

**BEFORE THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES OF
SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI**

This the 11th day of December 2012

C.G.No: 107/2012-13 /Tirupati Circle

Present

***Sri K. Paul
Sri A.Venugopal
Sri T.Rajeswara Rao
Sri K. Rajendra Reddy***

***Chairperson
Member (Accounts)
Member (Legal)
Member (Consumer Affairs)***

Between

**Sri . Dr.Chiran Kantipuly
S/o Chiranjeevi
DNo: 287/2., Thurakamitta Village & Post
Karvetinagaram Mandalam,
Chittoor-Dist.**

Complainant

And

**1. Assistant I Engineer/Operation/Karvetinagaram
2. Assistant Divisional Engineer/Operation/Karvetinagaram
3. Divisional Engineer/Operation/Town/Puttur
4. Superintending Engineer/Operation/Tirupati
5. Assistant Divisional Engineer/DPE-II/Tirupati**

Respondents

Sri. Dr. Chiran Kantipuly, S/o Chiranjeevi resident of D.No: 287/2., Thurakamitta Village & Post, Karvetinagaram Mandalam, Chittoor-Dist. herein called the complainant, in his complaint dt:18-5-2012 filed in the Forum on dt:28-5-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. He is a member of Dalit community.
2. He engaged in setting up a rural drinking water plant involving reverse osmosis technology to provide safe drinking water for the rural villages thus he made an application at the district industrial centre, Chittoor under single window clearance and got approval for 24 hrs Industrial supply of electricity to his plant located at Thurakamitta.

3. The department sent him a notice indicating charges to be paid prior to starting the work to run a separate electric line. As requested the amount Rs 2,85,090/- (see their IR.No. DE/O/PTR/AAE-COML/DNo.4560/11 dt:30/11/2011) was paid via demand draft issued by Indian bank, Karvetinagaram. The total amount was paid on 7-12-2011 with an understanding that the department was to be completing the work within 30 days from the date of payment.
4. However the AE of Karvetinagaram with an intention to delay the project collected additional amount of Rs 11,325/- on 12/01/2012 with a letter statement which states that the consumer should pay the following before work has taken up.
5. Prior to this the line man Mr.Mahavishnu approached the complainant and asked to pay Rs 27,000/-, so that he would distribute that money to several officials of APSPDCL and get his electric line commissioned. The complainant declined his offer.
6. Despite the fact that the department has collected money from him almost four months ago, they purposely delayed the project in bringing the electric line.
7. As result of that delay, he made a written complaint to the DE of Puttur on April 9th 2012 for which there was no response.
8. There was small light meter at his shed which was damaged/burnt and he promptly asked the AE that it had to be repaired or replaced.
9. The Engineers rather than replacing the damaged meter, implicated him in theft of electricity on 12th April 2012, while he was not present at his premises, the vigilance officer Mr. Reddappa falsely implicated him that he was stealing electricity. He honestly never stole electricity nor did he authorize any other person to do so.

10. He vehemently deny his allegations and questions: WHO VIGILS THE VIGILANCE OFFICERS OF YOUR DEPARTMENT. Additionally Mr. Reddappa called him over the phone and verbally abused him on the evening of April 12th 2012 and advised him that as a dalit he cannot run the drinking water business, if he do so, there should be additional penalties, other than the theft charges of electricity and demanded he should come and meet him within two hours and pay Rs 10,000/-. He declined his demand because it was humanly impossible to comply with his demand. Not, only did he abused him, but he did harass the witness and leid to them to sign the witness document.
11. On April 13th the Engineer replaced the damaged meter and he paid additional amount of Rs 500/-.

Question: Why would they replace the meter just the day after slapping a criminal case against him? (Does it make sense?).

8. On May 8th 2012, he sent a letter pursuant to RTI Act requesting information from AE, ADE and DE, which was received by the DE on 10th May 2012. No response as of this writing.
9. On May 11th the departments AE and ADE visited him and informed that they were going to cut off agriculture and lighting service to his premises. He objected to their proposal and requested that they continue the service.
10. In conclusion, he would like to state that filing of both criminal and civil cases against him must be treated as a dilatory harassment techniques being practiced by the unscrupulous sub-ordinate officials and advised that in any civilized nation, the Government officials are deemed to be the potent, omnipresent teachers and teachers the whole people by their higher standards of values for law and if the officials break the law for want of short term monetary benefit or to take revenge against the consumer complaints, it breeds contempt for law

and invites anarchy. This is what he perceive happening in the department. So, please set it right by making impartial enquiry and pass orders just and proper.

11. Please be further advised that when an officer willfully uses his authority to slap a criminal case which is groundless or fictitious to tarnish an image of a schedules caste person is an offense and involves an element of crime punishable by SC/ST Atrocities Act of 1989 and attracts sections 3 to 7 protection of Civil Rights Act, 1955 on the grounds of “Untouchability”.
12. He entitled to scrupulous observance of constitutional safe guards provided by that Act and will be seeking protection under that act, if he unable to resolve the issue with help of their office.

Notices were served upon the respondents duly enclosing a copy of complaint.

The respondent-2 i.e. the Assistant Divisional Engineer /Operation / Karvetinagaram his written submission dt:7-6-2012 received in the Forum on dt: 14-8-2012 stated that:

Para-I: Application was received from district industries centre Chittoor for extension of supply to industrial service in the name of M/s Kanti Industries at Thurakamitta village in Karvetinagaram mandal.

Para-II: An application was received at Division office Puttur from district industries centre in favour of M/s Kanti Industries and acknowledgement sent on 21-11-2011. The estimate was sanctioned on 30-11-2011 and demand notice issued to the consumer. The consumer paid necessary payments on 12-12-2011 and work order also released on 22-12-2011. On observing the work order 26 no.s top cleat with clamps were missing in the estimate hence estimate revised. Revised demand notice issued to the consumer and the consumer also paid balance amount of Rs 11,325/- on 12-10-2012.

Para-III: Regarding the information furnished in the para Sri K.Mahavishnu, Line man enquired about the matter and as per the statement of Sri K.Mahavishnu lineman there is 1 No. un-metered agricultural service and 1 No. domestic service at the same location of the above complainant. The above complainant is having more than 6.0 KW connected load at his domestic service but the average consumption is only 100 units per month and there is a suspicious of stealing of energy for domestic purpose from the un metered agricultural service or from the existing domestic service duly suppressing the consumption by external methods. Hence Sri K.Mahavisnu Line man suggested the above complainant to shift the starter of agl service nearer to the pump set pole and for regularization of addl. load at the domestic service. Sri Mahavishnu Line man further states that the above complainant fabricated false allegation of demanding the amount of Rs 27,000/- since he suggested for regularization addl. Load etc. The copy of statement of Sri K.Mahavishnu lineman is submitted here with. The complainant also not produced any evidence for demanding the money by the lineman.

Before receipt of application from district industries Chittoor the near by farmers informed not to lay the electrical lines in their fields since the information about setting up of industry by the complainant known to them.

The process of receipt of application, sanction of estimate, execution of works etc., to the industrial service of above complainant submitted herewith.

- a. The application for the industrial service of above complainant received from district industries centre acknowledged on 21-11-2011.
- b. The estimate sanctioned and demand notice issued for payment of deposits on 30-11-2011.
- c. The consumer paid the deposits on 12-12-2011 & 12-01-2012.

d. Work order released on 22-12-2011.

Immediately works were taken up and while stringing the line the R & B contractor doing road widening works in Chittoor-Puttur road M/s JMC constructions objected the works and requested to shift the poles. Hence all the poles & lines erected were dismantled and re-routed with revised marking. At this stage the consumers Sri Hari & Sri Mohan of Thurakamitta village, Sri Doraswamyreddy of Ediga palli village and Sri A.Pattabhi Reddy of Ammapalli village objected the works since lines being laid on their lands. But with great struggle arranging all the non available materials and convincing all the above consumers the line works completed by the above consumer and delayed registration of the LT application excepting that he has to pay the CC.bill from date of release of supply. After several requests the consumer registered the application on 24-4-2012 and immediately the service was released on 25-4-2012 vide ISCNNo: 5343306000402. Hence there is no delay from SPDCL side in releasing the service.

Para-IV: In response to the allegations of the complainants letter dated: 09-4-2012 the local SPDCL officials doesn't have jurisdiction to lodge/enquire criminal complaints. However the allegations made in the letter also false and fabricated by the complainant as per their enquiry.

Para-V: The complainant having the domestic service bearing SCNo: 244 with a connected load of more than 6.0KW as explained in para-III and the complainant never informed about damaged/burnt meter at his service to the Assistant Engineer/Operation/Karvetinagaram. The evidence produced as Exhibit – E not received by AE/Opn /Karvetinagaram which is also fabricated by the complainant for wrong full gain.

Para-VI: Sri.G. Reddappa, ADE/DPE/TPT noticed theft of energy at the domestic service of the complainant including burning of energy meter during routine course of DPE checks and the same was informed to the AE/Opn/

Karvetinagaram on 12-4-2012. The inspection report of ADE/DPE/TPT clearly established theft of energy at HSC No: 244 of the above complainant by means of directly tapping the energy from nearest LT lines duly by-passing the meter. Based on the inspection report of the ADE/DPE/TPT, IA notice was issued to the consumer. The complainant not produced any evidence for demanding the money by ADE/DPE harassment of witness etc which are also fabricated by the complainant.

Para-VII: The fact about meter burnt at the above service came to know only through ADE/DPE/Tirupati on 12-4-2012 and after collecting cost of burnt meter Rs 500/- from the complainant on 13-4-2012 vide PR.No: 349627, the meter was replaced with healthy one.

Para-VIII: The request under RTI Act was replied by the ADE/OPN/K.Nagaram vide Ref.No.ADE/O/KNR/Sub-ERO/DNo:1102/12, Dt:30-6-2012.

Para-IX: The AE/Opn/K.Nagaram and ADE/Opn/K.Nagaram inspected the premises of above complainant and requested to shift the starter of agl service to nearest pole of pump-set since the domestic service, un-metered agricultural service and the industrial service all are existing in the same premises which is against to the terms & conditions of APSPDCL.

Further it is concluded that excepting theft of energy at the complaint premises since un metered agl service & domestic service are existing at same location and after verifying recording of less consumption in the domestic service even though the connected load is more than 6.0 KW Sri K.Mahavishnu, Line man advised the complainant for shifting of agl services regularization of addl. Load.

The complainant is a well educated person knowing all the rules & regulations and indulged in theft of energy by suppressing the electrical consumption duly damaging /removing the meter fixed to the service through external methods. The ADE/DPE/TPT

inspected the premises on 12-4-2012 during routine checks found the complainant tapped the LT supply directly from near by LT line duly by-passing/damaging the meter. Hence theft of energy case was booked (Civil & Criminal proceedings) against the complainant as per the Terms & Conditions of APSPDCL.

It is evident that the above complainant knowingly stealing the electrical energy from both the services and paying a meager amount towards CC.Charges to his domestic service even though the connected load is more than 6.0KW which is not proportionate. All the department staff/field Engineer's are very much polite towards consumers and discharging their duties with in the frame of terms and conditions of APSPDCL. None of the department staff/persons neither mis-behaved nor acted with a motive to take revenge on the complainant.

All the allegations made by the complainant are baseless and fabricated for his wrongful gain. Also the above complainant threatening the department staff not to enter his premises even for meter reading. Further the above complainant also threatened the dept staff that he will lodge a complaint on all the dept. staff/officers under SC/ST atrocity act. Hence the jurisdiction staff including the meter readers and the field Engineers are not in a position to discharge their legitimate duties under these conditions.

The respondent-5 i.e. the Assistant Divisional Engineer/DPE-II/Tirupati in his written submission dt:07-12-2012 received in the Forum on dt: 10-12-2012 stated that:

1. He is working as Assistant Divisional Engineer in DPE-II Sub-Division, Tirupati for detection of Theft of Electricity by a person in their premises in Tirupati Circle.
2. On 12.04.2012 he had received a phone call from outsider regarding theft of electricity at Eeduvaripalli village near Karvetinagar for Mineral water plant. This complaint was orally informed to his higher authorities and they orally

advised to proceed for inspection of the premises along with all DPE Inspecting Officers (DPE Sub-division I & II).

3. On 12.04.2012 all DPE inspecting officers vide No.1. G. Reddeppa, ADE/DPE.II/Tirupati (2) Sri PR Harinath, AAE/DPE-II/Tirupati (3) Sri M. Surendranath, the then ADE/DPE.I/Tirupati (4) Sri V. Sreenivasulu, the then AE/DPE-I/TPT (5) Sri B. Sree Hari, AE/DPE-I/Tirupati have journeyed from Tirupati by departmental vehicle bearing No. AP26-9840 to the Karvetinagar and enquired there about the village Eeduvaripalli and reached the location.
4. They have met two persons present in that premises at that time and reported by them as Sri P. Shyam - Maintenance Supervisor and other person Sri A. Ramu- Electrician. And he had proceeded for inspection in the premises with the assistance of other DPE staff and in presence of these two persons present in the premises, and at the time of inspection he had detected that the upstairs of the premises was supplied with LT single phase supply with the help of two single core PVC insulated 7/20 aluminum conductor wires of about 15 meters in length which are tapped from LT supply available near-by and other ends of the same wires were extended to the loads noted in the up stair residential premises as shown by above two persons present where there is no meter and without service.
5. And also detected that the up stair premises is residential, where as the ground floor of the premises is Mineral water plant which is under erection.
6. They have enquired the above two person's present regarding theft of electricity without meter and without service in this premises. They have replied that they don't know about theft of electricity – arrangement in the premises but they were working there only.

7. They have shown the arrangement of theft of electricity as using the supply without meter and without service in this premises to those two persons present and witnesses of Panchanama, and they have enquired the above two persons present about the owner of the premises to inform the theft of energy in that premises. Then Mr. P. Shyam have given a mobile number of the owner.
8. Immediately he had informed the matter over cell phone regarding theft of energy occurred in his premises without meter and without service to his premises and also requested him to come and see the theft of energy arrangement and also for signing in the Inspection Notes, but he replied that he was for away and he could not come to that premises and he would come after two days to that premises.
9. Again he had requested the owner to give instructions to his workers to sign in the Inspection Notes, but Sri K. Chiranjeevi has refused his request.
10. Once again they have requested each person present to sign in the Inspection Notes but they refused. However they have completed the inspection process and obtained two numbers witnesses in the "PANCHANAMA" namely Sri Pangala Venkatesulu, S/o Sri P. Annabba Mandadi and Sri D. Selvaraj, S/o D. Damodar Chetty of Eeduvaripalli village., and the tapping wires used for theft of energy were removed and part of it seized, the same are submitted to APTS along with inspection notes and report.
11. Therefore he had properly discharged his duties in detection of theft of electricity committed by Sri K. Chiranjeevi at his premises situated at Eeduvaripalli.
12. The theft of electricity occurred in the premises of Sri K. Chiranjeevi was detected on 12.04.2012 whereas he lodged an unbelievable complaint with the grudge on inspecting Officer namely G.Reddeppa, ADE/DPE/Tirupati after

receipt of Provisional Assessment notice for penalty for his commitment of Theft of Electricity.

13. Intentionally he lodged a complaint on inspecting officer for ignoring to pay the penalty for stolen electricity of APSPDCL sustained heavy revenue loss.
14. On 12.04.2012 at about 05.30 PM he had informed to Sri K. Chiranjeevi regarding theft of electricity occurred in his premises without meter and without service and requested him politely to come to the premises for check up the theft of electricity as committed by him and for signing in the inspection notes only but he had not abused him as stated in his statement which is out of truth and also no necessity to abused him in this subject.
15. He had politely spoken with him so that he informed his full address including his surname as noted in the inspection notes, and he had not demanded him to pay Rs.10,000/- other than theft charges of electricity as stated by him in the complaint is out of truth, but he complained with grudge for penalty imposing on him for theft of energy only.
16. Himself and other inspecting officers of DPE are politely requested the two persons present to sign in the inspection notes by any one of the two persons but both were refused. They have not harassed the above two persons to sign in the inspection notes is also out of truth. He had politely spoken with two persons so that they have shown all loads available in the premises and they cooperated for inspection.

The complainant sought personal hearing and accordingly, it was scheduled to conduct hearing by the Forum in the presence of the complainant as well as the respondents on 29-11-2012 in the office of the Assistant Divisional Engineer, Operation, Karvetinagaram, herein the respondent-3, at 04:30 PM, but the

complainant did not turn up even up to 05:00PM and only the respondents were present.

Findings of the Forum:

1. The grievance of the complainant is that the departmental officials are delaying the release of the Industrial service he had applied for and paid all the required amounts of demand Rs.2,85,090/-, for the reason that he involved in theft of energy case in the premises and he has to pay the amount of penalty Rs.27,000/-without which the new service can not be released.
2. The complainant contends that his light meter, which was damaged / burnt was not replaced by the respondents though intimated on 3rd April 2012, and on the other hand implicated him in a false theft of energy case on 12th April 2012.
3. On 13th of April 2012, the respondents replaced the damaged meter duly collecting Rs.500/- from him.
4. The respondent-5 i.e. the ADE/DPE-II/Tirupati in his written statement filed in the Forum briefed that the complainant was utilizing supply for his house in the upstairs of the mineral water plant by directly tapping from the near by LT overhead lines with the help of 2 single core PVC insulated 7/20 aluminium wires of about 15 mts in length and the wires other end were connected to the loads of the complainant/consumer during the time of inspection on 12-04-2012 along with 4 other officers and the complainant was made to contact him over phone by the persons present at the time of inspection namely Shyam the maintenance supervisor and Ramu electrician, but the complainant refused to come up and witness the inspection under the plea that he is at a far away place and may take two days to come over. In such case the inspecting officer requested the complainant to instruct his persons present at the time of inspection to sign the inspection notes which was not accepted by and finally

the inspecting officer prepared a Panchanama and got signed by two local people by name Pangala Venkateswarlu , S/o Annabba mandadi and Sevlaraj, S/o Damodhar Chetty of the Eduvaripalli village. He seized a part of the wire utilized for committing the theft. At no point of time he abused the complainant, but requested politely to cooperate in the process of inspection.

5. The loads utilized by stealing the power includes 3 numbers air conditioners besides having one TV, Fridge, 10 numbers tube lights and four numbers ceiling fans.
6. The respondent-2 while reiterating the items mentioned by the respondent-5 additionally stated that the complainant threatened the department staff that he will lodge a complaint against them under SC/ST atrocities act.
7. Linking up of the matter of burnt meter of the other service in the premises to the direct tapping to his house by the complainant and also not appearing to the inspection or instructing his staff to cooperate and sign the inspection notes indicates his willful attitude towards theft of energy. It appears to be the act of defending himself seeking relief from the theft of energy case which is not acceptable and more over the complainant he himself wanted personnel hearing, but was made himself absent to attend the same. As such Forum believes that the complainant is guilty of the said theft of energy case and is bound to pay the said amount.
8. The other point of consideration is that the time period taken for release of the service from the date of his application.
9. The application was received by the respondent on 29-11-2011 and the complainant paid the deposits on 12-12-2011 and 12-01-2012.
10. The respondents reported that there was some missing items while sanctioning of the estimate at first and later the estimate was revised with the left over

items and the balance amount was collected from the complainant on 12-01-2012. However, since the complainant is not at mistake as far as the estimate is concerned the payment date shall be taken as 12-12-2011 only. As such in accordance with the Guaranteed Standards of Performance the respondents are liable to release the service in favour of the complainant with in 30 days i.e. by 11-01-2012 provided that the complainant already paid the amount towards theft of energy taken place in that premises.

11. But it appears that the service was released by the respondents on 25-04-2012 without insisting for the assessment amount towards theft of energy which is not correct since the theft was took place in the same premises and the consumer also is same.
12. However from the date of payment to the date of release the respondents took 135 days as against the specified period of 30 days in the Guaranteed Standards of Performance and hence the delay is 105 days for which the respondents have to compensate the complainant @ Rs.50/- for each day of default and the total amount of compensation is Rs.5,250/-

In view of the above, the Forum passed the following order.

ORDER

The respondents are directed that they shall

1. Remit the amount of Rs.5250/- to the complainant's service towards compensation within 15 days from the date of this order.
2. Report compliance on the item-1 above of the order within 21 days from the date of this order.

The complainant

1. Is directed that he shall pay the amount of Rs.26,567/- immediately to avoid further complications and disconnection of services in his possession.

2. May report the matter to the Forum in case the respondents fail to comply with the item-1 of the order above.

Accordingly the case is allowed and disposed off

If aggrieved by this order, the complainant may represent to the Vidyut Ombudsman, O/o the APERC, 5th floor, Singarenibhavan, Redhills, Hyderabad-500004, within 30 days from the date of receipt of this order.

Signed on this the 11th day of December 2012.

Sd/- Member (Legal)	Sd/- Member (C.A)	Sd/- Member (Accounts)	Sd/- Chairperson
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Forwarded by Orders

Secretary to the Forum

To
The Complainant
The Respondents
Copy submitted to the Honourable Ombudsman, APERC, 5th floor, Singarenibhavan, Redhills, Hyderabad-500004.
Copy to the General Manager/CSC/Corporate office/Tirupati for pursuance in this matter.

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