

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu, Director (Law) and
Vidyut Ombudsman**

Dated: 31 -12-2009

Appeal No. 21 of 2008

Between

Sri. V. Rami Reddy, Proprietor
M/s. Perfect Engineering Works,
Balanagar, (Adjacent to F-3 / A)
IDA, Kukatpally, Hyderabad – 500 037

... Appellant

And

1. The Asst. Engineer / Operation / APCPDCL / Balanagar / Hyd
2. The Asst. Divisional Engineer / Operation / APCPDCL / Balanagar / Hyd
3. The Asst. Accounts Officer / ERO / APCPDCL / Bowenpally / Sec'bad
4. The Divisional Engineer / Operation / APCPDCL / Bowenpally / Sec'bad
5. The Superintending Engineer / Operation / APCPDCL / Hyd (North) / Hyderabad
6. The General Manager / Customer Service / APCPDCL / Corp. Office / Hyd

... Respondents

The appeal / representation dated 23.09.2008 of the appellant has come up for final hearing before the Vidyut Ombudsman on 29.12.2009 in the presence of Sri V.Rami Reddy, appellant and Sri S.Ramanaiah, Asst.Engineer on behalf of the respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following:

A W A R D

Aggrieved by the order passed by the Forum for Redressal of Consumer Grievances of APCPDCL (for short the "Forum") in C.G. No. 11/ 2008-09 of Hyderabad (North), Circle dated 02.09.2008, the appellant herein filed appeal / representation dated 23.09.2008.

2. In his representation the appellant has stated that:

(a) their's is a small scale industry in Gandhinagar Industrial Area, the report does not clearly give any tangible scientific data of meter justifying the assessment period of 8 years. The summary report and the tamper status report are not clear

and do not in any way clearly specify the period of Y potential missing for such lengthy period.

(b) the levy of short billing for the said period was not supplied to him inspite of representations.

(c) The DE / Operation has confirmed the provisional assessment in his final orders without giving any basis. He paid Rs.2900/- for shifting meter and power shifted on 29.11.05 to a new premises.

(d) The report does not contain full data since some pages are missing which may throw some light on the exact details. In the absence of documentary evidence as per clause 7.5.1.4.4 of the General Terms and Conditions of Supply the assessment period has to be limited to 6 months and not 8 years as levied. The CT meter is supposed to be checked on a periodical basis by the company and more so every month. Hence, this appeal is filed before this authority to render justice in this case, by setting aside all the previous proceedings given and also direct the concerned not to disconnect the power supply to the premises.

3. After considering both parties, the Forum passed the impugned order. The operative portion of the order of the Forum is extracted as hereunder.

“Having regard to the facts of the case, the Forum is of the considered opinion that ends of justice would be met if the back billing is limited to 459 days, during which Y Phase Potential missing was recorded in the Tamper Summary Record, adopting the tariff applicable from time to time.”

4. Basing on the findings given by the Forum, the DE / operation / APCPDCL passed an order with a demand of Rs.70,191.63ps while implementing the orders of the Forum.

5. Now, the point for consideration is, whether the impugned order is liable to be set aside or varied? If so, on what grounds?

5. On receipt of the notice both parties i.e., the appellant and his son present and on behalf of the respondents, Sri S.Ramanaiah, AE were present.

6. At the first instance when conciliation is made between the parties, as a mediator in the matters with the subject matter of the representation filed by invoking clause 8(1)(c) of Regulation 1 of 2004, they have represented that Rs.60,000/- was already paid and the appellant requested to set aside the entire order passed by the Forum and also the order passed by DE / operation / Bowenpally claiming refund of Rs.60,000/- already paid by him. When questioned about the payment of Rs.60,000/- by the appellant either under protest or under any objection subject to the result of the appeal. The appellant reported that no objection or protest was made at the time of paying Rs.60,000/- to the department.

7. In the elaborate discussions and negotiations, it is ultimately requested by the appellant that the claim may be confined to Rs.60,000/- without demanding balance amount and when questioned about same the AE, for respondents, reported that they have no objection for the same.

8. In the light of the above said discussion, the appeal is disposed of with a direction to the respondents not to make any further demand of the balance amount of Rs.10,191.63ps (if the amount of Rs.60,000/- has already been paid).

This order is corrected and signed on the 31st day of December 2009.

VIDYUT OMBUDSMAN