

**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. : 2/2013**  
**FILE NO. : EOM.18/2013**

Petitioner : Bipul Saha,  
C/o- Santosh Saha  
Rice Mill, Ward No.- 4  
Kalahbhanga  
Barpeta Road

Represented by : 1) Bipul Saha  
2) Nazim Uddin Mollah, Advocate  
3) Abhijeet Chaudhury, Advocate  
4) Nurain Hussain, Advocate

Respondent : 1) Deputy General Manager  
Barpeta Electrical Circle, APDCL  
Barpeta

2) Sub-Divisional Engineer  
Barpeta Road Electrical Sub-Division, APDCL  
Barpeta Road

Represented by : 1) Upen Chandra Goswami  
Deputy General Manager,  
Barpeta Electrical Circle  
APDCL

2) G.L. Pathak  
Sub-Divisional Engineer  
Barpeta Road Electrical Sub-Division  
APDCL

**::: PROCEEDINGS :::**

The petitioner submitted petition dated 12.09.2013 stating that Barpeta Road Electrical sub-division sent revised bill indicating “0” meter reading on 01.09.2010 and current meter reading 68296 on 01.03.2013 with 68296 as consumed unit vide bill no. 1174128, bill dated 11.03.2013. The said bill required payment of Rs. 1,57,837.00 after adjustment of payment made Rs. 1,18,060.00. Whereas the petitioner paid energy bill for reading upto 65300 unit on 01.10.2010 vide bill no. 646494, bill date 13.10.2010. The bill no. 646494, bill date 13.10.2010 indicates meter reading as 63650 on 01.09.2010. “0” meter reading on 01.09.2010 vide bill no. 1174128, bill date 11.03.2013 is not acceptable to the petitioner and hence prayer for revised and correct bill.

The petitioner in his written statement on 25.10.2013 stated that bill no. 646494 dated 13.10.2010 recorded 63650 unit on 01.09.2010 whereas bill no. 1174128 dated 11.03.2013 stated “0” unit on 01.09.2010. The petitioner lodged complaint and applied for test of the meter and deposited Rs. 350.00 on 28.06.2013. The authority has not taken steps to check the meter.

The petitioner further in his written statement dated 15.11.2013 claims that he has no knowledge of replacement of old meter on 01.09.2010 by a new meter no. ASEF2009. Besides the bill no. 646494 dated 13.10.2010 for the period 01.09.2010 to 01.10.2010 has shown meter no. ASE22958. Hence, no meter was changed on 01.09.2010.

The petitioner again in his written statement dated 18.11.2013 submitted bills w.e.f. 01.09.2010 to 01.10.2012 prepared on reading basis as because bills of the periods indicated present reading, previous reading and reading difference. Therefore, bill was not prepared on assumption basis. The contention of petitioner is that the bills w.e.f. 01.10.2012 to 01.10.2013 shall be prepared as per para 4.2.2.4 of the Assam Electricity Regulatory Commission (Electricity Supply Code and Related Matters) Regulations, 2004.

The respondent, Deputy General Manager, Barpeta Electrical Circle, Barpeta vide written statement dated 22.10.2013 claims that old meters was replaced by secure meter no. ASEF2009 on 17.08.2010. The period of the bill w.e.f. 01.09.2010 to 01.03.2013 found disputed which was revised as per actual meter reading of new secure meter w.e.f. 01.09.2010 to 01.03.2013 with initial reading as "0" on 01.09.2010 and present reading 68293 on 01.03.2013. The industrial unit consumed 2061 units w.e.f. 01.03.2013 to 01.04.2013 and 3360 units w.e.f. 01.04.2013 to 01.06.2013. The meter was found no display on 01.07.2013. As such average consumption of 1713 unit per month has been recorded for energy bill w.e.f. 01.06.2013 to 01.10.2013.

The respondent further submitted computerised personal ledger accounts indicating bill no. and consumption unit w.e.f. 01.09.2010 to 01.03.2013.

Respondent Sub-Divisional Engineer, Barpeta Road Electrical Sub-division, APDCL, Barpeta Road also submitted written statement on 14.11.2013. It is stated that the old meter no. ASE 22958 was changed by a digital meter no. ASEF2009 on 01.09.2010. The bills for period w.e.f. 01.09.2010 to 01.10.2012 was prepared on assumption basis. The bills w.e.f. 01.11.2012 to 01.03.2013 was not prepared due to enquiry inspection and for revision. The meter reading was taken in March, 2013 and reading was 68296 unit on 01.03.2013 w.e.f. 01.09.2010 when the initial reading was "0" unit.

Next bill for period 01.03.2013 to 01.04.2013 was prepared taking reading as 70204 unit on 01.04.2013. Similarly, next bill upto 01.06.2013 was served on meter reading 73435 on 01.06.2013. No display on meter on 01.07.2013 and as such energy bill was served on the basis of average consumption for the period from 01.06.2013 to 01.10.2013.

On the above contentions of the petitioner and respondents, the matter was heard on 25.10.2013, 15.11.2013 and 19.11.2013. To ascertain actual consumption, it was decided to obtain CMRI report.

The CMRI report on the meter no. ASEF2009 was submitted on 16.12.2013 by the Chairman, CGRF, Guwahati Zone.

The report of CMRI was sent to the petitioner for views and comments etc. Accordingly, hearing was fixed on 02.04.2014 asking petitioner and respondent to appear for hearing. Also asked representative of M/s. Secure Meter to appear to explain the CMRI report.

Petitioner Shri Bipul Saha and appointed Advocate Norain Hussain present.

Chairman , CGRF Guwahati, Respondent Shri U.C. Goswami, DGM Barpeta Electrical Circle, APDCL and Shri G.L. Pathak, SDE, Barpeta Road Electrical Sub-division, APDCL present.

Shri Mukul Saikia, Manager Marketing, Secure Meter Ltd., also present.

During hearing, the petitioner reiterates that bill w.e.f. 01.09.2010 to 01.10.2012 was prepared as per reading basis as the bills for the periods received by him had records of previous reading,

present reading and reading difference. The bills for the period 01.10.2012 to 01.10.2013 shall be prepared on the basis of provision of the Assam Electricity Regulatory Commission (Electricity Supply Code and Related matters) Regulations, 2004.

The respondent Sub-Divisional Engineer, Barpeta Road Electrical Sub Division explains that the meter was installed on 01.09.2009. The meter reading was on assumption w.e.f. 01.09.2010 to 01.10.2012.

He also explains the computerised data of personal ledger account of the petitioner and states that meter no. ASE22958 recorded in the personal ledger account w.e.f. 01.09.2010 to 01.02.2011. Thereafter meter no. ASEF2009 was recorded upto 01.11.2013. Further, the personal ledger account clearly stated the unit consumed w.e.f. 01.09.2010 to 31.10.2012 and 01.04.2013 to 01.06.2013 where the meter status “normal” is reflected.

On query why meter no. ASEF2009 was not recorded in the personal ledger account of the petitioner w.e.f. 01.09.2010, the Respondent explains that the digital meter is a new concept in the electricity distribution and the Meter Reader was not conversant at that point of time and hence the wrong recording of meter no. taken place. The matter of wrong recording of meter no. come to the notice of the respondent in March, 2013. Thereafter reading of the meter was taken and on 01.03.2013 and it indicates as 68296 units.

As regarding actual date of installation of meter no. ASEF2009, the respondent produced the letter dated 26.02.2011 written by the petitioner to the respondent SDO, Electricity Sub-Division Barpeta Road wherein the petitioner stated that he paid Rs. 4800/- on 07.05.2009 (ref. No. 877/349 dated 07.05.2009) for new meter i.e. meter no. ASEF2009.

In the interest of adjudication of the petition, representative of M/s. Secure Meter Ltd. is also asked to appear and explain the CMRI report submitted by them as requested. Their view is that as normal in case of a digital meter, this particular meter (ASEF2009) memory recorded data for eleven months. The memory recorded data w.e.f. 01.08.2012 to 01.06.2013 available for scrutiny. The report also stated about “Neutral disturbance” and damage of CCA (circuit card assembly) by some liquid chemical. However, the meter reading 68296 unit on 01.03.2013 is reflected in the meter memory. The memory of the meter does not have capacity to store data beyond eleven months.

**:: :: FINDINGS AND OBSERVATION: :: ::**

On the basis of representation and documents and written statements submitted by the applicant and respondents as well as hearing taken, observation, findings are as under:

Period of dispute is accepted as period w.e.f. 01.09.2010 to 01.03.2013.

Petitioner paid Rs. 4800/- vide ref. No. 877/349 dated 07.05.2009 for installation of Meter No. ASEF2009. This fact has been ascertained from the letter dated 26.02.2011 written by the petitioner to the respondent, Assistant Engineer, Barpeta Road Electrical Sub-Division. Thereafter, the meter no. ASEF2009 was replaced on 19.11.2013 as per record where signatures of petitioner as well as authorised persons of APDCL are seen.

Therefore, I find no reason to believe that meter no. ASEF2009 was not installed in the premise of the petitioner as claimed by the petitioner.

The personal ledger account of the consumer maintained in the computer of APDCL, Barpeta Road has been produced by the respondent on 04.02.2014. This computer data state meter no. ASE22958 w.e.f. 01.09.2010 to 01.02.2011. Thereafter, meter no. ASEF2009 is recorded upto 01.03.2013. The meter no. was changed and recorded as ASEF2009 in the computer of APDCL on 01.03.2011 only after receipt of the letter dated 26.02.2011 written by the applicant to the respondent indicating the meter no. as ASEF2009. Though the respondent claims that the meter

no. ASEF2009 was installed on 01.09.2010, the computer record is available w.e.f. 01.03.2011. Further in the computer data of the personal ledger account "0" reading is not seen on 01.09.2010. The personal ledger account available from the record maintained in the computer of the APDCL reflects present reading, previous reading, reading date and normal status of the meter along with meter no. w.e.f. 01.09.2010 to 01.03.2013.

At the time of installation of new meter ASEF2009 no records maintained as per provision of para 4.2.1.2.4 of the Regulations, 2004 relating to Electricity Supply Code and Related Matters.

There is no records available to ascertain the joint inspection / meter reading on March, 2013 as laid down at para 4.2.1.4.1 of the Assam Electricity Regulatory Commission (Electricity Supply Code and Related Matters) Regulations, 2004.

It is observed from the above discussion that there is total lack of responsibility, efficiency and supervision on the part of personnel of APDCL, Barpeta Road in the matter of keeping of records connected with meter reading and preparation of energy bill.

Consumer petitioner cannot be put to disadvantage situation for such negligence on the part of personnel of APDCL.

In view of above, the following award has been decided:

1. The petitioner is liable to pay energy bills for the unit consumed during the period w.e.f. 01.09.2010 to 31.10.2012 as reflected in the consumer personal ledger account maintained by APDCL, Barpeta Road.
2. Energy bill w.e.f. 01.11.2012 to 01.03.2013 shall be prepared as per provision at 4.2.2.4 of the Assam Electricity Regulatory Commission (Electricity Supply Code and Related Matters) Regulations, 2004.
3. Any adjustment if necessary shall be made and final revised bill shall be prepared.

The petitioner shall submit letter of acceptance of above awards to APDCL Barpeta Road within one month from the date of receipt of the order.

Representation cannot be decided within three months as because some documents including report of CMRI need time to furnish.

Hence, no cost to be paid.

With this order the application/representation stands disposed of.

Date: 02.05.2014  
Guwahati

-Sd/-  
(R.L. Duarah, IAS (Retd.))  
Electricity Ombudsman

Memo No. EOM. 18/2013/169

Dated Guwahati the 2<sup>nd</sup> May, 2014

Copy to:

1. **Shri Bipul Saha**, C/o- Santosh Saha, Rice Mill, Ward No.- 4, Kalahbhanga, Barpeta Road, Assam – 781315.
2. **The Chairman**, Consumer Grievance Redressal Forum (CGRF), ASEB Campus, Dwarandhar, Six Mile, Guwahati – 781022.
3. **The Deputy General Manager**, Barpeta Electrical Circle, APDCL, LAR, Barpeta, Assam – 781301.
4. **The Sub Divisional Engineer**, Barpeta Road Electricity Sub Division, Barpeta Road, Ward No.-4, Dist.- Barpeta, Pin -781315.

Secretary  
O/o the Electricity Ombudsman