

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

**On this the 24th day of September 2020
C.G.No:01/2020-21/ Tirupati Circle**

Present

Sri. Dr. A. Jagadeesh Chandra Rao

Chairperson

Sri. A. Sreenivasulu Reddy

Member (Finance)

Sri. V. Venkateswarlu

Member (Technical)

Sri. Dr. R. Surendra Kumar

Independent Member

Between

M/s. R.K. Granites,
Industrial Estate,
APIIC Extension,
Konga Reddy Palli,
Chittoor.

Complainant

AND

1. Assistant Accounts Officer/ERO/Chittoor Town
2. Assistant Executive Engineer/O/Konga Reddypalli
3. Deputy Executive Engineer/O/Chittoor
4. Executive Engineer/O/Chittoor Town

Respondents

* * * *

ORDER

1. The case of the complainant is that she is having LT CT Service connection No.5112402004067. She received a shortfall bill for Rs 1,68,737/- on the ground that the meter was stuck up and sluggish for the period from 05/2019 to 09/2019 with shortfall billed units of 24209. As per the internal audit report, the meter is not functioning properly and recording less energy consumption from May'19 to June'19. Shortfall billing has to be done by assessing the average units for the meter defective period. The meter was stuck up from July'19 to August'19 and shortfall billing has to be done by revising the average billed units for the meter stuck up period.

The LT CT meter was inspected by AEE/ O/ K.R. Palli regularly and issued CC bills every month The payments were paid by her within due date. As per the office records the meter was functioning properly from April '18 to June' 19 and the meter is in live status (01). Meter has recorded 4127 units during May'19 and 6262 units during June' 19. The meter was stuck up from July'19 to August' 19. AEE/O/ K.R. Palli has

DESPATCHED
DATE 26/9

recommended the average units for July'19 as 10060 units and August'19 as 9994 units duly inspecting the premises. The stuck up meter was also replaced on 07.08.2019.

As per the guidelines of Hon'ble APERC, LT CT meter has to be tested periodically for every 6 months by MRT wing. The CT meter was inspected on 31.12.2018. The next due date for inspecting the service was 30.06.2019. But the periodical testing was done on 07.08.2019 and after 8 months and it was noticed that meter was 'NO DISPLAY'. The meter was replaced with new one on 07.08.2019. There is a departmental lapse in finding and replacement of No Display meter within the stipulated time. If no display meter was replaced earlier in time and records the actual consumption there is no need to assess the average units for 2 months meter stuck up period. Due to this lapse, shortfall units are also recommended for 2 months i.e. for meter sluggish period. She is not aware of average electricity billing is to be done under meter sluggish period and meter stuck up period. There is no written communication from the respondents in respect of defect of the meter. Even though the meter was functioning properly during May' 19 and June' 19 and the meter is in live status (01) instead of recording low consumption officers are stating that meter was recording less consumption and the meter was found to be defective. Now they are not in a position to pay shortfall amount due to their financial position. Due to fluctuations in the business she is not utilizing the supply properly for the above discrepancy period and the machinery also got repaired at that time. There will be up & downs in the granite business due to market fluctuations. Hence consumption of electricity units may vary from time to time during November '19 and December' 19 also she did not utilized the supply properly and the actual consumption was reduced to 849 units and 4675 units respectively.

Complainant is therefore requesting for reconnection of the service connection without insisting the shortfall amount till the finalization of the case so as to run the industry smoothly and withdraw the notice for shortfall billing considering their plea of not utilizing the supply from 05/2019 to 08/2019.

2. Respondents No. 1, 2 and 4 filed written submission separately but the contents are similar in nature.
3. Complainant filed an application for restoration of the service connection, Accordingly an order was passed for restoration of service connection subject to payment of ¼ th of

the amount i.e .Rs.42,200/- within 7 days from the date of receipt of this order and the same shall not be disconnected during the pendency of the complaint before this forum as per the orders in I. A. No. 2/2020-21/Tirupati Circle.

4. The industrial SC No. 5112402004067 with CT meter is in the name of the complainant with a contracted load of 74.8 HP under Cat -III at industrial estate K.R. Palle, Chittoor. AEE/O/ K.R. Palli had observed no display in the meter while taking readings during the month of 7/2019 and issued CC bill under stuck up status. The same was brought to the notice of CT meter wing and the meter was replaced on 07.08.2019. The delay in replacing the meter is due to non-availability of healthy meters. Due to stuck up of the meter, the programmed machine average units were billed during 07/2019 and 08/2019 for 10060 and 9994 units respectively. The internal audit wing had inspected ERO during the month of 09/2019 and service was reviewed and noticed that the consumption recommended by the machine during stuck up period is less and also concluded that the meter has become sluggish from 05/2019 to 06/2019 and became stuck up in 07/2019. They raised a bill for shortfall units of 24209 amounting to Rs.1,68,737/- (Respondents have given details of arriving for shortfall units) Notice was issued to the complainant for payment of shortfall amount within 15 days and after lapse of 15 days the amount was included in regular CC bill during the month of 11/2019. Since complainant failed to pay the shortfall amount within due time the service was disconnected on 23.12.2019. On the representation made by the complainant, respondent No. 4 directed respondent No. 3 to inspect the premises. Accordingly inspection was made and submitted to respondent No. 4 and the same was forwarded to Superintending Engineer/O/Tirupati. Meanwhile complainant had paid 1/4th amount of shortfall assessment amount i.e. Rs.42,195/- on 27.06.2020 and also Rs.1,06,411/- on 07.08.2020. Complainant Security Deposit amount of Rs.2,05,070/- has been adjusted back to the service on 02.08.2020. The service was restored on 10.08.2020.
5. Personal hearing was conducted on 18.08.2020 through video conferencing. Complainant's husband and respondent No. 3 and 4 present.
6. Point for determination is whether the complainant is entitled for revision of bill for the period from 05/2019 to 09/2019?

According to respondents the meter was sluggish during the months of May and June'2019. Meter was stuck up in July'19. The meter was changed in the month of

August'2019 .Internal audit wing pointed out that meter was sluggish in the months of May' 19 and June'19 and the average consumption recommended by the machine is less. Hence the average units for the period May'19 to Aug'19 have to be revised.

Respondents leaving the consumption recorded in May'19 on the ground that meter was sluggish taken the preceding three months consumption from Februraly'19 to April'19 calculated average units @ 13663 units ($15096+11799+14093= 40988/3$ i.e. 13662.67 rounded to 13663 units) Respondents also computed bill for 4 months with average units of 13663 and deducted already billed units of 30443 and raised bill for shortfall units of 24209 ($54652-30443$) for an amount of Rs.1,68,737/- .

Account copy shows that the closing reading of KVAH on 05.04.2019 is 287603 and the closing reading of KVAH units of 05.05.2019 is 291730. According to the audit objection since only 4127 units were consumed and when compared to the consumption for January' 2019 is between 11799 to 15096. They came to conclusion that meter is sluggish and the bill has to be revised for the month. Respondents did not furnish any other material to show that meter was sluggish in the month of May'19. Merely because there is a less consumption in one month when compared to the preceding months, it cannot be concluded that the meter is recording less consumption i.e. sluggish. No authority is placed before this forum that respondents are empowered to say that meter is sluggish in a particular month and they are entitled to compute average units for that month as per provisions of Clause. No. 7.5.1.4 of GTCS. In the absence of any other supporting material computing average units for the month of May'2019 is arbitrary and complainant is not liable to pay more units than recorded by the meter.

The account copy shows that the closing KVAH reading of the meter as on 07.06.2019 is 297992 and the closing reading on 06.08.2019 is also the same. So it clearly shows that the meter was stuck up in the month of June'19. According to respondents the meter was replaced on 07.08.2019 with initial KVAH reading of 10. The closing KVAH reading as on 07.09.2019 is 11270. Respondents have raised bill for 11594 units. So it clearly shows that respondents raised shortfall bill for one day @ 334 units ($11270-10+ 334$)

The relevant provisions for assessing the number of units during the period meter found to be defective are given under the provisions of Clause No. 7.5.1.4.1 to 7.5.1.4.4 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 3 (three) consecutive billing cycles during the preceding 12 Months when the conditions of working were not different.

Clause No.7.5.1.4.3

Where it is not possible to select any 3 (three) consecutive billing cycles consumption, as indicated in clause 7.5.1.4.1 or 7.5.1.4.2 above, or if there is no meter installed, the number of units shall be assessed on the basis of the Assessment Rules in Appendix XII herein. Industrial consumers shall be given due consideration for the production figures and conditions of working in the period under question. For all services/ equipment, which cannot be classified with the aid of the groupings under LT I, II, III, Annexure XII (V) of Appendix XII of the GTCS may be used for the calculations. Annexure XII (V) of Appendix XII is also applicable for services under LT IV, V, VI, VII and VIII

Clause No.7.5.1.4.4:

The assessment shall be made for the entire period during which the status of defective meter can be clearly established, however, the period during which such status of defective meter cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection.”

Respondents computed average for 3 months from February'19 to April'2019 for assessing the consumption for the months of May'2019 to August'19. This forum has already stated that assessing average units for the month of May'19 on the ground that meter sluggish is not correct. Since the meter is stuck up in the month of June'19 respondents are competent to assess average units for the months of June'19 to

August'19 only. Since the consumption of May'19 is very less when compared to preceding 4 months. The forum is of the opinion that the average bill could not be computed as per provisions of Clause No.7.5.1.4.1 of GTCS and the average units have to be computed for the months of June'18 to August'18 i.e. 3 consecutive billing cycles during the preceding 3 months on the ground when the conditions of working were not different as per the provisions of Clause No.7.5.1.4.2 of GTCS.

The consumption of KVAH units in the month of June'18 to Aug'18 are 12860, 9609 and 14617 units respectively. The average units per 1 month is 12362 ($12860+9609+14617 = 37086/3$) Respondents are entitled to assess the average consumption from June'19 to August '19 @ 12362 units per month. Complainant is also liable to pay CC charges for 1 day from 06.08.2019 to 07.08.2019 (meter reading was taken on 06.08.2019 and meter was replaced on 07.08.2019). Thus the point is answered accordingly.

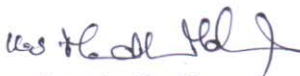
7. In view of the above reasons the shortfall bill issued by the respondents for the months of May'19 to August'19 is set aside. Respondents are directed to issue revised bill for 3 months and 1 day for the months of June, July and August'19 by taking average units of 12362 units per month and pro rata units for 1 day. Respondents are directed to revise the bill within 15 days from the date of receipt of this order and submit compliance report within 15 days thereon.
8. Accordingly the complaint is disposed off.

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 24th September 2020.

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