

2. In response to the above show-cause notice, M.D., SOUTHCO filed report on the lapses in computerised billing relating to the period February'99 & March'99 of B.E.D., Berhampur and G.N.E.D., Berhampur. As the data/information related to the period when GRIDCO was the Distribution licensee for SOUTHCO, M.D., SOUTHCO was directed by the Commission to furnish informations & data for B.E.D. and G.N.E.D., Berhampur for the months of February, 2000 to April, 2000. Accordingly M.D., SOUTHCO furnished a brief note on the computer billing in respect of Berhampur Electrical Division, Ganjam North Electrical Division, Berhampur for February, March & April, 2000.
3. We have heard the arguments of Public Affairs Officer, who is the petitioner in the case and Mr. B.D. Patra, S.E. Planning-cum-Nodal Officer of M/s SOUTHCO. The P.A.O. argued that there has been large scale defective consumer billing in the Berhampur Town by SOUTHCO causing harassment to the consumers. Provisional billing and load factor billings are being resorted to indiscriminately by SOUTHCO, leading to public resentment.
4. It is submitted by the Nodal Officer, SOUTHCO that provisional bills are issued where the meter reading is not available. For example, in cases where house is locked or where defective meter reading is observed, bills are issued on provisional basis. Load factor billing is resorted to where the meter is found tampered, seals are broken or where the meter has been bypassed. In case of unmetered supply of old consumers, load factor billing is also followed. However steps are being taken to take correct meter readings. Low consumption bills are being rechecked, through single phase aquacheck. Steps are being taken to replace defective meters with correct meters. In case H.T. & L.T. consumers, notices are being issued to the consumers to remain present while meter readings are taken.

Consumers are being warned about penal action to be taken in case of tampering/bypass of the meters. Penal action have been initiated in case where the meter has been found to be tampered with. Tamper -proof single phase electronic meters are being installed to reduce loss.

5. After hearing the arguments of both the sides, we find that SOUTHCO has not been diligent enough to ensure correct billing of the consumers. Provisional billing is permitted only when meter installed in Consumer's premises is not accessible and meter reading cannot be taken. In that case, bills shall be raised provisionally on the basis of consumption past recorded subject to subsequent revision on the basis of actual meter reading, as provided under Regulation 63(1) of OERC Distribution (Conditions of Supply) Code, 1998. Load factor billing can be made only in circumstances provided in Regulation 60(2) and 60(3)(b) of OERC Distribution (Conditions of Supply) Code, 1998 and in no other case.
6. In case of house lock, if the licensee apprehends that the consumer is deliberately avoiding the inspection of meter and meter reading, he may give seven clear day's notice by Registered Post to consumer to remain present in the premises on the date and time mentioned in the notice. If the consumer defaults, the licensee may taken steps for disconnection of supply after giving 24 hour notice to the consumer, as provided in Regulation 63(2) of OERC Distribution (Conditions of Supply) Code, 1998.
7. If the meter is found tampered and made defective, then Regulation 60 of the OERC Distribution (Conditions of Supply) Code, 1998 should be followed for the purpose of billing apart from taking action for prosecution under Sec. 44 of the of the I.E. Act. Besides that, the Licensee may call upon the consumer to deposit the cost of replacement of the meter within seven working days. Supply may be disconnected forthwith if the consumer interferes with any of the licensee's apparatus installed in the consumer's premises, after giving seven days notice.
8. In case of unmetered supply of old consumers, steps should be taken to provide them with meters immediately. Till that date, billing should be made as per Regulation 60 of the OERC Distribution (Conditions of Supply) Code, 1998.

Vigorous drive should be made to replace defective meters with correct meters with tamper-proof boxes.

9. The licensee has clearly made itself liable for fines under OERC (Fines & Charges) Regulation, 1999. But since this is the first proceeding against SOUTHCO on the alleged offence of billing in contravention of OERC Regulations, we take a lenient view and drop the proceeding with a warning that in case of breach of OERC Regulations, we will be compelled to impose fines on the Licensee.

(H.S. SAHU)
MEMBER

(D.K. ROY)
CHAIRMAN