

BEFORE THE ELECTRICITY OMBUDSMAN, ASSAM STATE
Assam Electricity Regulatory Commission, A.S.E.B. Campus,
Dwarandhar, G. S. Road, Sixth Mile, Guwahati - 781 022

PETITION NO. : 1/2017
FILE NO. : EOM.32/2017

Name of Appellant : **Bhawilal Siotia,**
Dena Bank Building,
HB Road, Panbazar,
Guwahati - 781001

Represented by : **Shri N. Siotia**
Shri S. Siotia

Name of Respondents: Assam Power Distribution Company Ltd.,
Bijulee Bhawan, Paltan Bazar,
Guwahati – 781001

Represented by : AGM, IRCA-I,
APDCL, LAR, Paltan Bazar,
Guwahati – 781001

Date of receipt of Appeal petition : 10.01.2017

::: PROCEEDINGS :::

The Appellant on receipt of supplementary bill amounting to Rs. 423404.94 for the defective meter period moved for redressal of grievance before the CGRF, Guwahati Zone on 30th October, 2016. CGRF on completion of proceeding rejected the petition and directed the APDCL to realise the supplementary demand from the petitioner. Not satisfied with the order of the CGRF, the petitioner submitted appeal petition before this forum and hence this appeal.

The petitioners believe that the formula used by the respondent APDCL is prone to lot of statistical errors and has led to overestimation of the supplementary bill. They also say the average per day consumption before the meter got defective was 72.4 units and presently it has been calculated as 159.26 per day which shows bias in calculating average consumption. They further state charging at the same flat rate for the entire period is leading to over estimation of the bill. They insist the increase in consumption should be calculated on the basis of compounded annual growth rate rather than charging for the previous years on the basis of present consumption. The present method is totally unjustified as the average consumption two years before was less than half of what has been calculated at present.

Over the span of three years, the petitioners say they have slowly added some domestic electrical appliances as a result there has been gradual increase in electricity consumption. These appliances were not there when the meter got defective. Hence charging for the previous years on the basis of present consumption is unjustified.

The petitioners also claim to be a seasonal consumer as their consumption decreases significantly during winter months when compared to the summer months.

Respondent APDCL in their contention highlights that the supplementary bill has been served on the consumer as per clause 4.2.2.4 of the Assam Electricity Regulatory Commission (Electricity Supply Code and Related Matters) Regulations, 2004, (First Amendment) 2007. Respondent submitted letters dated 21.07.2016 addressed to the Area Manager, IRCA-I, APDCL, Paltan Bazar, Guwahati and dated 30.10.2016 addressed to the General Manager, CGRF, Guwahati zone, APDCL, ASEB Campus, Sixmile, Guwahati -22 by which the representatives of consumer say that over the span of three years they have slowly added some domestic appliances as a result there has been gradual increase in electricity consumption. Respondent indicated the consumer had not entered into any fresh agreement for load extension and they had added electrical appliances without permission of the supplier (the Respondent APDCL) is itself a mal practice.

The meter is inspected by T & C Division of APDCL on 10.07.2013. The energy meter was declared defective vide inspection report dated 10.07.2013. The consumer was requested to arrange for replacement of existing meter. No action was initiated by the consumer till 28.07.2015. Subsequently, T & C Division, APDCL replaced the meter on 28.07.2015 by new meter.

The seasonal tariff option is available to consumer under HT Tea, Coffee and Rubber as per the schedule of Tariff. The consumer does not come under the seasonal tariff category. Thereafter, supplementary bill was generated as per clause 4.2.2.4 of the Regulations.

Observation & Findings:

Consumer and the Respondent are heard on 24.01.2017 and 23.02.2017 and relevant documents submitted by them also examined. The energy meter was installed in the name of Bhawilal Siotia in his three storied building located at HB Road, Panbazar, Guwahati -1. The building consists of three floor apart from the ground floor which is rented out to a bank branch and has separate energy meter for the ground floor. Bills of which are paid by bank authority. The meter no. ASE 01262 was installed for the use of other parts of the building where the family members of Bhawilal Siotia reside. As such the said meter records, the energy consumed by the members of family of Bhawilal Siotia who reside in the three floors of the building. The original consumer of the meter no. ASE 01262 reportedly died in the month of January, 2001. The legal heir of the original consumer Bhawilal Siotia has not applied for change of name of consumer till date. Later on the meter was inspected by the T.&C. Division of APDCL on 10.07.2013 and the meter was found defective. The representative of consumer was requested to take steps to replace the defective meter. The inspection report dated 10.07.2013 had been signed by both the respondent APDCL and the representative of consumer. But no action for replacement had been taken by the consumer.

Later on Respondent APDCL replaced the meter and meter No. 14065803 had been installed on 28.07.2015. The family members of the consumer, (Bhawilal Siotia) live separately in the three floors of the building due to increase of family members . They have also added some domestic electrical appliances. On the other hand, the electricity consumption has been recorded in the said meter installed in the name of Bhawilal Siotia, the original consumer.

The seasonal tariff option claims by the consumer cannot be entertained in view of fact that it is applicable only in case of consumer under HT Tea, Coffee and Rubber as per schedule of Tariff. It appears representative of the consumer was not serious enough to take steps as required even after request made by the respondent APDCL. Therefore, there is no reason to disagree with the action taken by the respondent to serve the supplementary bill as per clause 4.2.2.4 of the Regulations. As the meter was declared defective on 10.07.2013, the supplementary bill shall be w.e.f. 10.07.2013 to 28.07.2015.

Award:

The above discussion and finding lead to the following award.

The respondent APDCL has right to serve the supplementary bill for the period 10.07.2013 to 28.07.2015. The consumer appellant shall make payment accordingly.

Respondent APDCL shall be at liberty to fix instalment payment of the amount by the consumer appellant.

There shall be no cost.

The petition dated 28.12.2016 stands disposed of.

Sd/-

(R.L. Duarah)
Electricity Ombudsman

Memo No. EOM. 31/2016/34

Dated Guwahati the 28th March, 2017

Copy to:

1. **The Area Manager, IRCA-I, APDCL, LAR, Paltan Bazar, Guwahati – 7810012.**
2. **Bhawilal Siotia, Dena Bank Building, HB Road, Panbazar, Guwahati – 781001.**

Secretary,
O/o the Electricity Ombudsman