

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

On this the 06th day of May'2022

COMMON ORDER

C. G. No: 63,64,67,70&86/2021-22/ Ananthapur Circle

Present

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

Chairperson
Member (Technical)
Member (Finance)
Independent Member

Between:-C. G. No: 63,64,67,&86/2021-22/ Ananthapur Circle

V.Geetha Vani,
M/s.Geetha Exports,,
Sy.No.12B,16A,
Chukkalur Road,
Gannevaripalli GP,
Tadipatri - 515415
Ananthapur Dt.

Complainant

AND

1. Assistant Accounts Officer/ERO/Tadipatri CCO
2. Executive Engineer/O/ Gooty

Respondents

Between:-C. G. No: 70/2021-22/Ananthapur Circle

V.Geetha Vani

Complainant

AND

1. Assistant Accounts Officer/ERO/Tadipatri CCO
2. Deputy Executive Engineer/O/Tadipatri
3. Executive Engineer/O/ Gooty
4. CGM/O&M/APSPDCL/Tirupati

Respondents

DISPATCHED

DATE

6/5

OK

Common Order

Pleadings:-

CG.No.63/2021-2022/Ananthapur Circle:-

1. The case of the complainant is that she received an abnormal bill for an amount of ₹.2,09,359 for the month of December'2021 without considering the meter reading. She also received a Back billing notice for an amount of ₹.1,12,317 for the month of 11/2021 without any technical report, even after CC bill issued for an amount of ₹.51,001 for the month of 11/2021 which was already paid.

Complainant also filed an application not to disconnect the service till the disposal of their grievance. Interim order was passed directing the complainant to deposit ¼th of the disputed amount of ₹.3,21,776 i.e., ₹.80,450 within seven days and on such deposit, Respondents are directed not to disconnect the service connection till the complaint is disposed off for non-payment of disputed amount as per orders in IA No.5/2021-22/Ananthapur.

2. Respondents filed written submission stating that ISC No.7231127000237 was released under Cat III on 7.12.1991 with a connected load of 99 HP. As per CBS data the service was billed in 11/2021 for 6518 units only and billed in 12/2021 under status 02 (stuck up). Due to CTPT failure the consumption fallen and recorded short fall units in 11/2021. Shortfall units were calculated basing on the previous consumption in healthy period and shortfall units arrived for ₹.1,12,317 as per Clause 7.5.1.4.1 of GTCS. Complainant did not pay the amount as per the interim directions of this forum and the service under live status.

AEE/ HT Meters - 2/Ananthapur has inspected the service on 27.12.2021 and conducted testing in the presence of Mr.V.Sainath Reddy, representative of consumer and certified that the CTPT is defective and meter not recording and no display.

Dy. EE/O/Tadipatri issued notice to the consumer for replacement of CTPT and explained to the consumer on 12.1.2022, but consumer not paid CTPT cost so far. In 12/2021 billing was done for average billing under status stuck up (02) in CBS for 30,276 units. It would be revised for average units of 23133 for the month of 12/2021.

CG.No.64/2021-2022/Ananthapur Circle:-

1. The case of the complainant is that an abnormal CC bill was issued in January'2022 for an amount of ₹.1,62,072 without considering meter reading and against GTCS rules.
2. Complainant also filed an application for grant of interim stay for not to disconnect the service during the pendency of the complaint.

The Application was dismissed as per orders in I.A.No.6/2021-2022/Ananthapur Circle dt:28.1.2022.

3. Aggrieved by the orders of this Forum, complainant preferred a representation to Hon'ble Ombudsman and Hon'ble Ombudsman was pleased to direct the Respondents not to disconnect power supply till the disposal of the complaint before this Forum on depositing amount of ₹. 81,000 by the Complainant on or before 17.2.2022 as per Representation No. 38 of 2021-22 dt:11.2.2022.
4. Respondents filed written submission stating that Service No.7231127000237 was billed in January'2022 under stuck up (02) status for average units 23133 due to CTPT set is defective and meter not recording and no display.

Consumer is not willing for replacement of defective CTPT set from 12/2021. CTPT & meter not separate parts, both are parts of metering equipment and any part of meter equipment became defective, meter will be seized and billing done under average method as per Clause 7.5.1.4.1 of GTCS.

The CT Meter was tested by AE/HT Meters/Ananthapur in the presence of consumer representative and certified that CTPT set was defective and meter not recording readings.

Notice was issued to the consumer for payment of cost of CTPT set. But consumer not paid and filed a Writ petition NO.1773 of 2022 before the Hon'ble High Court of AP and the same was dismissed. Consumer neither paid the CC charges as per average units recommended nor given consent letter as per Clause. 7.5.2 of GTCS. Consumer utilizing power round the clock making use of the defective meter. APSPDCL incurring Energy loss as well as revenue loss, requested to issue directions to replace the CTPT set to avoid litigation and accumulated CC charges arrears.

CG.No.67/2021-2022/Ananthapur circle:-

1. The case of the Complainant is that CC bill for the month of 11/2021 for an amount of ₹.51,001 with opening meter readings (OMR) KWH 844708 and closing meter readings(CMR) KWH 847954 and OMR KVAH 852092 to CMR KVAH 855351 was issued and that was proper and the bill was paid without any delay. CC bill for December'2021 for an amount of ₹.2,09,359 with same meter readings was given and a Back billing notice for an amount of ₹.1,12,317 for November'2021 was issued against the said bills. He filed CG.No.63/2021-2022/Ananthapur and also received Interim stay order in IA No.5/2021-22/Ananthapur to pay the disputed bill amount.

Again he received CC bill for an amount of ₹.1,62,072 for the month of January with same meter readings and she has filed another complaint in CG.No.64/2021-2022/ Ananthapur. The application to grant interim stay on the disputed bill was dismissed by this Forum in I.A.No.6 of 2021-2022/Ananthapur Circle. She has approached Hon'ble Vidhyuth Ombudsman who was pleased to issue Interim stay order on the disputed CC bill of January'2022 on payment of ₹.81,000.

Again abnormal bill was issued for an amount ₹.1,62,952 with same meter readings, hence she has presented a complaint.

2. Complainant also filed an Application to order Interim stay towards the payment of disputed bill.
3. Orders passed dismissing the application filed by the Complainant not to disconnect service connection for non-payment of CC bills and in I.A.No. 7/2021-2022/Ananthapur.

Aggrieved by the orders of this Forum, Complainant approached Hon'ble Ombudsman, Hon'ble Ombudsman pleased to direct the Respondents not to disconnect the power supply to the premises of the complainant till disposal on depositing ₹.1,00,000 by the complainant with licensee on or before 20.3.2022 vide Representation: 45/2021-2022/Ananthapur Circle dt: 11.03.2022

4. Respondents filed joint written submission. Most of the contents are similar to the contents mentioned in written submission of CG.NO 63/2021-2022/ Ananthapur & CG.NO. 64/2021-2022/Ananthapur and stated that during the month of 11/2021 while taking HT readings for the (consumption of October'2021), it was noticed that there was a fall in consumption and found that CTPT set was defective on account of defective CTPT set, average bill has been arrived.

Due to non-replacement of defective CTPT set they are issuing Electricity bills from November'2021 to February'2022 by taking average consumption based on previous 3 months consumption .

CG.No.86/2021-2022/Ananthapur circle:-

1. The case of the Complainant is that a CC bill for the month of 3/2022 received with ₹.26,670, a Back billing notice was also issued for an amount of ₹.1,04,253 without considering meter reading by taking 12 months average units since March'2021 to February'2022, already dispute pending for the months from November'2021 to February'2022 before this Forum. Hence the Back billing notice may be set aside.

2. Complainant also filed another application to grant stay restraining the Respondents from disconnecting the service connection for non-payment of disputed bill during the pendency of the complaint before this Forum . Since already three complaints are pending for the same relief and they are ready for disposal, the complaint itself is posted for hearing. Since the complaint is now disposed off. This application is un-necessary. Hence I.A.No.10/2021-2022/Ananthapur is dismissed.
3. Respondents filed written submission stating that, CTPT set was replaced on 25.2.2022. Meter became functioning from 25.2.2022 and billed 2152 units for 10 days only i.e., from 25.2.2022 to 7.03.2022, short fall units are arrived for the defective period from 5.2.2022 to 25.2.2022 for 20 days basing on average consumption of August'2021 to October'2021 as per Clause 7.5.1.4.1 of GTCS. The consumption for the months of August'2021 to October'2021 was 20726, 23770 and 24902 and average units for 30days is 23133 units and for 20days 15422 shortfall units amount is arrived at ₹.1,04,253.

CG.No.70/2021-2022/Ananthapur circle:-

1. The case of the Complainant is that Dy.EE/O/Tadipatri issued a notice on 12.1.2022 for payment of an amount of ₹.47,318 within 15 days for replacement of CTPT set in the case of 2nd time CTPT failed as per Memo No.CGM/O&M/APSPDCL/TPT/ D.No.1855/2021, dated:21.12.2021, otherwise the service shall be disconnected without further notice. Aggrieved by the notice issued by Dy.EE/O/Tadipatri, he approached Hon'ble High Court of AP Vide WP.NO. 1773 of 2022. The Hon'ble High Court of A.P. disposed off the Writ Petition directing her to file complaint before this Forum within 2 weeks from the date of receipt of the order. She received the order on 8.2.2022. Hence she filed the complaint before this Forum. Complainant also filed an Interim Application to grant Interim stay for non-disconnection of service for non- payment of amount of ₹.48,318 as per the notice issued by Dy. EE/O/Tadipatri

2. Respondents 1 & 2 filed written submissions stating that most of the contents of the Written submissions are similar to the averments mentioned in CGNo.63,64, & 67/2021-2022/ of Ananthapur Circle and further stated Respondents requested to pay the cost of CTPT set, as per Corporate Office/Tirupati instructions. The consumer neither paid the CTPT set cost, consent letter agreeing for average units nor paid the average CC bills.

Respondents requested to pay the CTPT cost as per instructions of the Corporate Office/Tirupati vide reference Memo No.CGM/O&M/APSPDCL/TPT/ D.No.1855/2021, dated:21.12.2021. Consumer did not co-operate for replacement of CTPT set, consumer availed supply round the clock without proper recording of energy consumption in the meter. Consumer taking advantage of defective CTPT set without proper recording of energy in the meter. The delay caused in replacement of CTPT set is only due to non-co-operation of the consumer. Hence CC bills were issued on the basis of previous months average consumption.

3. CGM/O&M/Tirupati filed written submission stating that standing instructions were issued as per Memo No.CGM/O&M/SPDCL/TPT/ D.No.1855/2021, dated:21.12.2021 to the effect that in case of 1st failure of CTPT set, the department will replace without cost. In case of 2nd failure and subsequent failure of CTPT set the consumer is entitled to borne the cost of CTPT set. In case Govt. services the cost of CTPT set will be added in to consumption bills. This case is fallen under the scope of 2nd and above sequence as such instructions were issued to collect the cost. Complainant filed an application to give directions not to disconnect service connection for non-payment of disputed amount mentioned in notice towards replacement of cost of CTPT set in I.A.No.08/2021-2022/Ananthapur circle and same was dismissed by this Forum.
4. Aggrieved by the orders of this Forum in I.A.No.8/2021-2022/Ananthapur Circle, complainant preferred a representation to the Hon'ble Ombudsman. The Hon'ble Ombudsman was pleased to grant stay of the operation of the demand notice dated

12.1.2022 till the disposal of the complaint before this Forum on depositing of ₹. 25,000 by the Complainant on or before 20.3.2022 with licensee vide Representation No: 46/2021-2022/Ananthapur Circle dated:11.3.2022.

5. Personal hearing was conducted on 12.4.2022. Husband of the Complainant V. Venkateswarlu, EE/O/GOOTY, CGM/O&M/TIRUPATI, were present. Both parties reiterated their versions mentioned in their pleadings Husband of the complaint further stated that he was informed that MRI data will be available for the disputed period.
6. CG.Nos.63,64,67,86/2021-2022 of Ananthapur Circle is filed questioning of issuing of Back billing and CC bills basing on the average previous consumption. Whereas CG.No.70/2021-2022/Ananthapur circle is filed against issuing of notice by Dy. EE/O/ Tadipatri to pay replacement cost of CTPT set .

CG.No.70/2021-2022/ Ananthapur circle

Discussions and Findings:-

7. The point for determination is whether the complainant is not liable to pay cost for replacement CTPT set ?

According to the complainant Dy.EE/O/Tadipatri has no authority to issue notice to pay amount mentioned in notice for replacement of cost of CTPT set without obtaining permission from Hon'ble APERC and also against the mutual agreement between the consumer and licensee.

According to CGM/O&M/Tirupati standing instructions were issued as per Memo No.CGM/O&M/APSPDCL/TPT/ D.No.1855/2021, dated:21.12.2021, this case will come under the category of failure of CTPT set on second and subsequent failures. Hence complainant is liable to pay cost of CTPT set.

According to EE/O/GOOTY as per Clause 7.1 of Regulation 5 of 2004 issued by the Hon'ble APERC, if the equipment i.e., electrical plant, lines or meter etc., of the licensee placed in the consumer premises is found tampered,

distressed/damaged, the licensee shall be entitled to recover the expenses incurred for restoration of such plant, line, meter etc., CTPT set is an instrumental mechanism CTPT set is an integral part of metering system. If CTPT set fails leads to dysfunction of metering system even though the meter is in good condition. Failure of CTPT set is equivalent to the case of meter burnt i.e., damage to the equipment.

In the case of the meter burnt, consumer has to furnish his consent to pay the computed consumption charges for the non-metered consumption period but consumer did not furnish such consent letter. Consumer is availing the loop holes in consumer legal structure but not followed the methods prescribed in GTCS and Act – 2003.

The test report of HT meter service dated: 27.12.2021 by AEE/HTM -2 /ATP shows that there is no display in meter and CT meter is defective and meter is not recording. The test was conducted in the presence of one Mr.V.Sainath Reddy representative of the consumer and he also signed in the test report. So it clearly shows that CT PT set was failed and it is defective.

It is an admitted fact that is DEE/O/Tadipatri issued a notice on 12.1.2022 to pay cost for replacement of CTPT set.

Respondent filed Test report issued by AEE/HTM-2/Ananthapur dated:25.2.2022 which shows that the existing CTPT set secondary voltages are zero and no display in the HT meter but consumer availing normal supply.

The admissions made by the Complainant in her pleadings in CG.No. 67/2021-2022/Ananthapur shows the opening and the closing meter reading of KWH and KVAH reading are one and the same in the month of November'2021 and December'2021.So this admissions clearly shows that CTPT is defective and on account of defective CTPT set, the consumption of energy by the complainant is not recorded. Complainant did not specifically state in her pleading that

replacement of CTPT set for the service is not on second or further failure of CTPT set. CGM/O&M/Tirupati specifically stated that the case will fall under the scope of 2nd and second and subsequent failure of CTPT set.

Clause 7.1 of Regulation 5 of 2004 is as follows;

“if the equipment i.e., electrical plant, lines or meter etc., of the licensee placed in the consumer premises is found tampered, distressed/damaged, the licensee shall be entitled to recover the expenses incurred for restoration of such plant, line, meter etc., without prejudice to his right to take action under appropriate provisions of the Act. Including disconnection of supply under section 56 of the Act for non-payment of cost for replacement/rectification.”

Since CTPT set is an integral part of the meter and it was found defective and as replaced on account of second or subsequent failure, licensee is entitled to collect cost of CTPT set.

The Respondents in obedience to the instructions, issued by the licensee to collect cost of replacement of CTPT set on second and subsequent failures, issued the notice to the complainant. But Complainant did not pay the cost for replacement of CTPT set. Admittedly the meter is not recording consumption. No consumer is expected to consume energy without recording, Complainant though stated that the licensee not empowered to collect cost of replacement of CTPT set without permission of the Hon'ble APERC, she has not placed any authority that this case would not fall under 7.1 of Regulation 5 of 2004 and there is a specific prohibition restraining the licensee from collecting the cost of replacement of CTPT set on second and subsequent failures.

The burden lies on the Complainant to prove that she is not liable to pay cost of replacement of CTPT set. In the absence of any material on the record to that effect and as EE/O/Gooty & CGM/O&M/Tirupati specifically stated that CTPT set is integral part of metering and consumers are liable to pay replacement on 2nd time or

subsequent failures. Complainant is liable to pay the cost of CTPT set. The point answered accordingly.

C.G.No. 63,64,67&86/2021-2022 of Ananthapur Circle

Discussions and findings:-

The Bill information of this service shows that, the closing reading of KWH, KVAH recorded for the below period is as follows:-

<u>Date</u>	<u>KWH</u>	<u>KVAH</u>
4.10.2021	832274	839641
3.11.2021	844708	852092 Billed units for KVAH is 6518 UNITS
9.12.2021	847954	855351
6.01.2022	847954	855351
<u>5.02.2022</u>	<u>847954</u>	<u>855351</u>

So, the above bill information statement shows that 6518 units are only recorded when meter reading was taken on 3.11.2021 and the same opening and closing readings of KWH & KVAH are recorded in subsequent months i.e., December'2021, January'2022 & February'2022. So it clearly shows that meter is not recorded the consumption. If Complainant has no power supply, she would have certainly made a complaint to the concerned authorities. So also there is no necessity for filing applications for issue of Interim direction not to disconnect the service for non-payment of the disputed bills in each and every month and to prefer a representation to Hon'ble Ombudsman, when this Forum dismissed the interim Application in I.A.No.06/2021-2022/Ananthapur Circle of CGNo.64/2021-2022/Ananthapur circle & I.A.No.07/2021-2022/Ananthapur Circle of CG.No.67/ 2021-2022/Ananthapur circle. So Complainant though aware that her

consumption is not recorded in the meter continued to utilize the power and claims that she is not liable to pay CC bills on average basis of previous consumption. If really she is of the view that she is not liable to pay cost of replacement of CTPT set, she would have paid and presented application in appropriate Forum and subsequently if it was found that she is not liable to pay cost of replacement of CTPT set, the amount would have been refunded with interest/ adjusted towards future bills and no loss or prejudice would have been caused. But she was not expected to consume energy without recording meter. Electricity is a public property. No consumer is authorized or expected to use electricity when the consumption is not recorded. Had complainant co-operated and paid cost for replacement of CTPT set, she could have avoided to pay CC bills basing on the previous average consumption and she could have paid for actual consumption.

The other contention of the Husband of the Complainant is that he was informed that MRI data is available. Basing on the said representation, a notice was issued to EE/M&P-2/ ANANTHAPUR to furnish the data if available. In response to this said letter, EE/M&P-2/ANANTHAPUR sent a letter stating that the data is not available due to failure of CTPT set which is as follows:-

“ all the three voltages at meter terminal block becomes zero, the meter shows no display, hence for this entire period meter was not recorded any billing parameter”

So, the above letter issued by EE/M&P2/ATP clearly shows that no data for calculating the consumed units is available. The only method when meter is not recording

consumption, is calculating the consumption on average basis as provided in Clause 7.5.1.4.1 of GTCS which is as follows:

“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”.

Billing Information:-

Bill – Date	Open Reading KWH	Close Reading KWH	Bill Units KWH	Open Reading KVAH	Close Reading KVAH	Bill Units KVAH
06-Apr-22	849995	863479	13484	857503	870988	13485
07-Mar-22	847954	849995	2041	855351	857503	2152
05-Feb-22	847954	847954	23133	855351	855351	23133
06-Jan-22	847954	847954	23133	855351	855351	23133
09-Dec-21	847954	847954	30276	855351	855351	30276
03-Nov-21	844708	847954	6492	852092	855351	6518
06-Oct-21	832274	844708	24868	839641	852092	24902
04-Sep-21	820411	832274	23726	827756	839641	23770
04-Aug-21	810079	820411	20664	817393	827756	20726
05-Jul-21	800469	810079	19220	807760	817393	19266
07-Jun-21	788442	800469	24054	795689	807760	24142
04-May-21	779411	788442	18062	786611	795689	18156
03-Apr-21	768634	779411	21554	775814	786611	21594
02-Mar-21	760146	768634	16976	767304	775814	17020
03-Feb-21	748218	760146	23856	755349	767304	23910
03-Jan-21	737307	748218	21822	744410	755349	21878

The bill information for the service mentioned supra shows that the KVAH billed units are between 21878 units (in March' 2021) and 24902 units (in October' 2021). The minimum units recorded in the month March' 2021 is 17,020units. The contention of the complainant that the Back billing issued for the month of November'2021 is illegal is not tenable. Respondents after considering the pattern of consumption of the previous readings suspected that CTPT set was failed after readings of units in the meter were taken on 6.10.2021 and raised Back billing for the month of 11/2021. Respondents in their written submission stated that the average consumption that they have taken 3 months consumption of August'2021,September'2021, & October'2021 i.e., 3 months prior to the disputed bill of November'2021 and calculated average units for 30 days@23,133units is calculated in accordance with Clause 7.5.1.4.1 of GTCS.

Complainant is liable to pay basing on the previous average 23133 units for the months of November'2021, December'2021, January'2022 & February'2022. Admittedly the meter was replaced on 25.2.2022. So complainant is liable to pay the CC bill basing on average units for the period between 6.2.2022 to 24.2.2022.The point answered accordingly.

Conclusion:-


In the result Respondents are directed to issue revised CC bills taking average monthly consumption as 23133 units for the months of November'2021 to January'2022 and on prorata basis for 20 days in February 2022 from 6.2.2022 to 25.2.2022 and for the remaining period, basing on the recorded units in the meter after replacement of CTPT set and after adjustment of the amounts paid by the complainant as per the orders of this forum in IA.No.05/2021-2022/Ananthapur circle of 63 of 2021-2022 Ananthapur circle and as per the orders of the Hon'ble Ombudsman vide Representation Nos. 38 of 2021-2022 dated:11.2.2022.

Conclusion:-

CG.No.70

In the result complaint is dismissed. The amount paid by the complainant as per the orders of Hon'ble Ombudsman in Representation No.46 of 2021-2022 dated : 11.3.2022 shall be adjusted and issue notice for payment of the balance amount or include in the future CC bill.

Sd/- Sd/- Sd/- Sd/-
Member (Technical) Member (Finance) Independent Member Chairperson
Forwarded By Order


Secretary to the Forum

This order is passed on this, the day of 06th May'2022

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)/ 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.