

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 31st day of May' 2021
C.G.No:275/2017-18/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. Sankaraiah,
1-255,
Ist Floor,
Ganesh Nagar Post,
Tadipatri,
Anantapur Dt.

Complainant

AND

1. Assistant Executive Engineer/O/Tadipatri Rural
2. Deputy Executive Engineer/O/Tadipatri
3. Executive Engineer/O/Gooty

Respondents

ORDER

1. The case of the complainant is that he is having ISC bearing No. 7231127001351. Though he had represented to the ADE that his unit has not worked in the months of September'2017 and partially during October'2017 bills have been issued un-authorizedly for Rs.16,179/- and Rs.12,083/- respectively for the above months. He had requested to arrange to issue the bills for the actual meter readings during the above two months.
2. The respondent No. 2 in his written submission has stated that the meter of the complainant's service was found no display in the month of 10/2017 and hence bill was issued basing on the average consumption units. The defective meter was

changed on 30.10.2017. Complainant has not availed supply from 06.10.2017 to 13.10.2017 since 33/11 KV sub-station at Sajjaladinne was sub merged and the breakers in the substation were also partially sub merged with water due to heavy rains in rural section, Tadipatri. An amount of Rs.3,331/- was withdrawn vide RJ No.17/11-2017 towards the withdrawal of average units billed from 06.10.2017 to 13.10.2017 as the complainant has not availed any supply due to submerging of 33/11 KV Sajjaladinne Sub-station.

3. A personal hearing was conducted on 11.07.2018 for which both the respondents and complainant attended and reiterated their earlier versions.
4. Relying on the written submissions of the respondents coupled with reiteration of existing provisions in Clause No. 7.5.1.4.1 of GTCS by the respondents during personal hearing, this Forum has dismissed the complaint.
5. Aggrieved by the orders of the Forum, the complainant preferred representation before the Hon'ble Vidyut Ombudsman. The Hon'ble Vidyut Ombudsman vide Appeal No.23 of 2018 has set aside the orders of the forum and remanded the case with a direction to dispose of the case afresh on merits on all aspects including the aspects pointed out in appeal order in accordance with the provisions of GTCS, 2006 and the relevant regulations made under the Electricity Act, 2003.
6. Notices have been issued to both the respondents and complainant to file their additional submissions if any within 10 days.
7. Again personal hearing through video conferencing was conducted on 13.08.2020. Complainant and respondents attended and reiterated their respective versions.

8. The complainant in his additional written submission raised objection in issuing of average three months bill for the months of September'2017 and October'2017 and requested to waive the same.
9. After conducting personal hearing on 13.08.2020 after considering the material on record this forum found that there are no merits in the complaint and complaint was dismissed accordingly
10. Aggrieved by the dismissal of his representation, complainant preferred a representation to Hon'ble Ombudsman in Appeal No.24/2020-21. The Hon'ble Ombudsman was pleased to allow the representation, set aside the order of the forum and remanded the case to the forum with a direction to decide the matter whether the old meter fixed to the appellant/consumer is or is not correct as per Sub -Clause 7.3.6 coupled with other sub clauses of Clause. 7.3 of GTCS and then, decide the complaint afresh on merits in accordance with law.
11. In obedience to the orders of the Hon'ble Ombudsman notice was issued to both parties to file affidavits in lieu of evidence if any within 15 days from the date of receipt of notice.
12. Point for determination is whether the complainant is not liable to pay the bill raised for average units as per Clause. 7.5.1.4.1 of GTCS for the disputed period of September'2017 and October'2017?

Complainant and respondents did not choose to file affidavits in lieu of their evidence. Complainant requested this forum in personal hearing that his representative will submit arguments on his behalf. Executive Engineer represented the same person is intending to represent in all the cases posted for hearing

pertaining to Gooty division. Complainant did not file any application stating reasons as to why another person is required to submit arguments on his behalf. Non practicing advocate could not be permitted to represent others without prior permission in writing. Complainant was advised to submit his version in writing within 7 days from the date of personal hearing. Accordingly complainant submitted his version. The query raised by the complainant in his letter is in respect of the proof of test report of the removed meter stating that whether there is defect in the removed meter or not?

Executive Engineer represented that the meter was not sent to laboratory, the meter was inspected in the presence of consumer and he also signed in the test report. Executive Engineer also had shown the test report containing the signature of the complainant at the time of personal hearing to the complainant and complainant admitted his signature in it.

Though complainant submitted additional submissions after personal hearing, he did not state anything under what circumstances he signed in the report while the meter was changed by the inspecting authority M. Srinivasulu/AE/CTM/ Tadipatri . Respondents sent the inspection notes dt: 31.10.2017 and 20.04.2018 stating that the meter was removed on 31.10.2017 and 20.04.2018 on account of no-display in the meter. The inspection notes 31.10.2017 is relevant for the purpose of this case. The inspection notes says that as complainant was present and he signed in English.

The contents of Para 3 of the report shows that under Column No. VII incriminating points:

“In the reference above cited and also intimation from AE/R/TDP for replacement of no display meter the service was inspected on 31.10.2017 and found

that meter was no display but meter terminal voltages and load side voltages are normal. Hence the meter box was replaced with another meter box with CTR 200/SA . MF remains same as one”.

Meter removed on account of non -display. The contention of the complainant in the personal hearing is that he did not know the contents of the report and simply signed in it. It appears that the complainant took a plea before Hon’ble Ombudsman that the employees of licensee stated that truth will come out only after the meter was tested in the laboratory and they will send CC bills along with laboratory report to him and obtained the signature. This fact was not at all mentioned in his first complaint before this forum. No application was filed by him to send the meter for testing immediately after he received alleged abnormal bills. So also no application is filed before the forum that the employees of the licensee informed to him that meter will be sent to laboratory for test and that the truth will come out in the meter test report and obtained his signatures. But he was not furnished with test report. It appears that complainant came with this plea only after respondents reported that complainant signed in the inspection report.

According to the respondents, while mechanical meters are in service there was a problem of ‘stuck up’ in the meters. When mechanical meters are replaced with electronic meters, there was a problem of ‘no – display’ in the meters. The meter will be sent for testing if the consumer disputes the working condition of the meter. Then that consumer has to pay challenge fee as provided under Clause. 7.3.3 of GTCS and in that case the meter will be tested as per provisions of Clause.7.3.4 of GTCS. In this case as no application was submitted by the complainant for testing of the meter and as there was ‘**no display**’ in the meter, the

meter was removed in the presence of the complainant. So, the meter was not sent for testing. Taking advantage of the fact that the meter was not sent for testing, complainant is insisting for test report. When the meter was not sent for testing the question of furnishing test report does not arise at all. The contention of the complainant is that he does not aware of the contents of the inspection report prepared at the time of replacing the meter cannot be considered as it was specifically mentioned in the report that there was "no display" but meter terminal voltages and load side voltages are normal. "Had really complainant was sure that the meter is working normally but it was wantedly removed by the employees of the respondents under a pretext of sending it for a test, he would have certainly objected and would have made a endorsement to that effect in the test report or send a letter to the higher authorities that the meter was removed by the field staff though it was working properly". Had really complainant requested to send the meter for test, respondents would have certainly advised the complainant to pay the challenging fee and would have sent the meter for testing on payment of challenging fees by the complainant.

So the contention of the complainant is that meter is in good condition. But it was replaced intentionally cannot be believed.

The normal procedure is when the meter is not functioning and found defective, the number of units to be billed is determined by taking average of the electricity supplied during the preceding three billing cycles or basing on any three consecutive billing cycle during preceding 12 months when the conditions with regard to working were not different as per provisions of Clause. 7.5.1.4.1 and Clause. 7.5.1.4.2 of GTCS which are as follows;

Clause No. 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.

Clause No. 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 three (3) consecutive billing cycles during the preceding 12 months when the conditions of working were not different”.

It is well settled law that the person approaching the forum has to adduce satisfactory evidence or material to prove his contention. The version of the complainant cannot be accepted only basing on the omissions and commissions alleged to have been made by the employees of Licensee. The initial burden is always on the complainant. The forum can only intervene when the field officers violates any provisions in the GTCS or regulations or guidelines issued by Hon'ble APRERC from time to time. The contention of the complainant that since Clause.7.5.1.3 of GTCS is not applicable for the meters which have no display. So respondents are not entitled to follow the subsequent clauses is not tenable. Though there is no specific mention about 'no display' of meter as in Clause. 7.5.1 of GTCS, the practice adopted by the field officers for 'stuck up meters' and no-display

meters is one and the same. Non action by the complainant immediately after the meter was replaced to submit an application for testing is itself sufficient to say that respondents are not expected to send the meter for test, when there is no objection by the consumer. There is no need to revise the order passed by this forum earlier.

Hence the order passed by this forum on 25.09.2020 is confirmed.

In view of the above reasons, the Forum is of the opinion that the average billing issued to the complainant's service is in accordance with the provisions of GTCS Thus the point is answered accordingly.

13. In the result the complaint is dismissed.

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 31st May'2021.

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 (Chief General Manager (O&M)/ Operation)/ CGRF/ APSPDCL/
Tiruati.

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.