

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 27 -04-2010

Appeal No. 1 of 2010

Between

M/s. Venkata Narayana Rice Mill
N.R.P.Road,
Yeleswaram (V) & (M)
E.G.Dist.

... Appellant

And

The Asst. Engineer / Operation / APEPDCL / Yeleswaram
The Asst. Divisional Engineer / Operation / APEPDCL /Jaggampeta
The Divisional Electrical Engineer / Operation / APEPDCL / Jaggampeta

....Respondents

The appeal / representation dated 08.01. 2010 received on 11.01.2010 of the appellant has come up for final hearing before the Vidyut Ombudsman on 08.04.2010 at Kakinada in the presence of Sri Mentachinarayana, appellant Sri S.Narasimha Rao, Advocate for appellant present and Sri L.Satish Naik, AE/Yeleswaram present for respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The appellant filed a complaint before the Forum praying for refund of LPF charges of Rs.11,470/- and back billing amount of Rs.28,661/- for the defective period.

2. The respondent No.1 filed his counter by mentioning the following grounds:

(i) For the SC No.573, Cat-III A, 3-ph, 30HP load at Yeleswaram (V), on 16.10.2008 I have replaced existing LTTVR Meter class 1.0 accuracy to class 0.5 accuracy LTTVR meter at that time no capacitors are existing.

(ii) From 12/2008 to 08/2009 months 25% LPF capacitor surcharge is issuing in demand notice. Several times I have insisted to the consumer to install 15 KVAR capacitor and also 1 month notice issued from this office vide Lr.No.AE/O/YLSRM/F.No.DOC/D.No.140/09, dt.26.12.2009.

(iii) the consumer is fixed 15 KVAR capacitor in the middle of the month of 09/2009 so 17% LPF was issued in the demand notice and for the months of 10/2009, 11/2009 No LPF was issued.

(iv) as seen from the consumer statement the meter was fixed wrong connection and rectified on 08.09.09, unnecessary capacitor surcharge has levied and requested to withdraw the surcharge.

Hence, a notice demanding of Rs.28861/- for payment has been served by the designated officer i.e ADE/Op/Jaggampeta the 2nd respondent in this grievance.

3. The respondent No.1 was also examined and he narrated all the grounds mentioned in the written submissions filed by him. The complainant has also filed a rejoinder to the effect that on 04.10.2008, the meter has been changed to SC No. 861, Yeleswaram, the meter readings were also taken and the demand notice were being sent accordingly and the CC bills were also paid regularly. On 08.09.2009, the DPE unit inspected the unit and intimated, that the meter is recording less consumption due to wrong connection of the meter and stated that they have rectified the same. Subsequent to the inspection on 08.10.2009, a demand notice for Rs.28861/- was served even after rectification of wrong connection, there is no change in the demand notices. They produced copies of demand notices and a copy of assessment notice issued by the Designated officers i.e, ADE/Op/Jaggampeta. In the letter to the Forum received on 15.12.2009, they informed that the AE inspected the service, but observed that

the capacitors were replaced on 19.12.2008 (5 KVAR) and on 30.07.2009 (10KVAR), there is no change and there is demand for capacitor surcharge and further ordered the staff to disconnect the same.

4. After hearing both sides and after considering the material placed before the Forum, the Forum observed, that the licensee has levied LPF surcharge on the consumption of the complainant. After rectification, spot test results revealed, that the meter is functioning with (-)42.11% error. Further, in terms of 14.6.1 of GTCS the Forum can adjudicate the complaints relating to non-receipt or erroneous bills, when they are failed to get proper response. The Forum also observed that there was negligence and there is deficiency of service. The person responsible may be identified and disciplinary action may be initiated against the concerned and ultimately held that the grievance of the consumer complainant is not coming under the purview of the Forum. The consumer shall approach the appellate authority, as contained in Para 3.2 of PAO of the respondent No.2.

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same that even after changing of capacitor, there is no reduction of CC bills and they are receiving at the same rate, as they were receiving prior to change of the capacitor. When the same was informed to the officials, they stated that there was difference in the capacitor inspite of the change of the meter and inspite of change of the capacitor, the capacitor surcharge are not reduced and are receiving in the same manner; and that they are not responsible for giving wrong connection and the appeal preferred by the appellant is to be allowed by setting aside the impugned order.

6. Now, the point for consideration is, “whether the impugned order dated 26.12.2009, is liable to set aside? If so on what grounds? ”

7. The Forum has already opined that there is a deficiency of service and passed an order to approach the appellate authority as if it has no jurisdiction to entertain the appeal.

8. The Forum has simply rejected the appeal on the ground that it is not having jurisdiction to entertain the same. The appellant has to approach the competent authority. It is an admitted fact that wrong connection is given by the respondents at the time of installation. It is also construed that there is a deficiency of service and to the person responsible may be identified and recommended for initiation of disciplinary action against the concerned official. When, there is a deficiency of service on the part of the respondent, the Forum has got power to entertain the complaint.

9. Furthermore, Sri S.Narasimha Rao, advocate for the appellant vehemently argued that inspite of change of the meter and inspite of change of capacitor, there is no variation in the bills. The complainant urged that there was deficit of 42% as alleged by the respondents. When the same is put before Sri L.Satish Naik, AE who appeared at the time of hearing of the appeal, stated that there is no change of meter readings even after replacing with new meter and new capacitor.

10. The Forum has already observed that it has got power to adjudicate the complaints relating to non-receipt or erroneous bills when they are failed to get proper response. Here in this case, the complainant has been receiving erroneous bills and no response is made by the respondents to rectify the error in making the claim for LPF or back billing charges, etc. When there is no change in the reading subsequent to the change of the new meter and capacitor and when the charges are made erroneously, it comes well within the definition of deficiency of service and the observation of the Forum on this aspect is not correct and is liable to set aside.

11. In the result, the appeal is allowed and the impugned order is set aside and the LPF, back billing amounts if collected they may be adjusted in the future CC bills. The respondents are also directed to make arrangements for giving spot billing by serving CC bills on the spot. The compliance report may be submitted to this authority within 30 days from the date of receipt of this order.

This order is corrected and signed on this day of 27th April 2010

VIDYUT OMBUDSMAN