

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

On this the day of March' 2023
C.G.No.73 /2022-23/ Kadapa Circle

Present

Sri. K. Ramamohan Rao

Sri. S.L. Anjani Kumar

Smt.G. Eswaramma

**Chairperson (I/c) &
Member (Finance)
Member (Technical)
Independent Member**

Between

Mr.A.Kareemulla,
S/o.A.Mahaboob,
4-52A,MainBazar,
Khajipet,
Kadapa Dt.

Complainant

AND

1.Asst.Accounts Officer/ERO/Mydukur
2.Deputy Executive Engineer/O/Mydukur
3.Executive Engineer/O/Mydukur
4.Executive Engineer/M&P-II/Kadapa

Respondents

ORDER

1. The case of the complainant is that he is having service connection vide SC No.2611525001721 under Category-III. The complainant has stated that his brother Mr.A.Mohammad Habeebulla will represent on behalf of him and he will deal about this case. Hence requested to accept his grievance. The CC bill issued by the department to the service SC No.2611525001721 from March'2022 to June'2022 is in between 400 to 2000 units. During July'2022 the meter was changed by the department as the existing meter is defective. During 11/2022 the department issued notice and added an amount of Rs.57,971/- for 5323 units in the month of December'2022. Hence requested the forum to revise the bill.
2. The case was registered as C.G.No.73/2022-23/Kadapa Circle and sent to respondents for written submissions.

3. The respondent. No.1 has submitted written submission in respect of consumer ISC No. 2611525001721, Cat-III of Kajipeta town in Mydukur Sub-division. Consumer filed complaint against issuance of shortfall demand raised for an amount of Rs.57,971/-. On verification of the billing pattern of the service, the meter was under stuck up status during 01/2022 and 02/2022 and billed average units of 5323 and 7645 respectively. Immediately the consumer has challenged for meter testing after that the meter test report was issued under good condition. But the consumer was not willing to pay the CC charges and represented for withdrawal of excess demand. The AEE/O/Kajipeta has inspected the service and as per the field condition recommended the average units of 3822 per month and withdrawn the abnormal demand during stuck up period due to high average recorded units and withdrawn the amount of Rs 37,055/- Vide RJ No. 14/02-2022 after that the Internal Audit has pointed out that from 03/2022 to 6/2022 recorded units was abnormally low as given below :

Month	Open Reading KVAH	Close Reading KVAH	Bill Units KVAH	Remarks	Average Units	Diff Units
Jan-22	541570	541570	5323	Stuck up		
Feb-22	541570	549215	7645	Stuck up		
Mar-22	549215	550678	1463		3505	2040
Apr-22	550678	551257	579		3505	2926
May-22	551257	553627.1	2370		3505	1135
Jun-22	553627.1	553627.1	1471		3505	2034
Jul-22	553627.1	3238	4170	Meter change		
Aug-22	3238	8612	5374			
Sep-22	8612	12923	4311			
Oct-22	12923	19267	6344			
TOTAL						8135

During 06/2022 billed under stuck up status, then the field staff immediately changed the meter in 07/2022.

According to the usage of the service and units recorded during normal period average units were adopted 5323 units per month which is already CBS adopted for the month of

01/2022. But duly taking the opinion of Assistant Executive Engineer and Consumer the quarter average was taken from Sep-21, Oct-21 and Nov-21 as follows:-

MONTHS	Sep-21	Oct-21	Nov-21	
Average Units	(1878 + 5494 + 3144) / 3			= 3505 Units

Total Shortfall for March-22 to June - 22	
Short fall difference Units (Shortfall – Actual recorded units)	=8135 Units

Hence the audit shortfall notice was issued to the consumer to pay the less average billed units for the period from 03/2022 to 06/2022 for Rs. 57,971/- by taking average of 3505 units per month for realization of short fall amount.

He further submitted that before issuing of shortfall demand notice, the short fall subject was discussed with the consumer along with the section officer and included in the CC bill for realization of the shortfall demand. Further stated that, they gave respect to the consumer and treated equal to god and they invited him to sit in the office and treated him respectfully. Hence requested to close the case.

4. Personal hearing through video conferencing was conducted @ 11.30A.M. on 11.1.2023. Dy.EE/O/Mydukur, AAO/ERO/Mydukur, AE/O/Kajipet, EE/M&P-II/Kadapa and complainant Mr. A.Karimulla present. Heard both sides.

Dy. EE/O/Mydukur has stated that due to meter stuckup, readings were not displayed in the meter.

AAO/ERO/Mydukur has stated that due to meter defective an amount of Rs.37,055.48 was deducted from bill through RJ vide RJ No.14/2-2022 again bill raised as per Internal audit objections during November'2022.

AE/O/Kajipet has stated that while taking readings the meter found defective (stuck-up - 02), meter sent to MRT Lab, tested the meter and meter found OK. Later on the service was billed under live status. Again existing meter Make: UTL, capacity 125/5A was found defect on 1.6.2022 and was changed on 21.6.2022 with Genus make Capacity 125/5A now the present meter is working OK.

Additional written submission called for from the respondents regarding the meter replacements to submit within a week.

The complainant stated that the nature of the firm is crushing of Tobacco leaves into powder. For crushing 10 Tons will take 3days time. Further stated that their meter was not tested by the department.

The complainant was asked during personal hearing to produce any material evidence regarding production details or raising of bills, payment of less taxes etc... in proof of availing less energy consumption during the period from 03/2022 to 06/2022. But the complainant has not produced any such evidence as directed by the forum.

5. The point for determination is whether complainant is entitled to pay shortfall demand raised for the said service vide SC No.2611525001721 or not ?

The Dy.EE/O/Mydukur has submitted additional written submission on 30.1.2023, but the contents in the written submission are similar to that of written submission already submitted by the Respondent No.1 .Hence the written submission was not considered.

The Dy.EE/O/Mydukur has again submitted written submission on 31.1.2023 stating that, for CG.No. No.73/2022-23 Kadapa Circle the statement of defense is as follows :-

STATEMENT OF DEFENSE :

The period from 3/2022 to 6/2022 very low consumption was recorded before the meter being stuck up in 6/2022.

3/2022 – 1463 units, 4/2022-579 units, 5/2022- 2370 units, 6/2022- 1471 units.

The meter was stuck up on 01.06.2022 (Billed in the month of 6/2022) and was changed on 21.06.2022 (Billed in the month of 7/2022). There after the consumption is as follows :

7/2022-4170 units, 8/2022-5374 units, 9/2022-4311 units, 10/2022-6344 units.

As seen from the above, it clearly shows that the meter was sluggish during the period from 3/2022 to 6/2022 before being stuck up in 6/2022, which is technically a common feature that any energy meter records low consumption due to sluggishness in the meter before going to be stuck up.

261)

The said LT SC No. 2661525001721 of complainant Sri. A. Karimulla of Khajipeta section was inspected by him on 24.01.2023. During the course of inspection the Dy.EE/O/Mydukur has asked the complainant to produce any evidence i.e. bills of business transactions if any in proof of having used less consumption during the period from 03/2022 to 06/2022. The consumer failed to submit such evidence stating that there are no business transaction bills available with him.

Hence stated that, the consumer has utilized more consumption than actual billed units. Therefore it can be concluded that the shortfall demand raised to aforesaid service is correct. Hence requested to close the case.

The demand-Bill information for the said service SC No.2611525001721 for the period from Feb'2021 to Jan'2023 is as follows:-

Bill Info																								
Bill - Date	Opening Date	NO	Open Status	Close Status	Open Reading Kwh	Close Reading Kwh	Bill Units Kwh	Open Reading Kwh	Close Reading Kwh	Bill Units Kwh	Due - Date	Disconnection Date	Amr	EC	CC	Sur Charge	Fixed Charges	FSA	TRUE UP CHARGES	IED	ED	Other Charges	Adj EC	Adj ED
03-FEB-23	04-JAN-23	1	01	01	27606	31816	4212	33193	37700	4407	20-FEB-23	09-MAR-23	42561	31101.4	938	560.2	3075	0	1972.57	106.48	4607	0	0	0
04-JAN-23	05-DEC-22	1	01	01	24795	27606.75	2812	30039	33193.6	3155	19-JAN-23	04-FEB-23	32147	21775	938	597.6	3225	0	1972.57	83.29	3155	0	0	0
05-DEC-22	06-NOV-22	1	01	01	19381	24795	5414	23951	30039	6058	20-DEC-22	05-JAN-23	34306	42015.7	938	120.1	3150	0	1972.57	20.86	6058	0	0	0
06-NOV-22	07-OCT-22	1	01	01	15266	19381	4116	19267	23951	4684	21-NOV-22	07-DEC-22	43441	32327.5	938	393.76	3075	0	1972.57	80.36	4684	0	0	0
07-OCT-22	08-SEP-22	1	01	01	9827	15266	5438	12923	19267	6344	20-OCT-22	08-NOV-22	46466	43777.8	938	180.2	3225	0	1972.57	28.36	6344	0	0	0
08-SEP-22	04-AUG-22	1	01	01	6372	9827	3456	8612	12923	4311	20-SEP-22	04-OCT-22	40603	29764.7	938	216.14	3375	0	1972.57	35.3	4311	0	0	0
04-AUG-22	04-JUL-22	1	01	01	2496	6372	3876	3236	8612	6374	20-AUG-22	05-SEP-22	48778	37091.2	938	162.63	3225	0	1972.57	23.97	6374	0	0	0
04-JUL-22	03-JUN-22	1	04	01	491846.7	2496	4190	843629.1	3238	4190	21-JUL-22	06-AUG-22	37504	28783.3	938	160	3150	0	0	12.66	4190	0	0	0
03-JUN-22	06-MAY-22	1	01	01	491846.7	491846.7	1471	563627.1	633627.1	0	17-JUN-22	04-JUL-22	15731	10157.2	938	160	3000	0	0	14.91	1471	0	0	0
06-MAY-22	03-APR-22	1	01	01	489916	491846.7	1931	651257	633627.1	2370	21-MAY-22	06-JUN-22	23119	16361.4	938	160	3300	0	0	09	2370	0	0	0
03-APR-22	03-MAR-22	1	01	01	489495	489916	421	560678	651257	579	18-APR-22	04-MAY-22	8123	3999.9	938	160	3000	0	0	2.5	34.74	0	0	0
03-MAR-22	03-FEB-22	1	01	01	488338	489495	1157	549215	560678	1463	19-MAR-22	04-APR-22	14873	10096.9	938	298.16	3450	0	0	1.62	57.78	0	0	0
03-FEB-22	05-JAN-22	1	02	02	482340	488338	7645	541570	549215	7645	18-FEB-22	07-MAR-22	57841	52762.5	938	230.23	3450	0	0	1.27	458.7	0	0	0
05-JAN-22	03-DEC-21	1	01	02	482340	482340	5323	541570	541570	5323	20-JAN-22	05-FEB-22	41144	36736.1	938	150	3000	0	0	66	319.26	0	0	0
03-DEC-21	06-NOV-21	1	01	01	481340	482340	1000	540263	541570	1307	18-DEC-21	03-JAN-22	13566	9024.9	938	160	3075	0	0	78.42	0	0	0	0
06-NOV-21	04-OCT-21	1	01	01	478912	481340	2528	537119	540263	5144	22-NOV-21	08-DEC-21	26199	21701.3	938	221.39	3150	0	0	188.64	0	0	0	0
04-OCT-21	04-SEP-21	1	01	01	474365	478912	4457	531624	537119	5495	19-OCT-21	04-NOV-21	42715	37922	938	160	3375	0	0	74	328.7	0	0	0
04-SEP-21	03-AUG-21	1	01	01	472875	474365	1479	529746	531624	1578	20-SEP-21	04-OCT-21	19707	12944.5	938	165.61	3225	0	0	2309.94	1.63	112.68	0	0
03-AUG-21	03-JUL-21	1	01	01	468425	472875	4450	524075	529746	5671	18-AUG-21	03-SEP-21	43814	39141.4	938	392.55	3000	0	0	1.36	340.26	0	0	0
03-JUL-21	05-JUN-21	1	01	01	462914	468425	5512	517171	524075	6904	19-JUL-21	04-AUG-21	52604	47660.4	938	351.9	3247.5	0	0	2.4	414.24	0	0	0
05-JUN-21	04-MAY-21	1	01	01	457119	462914	5795	509908	517171	7563	21-JUN-21	07-JUL-21	55147	50122.7	938	350.69	3300	0	0	84	435.78	0	0	0
04-MAY-21	02-APR-21	1	01	01	451275	457119	5743	502717	509908	7191	19-MAY-21	04-JUN-21	54293	49626.9	938	221.16	3075	0	0	41	431.46	0	0	0
02-APR-21	04-MAR-21	1	01	01	447614	451275	3762	498408	502717	4309	17-APR-21	03-MAY-21	33618	29741.3	250	366.63	3000	0	0	1.32	258.64	0	0	0
04-MAR-21	04-FEB-21	1	01	01	442967	447614	4627	493178	498408	5233	19-MAR-21	05-APR-21	40622	36113	938	271.94	2981.25	0	0	1.78	313.95	0	0	0
04-FEB-21	04-JAN-21	1	01	01	437093	442967	5894	486461	493178	6714	19-FEB-21	05-MAR-21	51441	46337.2	938	366.38	3406	0	0	2.48	402.54	0	0	0

While reviewing the bill information of ledger for the said service it is noticed that, the service meter status during January'2021, Feb'2021 & June'2021 is 'Meter stuck up' i.e '02' . The contracted load is 52.48 HP, as per the bill information from Feb'2021 to Jan'2023 the RMD maximum recorded is 45.4KVA and the RMD recorded every month is in between 40KVA to 45KVA except February'2021(39.5), March'2021(39.2), August'2021(39KVA), April'2022 (33.1KVA). Low PF recorded from February'2021 to January'2023 is in between 0.7 to 0.88 .

The complainant version is that to withdraw an amount of Rs.57,971/- for 5323 units which was included in the month of December'2022 as the said meter is defective and their

consumed units are less and they are in between 400 to 2000 Units for the period from March'2022 to June'2022.

According to the respondents version, on verification of the billing pattern of the service the meter was under stuck up status during 01/2022 and 02/2022 and billed average units of 5323 and 7645 respectively. Immediately the consumer has challenged for meter testing after that the meter test report was issued under good condition. (enclosed test reports, no consumer/representative of the consumer signed in the test report). The consumer was not willing to pay the CC charges and represented for withdrawal of excess demand. The AEE/O/Kajipeta has inspected the service and as per the field condition recommended the average units of 3822 per month and withdrawn the abnormal demand during stuck up period due to high average recorded units and withdrawn the amount of Rs 37,055/- Vide RJ No. 14/02-2022.

Again existing meter Make: UTL, capacity 125/5A was found defective on 1.06.2022 and was changed on 21.6.2022 with Genus Make, Capacity 125/5A now the present meter is working OK (enclosed inspection notes) complainant's brother Mr.A.Noorulla present at the time of inspection and signed on inspection notices. Very low consumption recorded for the period from 3/2022 to 6/2022 before the meter being stuck up in 6/2022. The respondents stated that, the meter was sluggish during the period from 3/2022 to 6/2022 before being stuck up in 6/2022 which is technically a common feature that any energy meter records low consumption due to sluggishness in the meter before going to be stuck up.

The Internal Audit team also pointed out that from 03/2022 to 6/2022 recorded units were abnormally low, hence backbilling recommended for shortfall units, by taking the opinion of Assistant Executive Engineer concerned and the complainant the quarter average was taken for the months of Sep-21, Oct-21 and Nov-21. Hence the audit short fall notice was issued to the complainant to pay the less average billed units for the period from 03/2022 to 06/2022 for Rs. 57,971/- by taking average of 3505 units per month for realization of short fall amount. The respondents followed the guidelines in the regulation and assessed average units for the defective period from 3/2022 to 6/2022 for average 3505 units per month.

26/1

The said LT SC No. 2661525001721 of complainant Sri. A. Karimulla of Khajipeta section was inspected by the Respondent.No.2 on 24.01.2023. During the course of inspection the Dy. EE/O/Mydukur (Respondent-2) has asked the complainant to produce any evidence

i.e. bills of business transactions if any in proof of having used less consumption during the period from 03/2022 to 06/2022. The consumer failed to submit such evidence stating that there are no business transaction bills available with him.

Hence stated that, the consumer has utilized more consumption than actual billed units. Therefore it can be concluded that the shortfall demand raised to aforesaid service is correct. Hence requested to close the case.

Cl.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.'

As per Clause 7.5.1.4.2 of GTCS, the Respondents arrived average bill by taking quarter average from Sep-21, Oct-21 and Nov-21 as average units of 3505 units/month and assessed for the defective period from 3/2022 to 6/2022 and deducted the total units from already meter less recorded units for the period from 3/2022 to 6/2022, after deducting the recorded units from average units, balance units assessed for 8135 units.

$3505 \text{ units} \times 4 \text{ months} = 14020 \text{ units}$

(Minus) already billed units from 3/2022 to 6/2022 = 5885 units

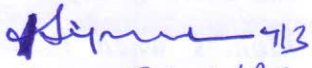
Now billed short fall units from 3/2022 to 6/2022 = 8135 units works out to Rs.57,971/-

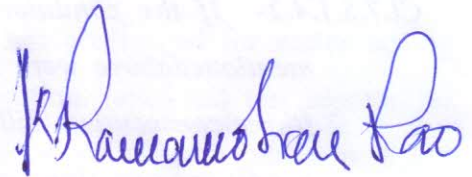
On review of the meter billing information it is observed that the meter status is meter change (status -04) during 6/2022. Thus the meter was replaced during 6/2022.

This forum is of the opinion that, the billing should be done during the period in which the meter ceased to function or became defective as per Clause. 7.5.1.4.2 of GTCS by taking preceeding three billing cycles i.e., the respondents correctly arrived the average units for the defective period during the meter was declared faulty i.e., from 3/2022 to 6/2022. The respondents have correctly arrived average units for the preceeding three billing cycles by taking into consideration of Sep-21, Oct-21 and Nov-21 recorded billed units. There is no evidence produced by the complainant showing that he utilised less units during the meter defective period. As seen from the bill information it is also noticed that, the complainant also utilised more than 4000 units before replacement and after replacement of the defective meter and hence the average units arrived by the respondents 5323 units /month for the defective period is reasonable and correct. The point is answered accordingly.

The complainant is advised to pay the shortfall amount assessed for Rs.57,971/- by the respondents during the defective period within 15 days from the date of receipt of this order to avoid disconnection of service by the respondents.

5. In the result, the complaint is disposed off.


Murali Kien, C&RE


K. Ramesh Rao