the revised bill.

Sd/-
Member (Technical)

Sd/-
Independent Member

Sd/-
Chairperson

Forwarded By Order


Secretary to the Forum

This order is passed on this, 2nd the day of June'2021.

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.**

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)/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.