

# ELECTRICITY OMBUDSMAN, RAJASTHAN JAIPUR

## Case No. : EOR – 437/2018

In the matter of representation filed before the Electricity Ombudsman, Rajasthan, Jaipur by

M/s Indus Towers Ltd.,  
G-Business Park, 3<sup>rd</sup> Floor  
D-34, Subhash Marg, C-Scheme  
Jaipur - 302001

Appellant

v/s

Ajmer Vidyut Vitran Nigam Ltd.,  
Vidyut Bhawan, Makarwali Road,  
Panchsheel Nagar,  
Ajmer – 305 004

Respondent

### Represented by

Appellant: Shri Neeraj Kumar. Head-Energy

Respondent: XEN (DD-II) AVVNL, Bhilwara  
Shri Ribhu Dutt, Advocate

### Heard on 11.7.18 in presence of

Appellant: Shri M .S. Naruka, Representative

Respondent: XEN (DD-II) AVVNL, Bhilwara  
Shri Ribhu Dutt, Advocate

Coram  
G. R. Choudhary  
Electricity Ombudsman,  
Rajasthan

## **Award**

**Date: 12.7.18**

### **1. Registration of the case**

The Appellant filed the representation on 22.5.18 before the Electricity Ombudsman, Rajasthan which was registered on the same day at Case No. EOR – 437/2018.

## 2. Brief of the case

The Appellant is having an electricity connection in Non Domestic category (A/c No. 0404-0007) for sanctioned connected load of 18 kW, at Suwana under AEN (Rural-I), AVVNL Bhilwara in Bhilwara district of the Respondent. The minimal facts leading to this representation are narrated hereunder:

- 1) The Appellant is having grievance regarding debit of Rs 33761/- (on account of revision of the bill for the month of Mar'16) in the electricity bill for the month of Oct'17 shown as other Nigam Dues. The Appellant stated that they have already deposited the bill, which was issued on average basis.
- 2) The Appellant approached the Circle Level Grievances Redressal Forum of the Respondent at Bhilwara (Forum in short) for redressal of his grievance. The Forum accorded its decision on 20.2.18.
- 3) Being not satisfied by the decision of the Forum, the Appellant filed the representation before the Electricity Ombudsman for redressal of his grievance.

## 3. Representation

The representation along with documents submitted by the Appellant averred as under:

- i. The Appellant stated that in the bill of Oct'17 Rs. 33761/- were added as Other Nigam Dues.
- ii. On approaching to the office of the Respondent an audit sheet was made available. According to audit sheet the bill of Mar'16 was revised for which the Appellant did not agree because they have already deposited the average bill of Mar'16 at that time of Rs. 37180/- for 4115 units.
- iii. As per record the energy meter bearing Sr. No. 5495148 provided in the premise of the Appellant was in running condition in Mar'16. As the Respondent did not take the meter reading and issued that bill for 4115 units on average basis, but the Respondent wrongly stated that the bill of Mar'16 was issued for 'zero' unit.
- iv. In the meeting of the Forum dated 22.2.18 it was decided that charging raised by the audit was in order and to be recoverable from the Appellant.
- v. Relief sought:
  - a) To direct the Respondent to quash the charging done.
  - b) Excess amount charged on this account be refunded with 18% interest.
  - c) Any other relief in the interest of justice.

## 4. Processing of the case

- 1) The notices were served on dated 22.5.18. A copy of the representation received from the Appellant was forwarded in terms of the Regulation 7(1) of the RERC (Settlement of Disputes by Electricity Ombudsman) Regulations, 2010 (Electricity Ombudsman Regulations in short), to the Respondent and the Forum for sending reply / comments/ factual report, so as to reach to the Electricity Ombudsman by 15.6.18 along with necessary supporting documents and the proof of serving a copy of the same to the Appellant.

- 2) The Appellant was also asked to furnish his comments, if any, on the Respondent's reply, to the Electricity Ombudsman by 27.6.18 along with a proof of serving a copy of the same to the Respondent.

5. Replies and arguments

- 1) The Respondent furnished the reply to the representation on 18.6.18 along with a proof of serving a copy of the same to the Appellant.
- 2) No reply/ comment on the Appellant's representation were received from the Forum.
- 3) The case was heard on 11.7.18 in presence of authorised representatives of both the parties, listed above.
- 4) The Respondent's reply and the arguments furnished during the hearing have been summarised as under:
  - a. The Respondent stated that the Appellant filed the case regarding wrong revised billing for the month of Mar'16 on account of zero unit bill issued originally. The correct facts of the case are that, earlier before May'16 manual billing was done through VSPL. Thereafter, from May'16 onwards system billing started via HCLI. At that time, the then SE passed directions to do monthly billing of high value consumers. Therefore, the billing of month Mar'16 and Apr'16 was done manually and thereafter from May'16 onwards the billing was done monthly and through system. But due to some system error the units consumed for the month of Mar'16 showed zero due to financial year issue.
  - b. The Respondent stated that the audit saw the system generated report wherein the billing for the month of Mar'16 was shown as zero units and therefore they directed to charge amount for average units for the month of Mar'16 i.e. 4115 units.
  - c. The Respondent stated that on the basis of the said audit report the charges were levied. When the matter was brought before the Circle Level Grievance Redressal Committee, the Committee rejected the claim of the Appellant, rightly relying on the report of the Audit.
  - d. The Respondent stated that the Appellant has not clearly stated in prayer as to against which billing he wants relief and as to what charges levied he wants to be quashed. In the absence of clear prayer, the pleadings stand ambiguous and vague.
  - e. The Respondent prayed that this reply may be taken on record and the case may be dismissed qua answering the Respondent with penal costs throughout.
- 5) During the hearing both the parties reiterated their respective written arguments as above. The Appellant stated that the Respondent did not take the meter reading in Mar'16 and issued Bill for that month on the basis of average i.e. 4115 units, which has already been deposited by them but the Appellant could not produce the copy of Mar'16 bill in which average billing for 4115 units has been claimed. During hearing the Respondent produced a letter written to Sr.AO(IA) and stated that contention of the Appellant regarding wrong debit of assessment raised by the Audit is correct to some extent. The Respondent further stated that proper facts could not be produced before the Forum and decision was accorded on the basis of audit report. Now request has been sent to

Sr.AO(IA) to allow credit of the amount debited in the bill of Oct'17. No bill was issued in the month of Mar'16 and in Apr'16 the regular bill was issued in which the consumption of Mar'16 was included. Not issuing the bill in Mar'16 was considered as 'zero' reading bill for the month Mar'16 by the internal audit. The Respondent accepted that the audit amount raised was not chargeable from the Appellant. The Respondent also stated that as the bill of Mar'16 was not issued to the Appellant and in the month of Apr'16 monthly bill issued so fixed charges Rs. 1710/- for the month of Mar'16 are chargeable, the Appellant accepted it.

**6. Settlement by Conciliation**

Both the parties were explained about the factual position of the case within the framework of the Act/ Rules and the Regulations made there under and were advised in view of the Regulation 7(2) of the Electricity Ombudsman Regulations, to reach some settlement of the representation but no settlement could be reached. They furnished a written statement in this regard. The Electricity Ombudsman, therefore, analysed the case and accorded the decision as hereunder.

**7. Analysis of the case**

Based on the written statements / documents provided by both the parties and arguments made during the hearing the case has been analysed as under:

In this case both Appellant and Respondent could not produce correct facts relating to this grievance. The Appellant stated that they have already deposited the average bill of 4115 units for the billing month of Mar'16 but could not produce the copy of the above bill. Similarly the Respondent also not put up correct factual position in the reply submitted and before the Forum. On perusal of the copy of the letter written to Sr.AO(IA), Ajmer, which was produced by the Respondent during hearing the factual position emerged is altogether different. The contents of the letter in respect of M/S Indus Tower Ltd. A/C No.0404-0007 in reference to audit memo review report written to Sr.AO(IA) are as under:

- a. ***The consumer is having a connection in NDS category for sanctioned connected load of 18 KW.***
- b. ***In Dec'15 average bill was issued to the consumer as meter was defective.***
- c. ***In Feb'16 billing the meter was shown replaced and bill was issued on average basis for 4115 units also new meter sr.no.05496148 with IR 18623 remark of 'c' was shown in the ledger.***
- d. ***Up to Feb'16 there was bimonthly billing and in Mar'16 advice was sent to the billing agency by the sub-division for monthly billing.***
- e. ***No bill was issued by the billing agency to the consumer in the month of Mar'16.***
- f. ***Computer billing agency started monthly billing from April 2016 onwards and monthly bill was issued to the consumer in April 2016 for the actual consumption (difference of actual reading taken in April and initial reading 18623 shown in the ledger in the month of Feb'16 i.e. of two months).***
- g. ***Due to non issue of bill in the month of Mar'16, Internal Audit during course of audit in FY 16-17 treated it as zero consumption bill issued and raised an assessment for Rs.33761/- of 4115 units.***

***Conclusion:- Keeping in view of above points it is clear that average charging raised by the Audit for the month of Mar'16 is totally wrong and not recoverable because billing of actual consumption of Mar'16 has been done in the next month i.e. April 2016 but due to conversion in to monthly billing the Fix charges Rs.1710/- for the month of Mar'16 has not been recovered, which are recoverable from the consumer.***

Vide above letter the Respondent has sought approval from Sr.AO(IA) to credit the amount so debited as per audit report.

From the above letter the whole issue is clear and nothing is left to analyse in the instant case as recovery raised by Audit for Rs.33761/- and debited by the Respondent is wrong and require to be credited and Fix charges Rs.1710/- for the month of Mar'16 are recoverable.

**8. Award on Representation**

Based on analysis of the case as above, the Electricity Ombudsman hereby passes the award under Regulation 8 of the Electricity Ombudsman Regulations, as under:

1. The Respondent is directed to credit the difference amount Rs32051/- (i.e. debited amount Rs. 33761/- less Fixed charges Rs. 1710/-) along with LPS if any on this amount.
2. The excess amount recovered from the Appellant if any shall be refunded with interest at RBI rate, as per the **Regulation 37** of the Supply Code Regulations, payable from the date of recovery till the date of refund.
3. The amount as above shall be credited in next electricity bill to be issued by the Respondent, after the receipt of acceptance of this award by the Appellant.
4. No order as to costs.

**9. Compliance of Award**

- i. The Appellant may furnish to the Respondent within a period of **fifteen days** from the date of receipt of this award, a letter of acceptance that the award is accepted in full and final settlement of his claim. A copy of such acceptance be also forwarded to the Electricity Ombudsman.
- ii. The Respondent shall comply with this award as above, on receipt of the acceptance letter from the Appellant otherwise it shall be deemed to be a contravention of the RERC (Settlement of Disputes by Electricity Ombudsman) Regulations, 2010 and in that case the Appellant would be at liberty to take appropriate action against the Respondent including filing a representation before the Rajasthan Electricity regulatory Commission under the Section 142 of the Electricity Act, 2003, for such non-compliance.
- iii. The Respondent shall intimate the compliance of the award to the Electricity Ombudsman, Rajasthan.
- iv. If the Appellant does not intimate the acceptance, the award shall not be required to be implemented by the Respondent.

(G.R.Choudhary)  
Electricity Ombudsman,  
Rajasthan