

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

This the 28th day of July 2012

C.G.No:115/2012-13/Guntur 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

Smt P.Nagamalleswari,
C/o Nayadu Venkata Narayana,
Main Road, Yetravaripalem Village,
Yetravaripalem Post,
Karlalalam Mandal,
Guntur-Dist-522111.

Complainant

And

1. Assistant Engineer/Operation/Karalalalem
2. Assistant Divisional Engineer/Operation/Bapatla
3. Divisional Engineer/DPE/Guntur
4. Divisional Engineer/Operation/Bapatla
5. Assistant Divisional Engineer/DPE-II/Guntur

Respondents

Smt. P.Nagamalleswari, C/o Nayadu Venkata Narayana, resident of Main Road, Yetravaripalem Village, Yetravaripalem Post, Karlalalam Mandal, Guntur-Dist-522111 herein called the complainant, in his complaint dt:08-6-2012 filed in the Forum on dt:08-6-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. She is having service connection No. 549 to her prawn shop at Karlalalam village under category-II from the date of supply of the service.

2. The line man Karlapalem went to her shop in the month of March 2012 and informed that she had to pay Rs 16,197/- by way of penalty.
3. She did not receive any notice from the department as on the date of complaint.
4. When she contacted the AE/Opn/Karlapalem immediately, she got the reply that the vigilance wing Guntur inspected her shop and laid penalty, but she was not given any notice by the AE in this regard.
5. In the month of April 2012 power supply was disconnected to her shop by force.
6. To get reconnection she paid Rs 10,000/- and the balance amount also paid along with the CC.Charges in the succeeding month by force.
7. Requested for justification and order the respondents to pay back the amount of Rs 16199/- along with interest, besides taking disciplinary action against the officers who laid the penalty without verifying the records

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

The respondent-5 i.e. the Assistant Divisional Engineer/DPE-II/Guntur in his written submission dt:19-6-2012 received in this office on dt:20-6-2012 stated that:

1. He inspected the SCNo: 549 of Karlapalem distribution on 09-12-2011 at 13:00 hrs. When the beneficiar Sri M.Venkateswara Rao was present.
2. He had noticed that the consumer utilizing the power supply for preserving the prawns and fishes in the fridge.
3. He asked the beneficiar to show the current bill demand.

4. But he couldn't produce the same and replied that there is a proposal for another meter.
5. Thought that the consumer is utilizing the power supply from domestic service and couldn't produce the bill demand for hiding the category of the service.
6. Hence he prepared inspection notes and requested the beneficiary to sign on inspection notes, but he refused.
7. Due to refuse of the signature and non produce of CC.bill demand, he construed that the service is billing under domestic category.
8. Even though he booked the case on 19-12-2011 and prepared the inspection report on 30-12-2011.
9. Due to more delay he could not remember the facts happened on that day.
10. Then he prepared and booked the malpractice case at the end of the month without observing actual category of the service.
11. The above malpractice case was booked by over sight.
12. He may be excused for the first time mistake happened and he will be careful in future.

Findings of the Forum:

1. The grievance of the complainant is that her service already under category-II was booked under malpractice and an amount of Rs 16,197/- was levied as penalty unlawfully and requested for withdrawal of the same besides taking disciplinary action against the erring officer.
2. The respondent-5 i.e. the ADE/DPE-II/Guntur in his reply stated that he booked the malpractice case by over sight and that too for the first time

with a doubt as the consumer could not produce the CC.bill and refused to sign on the inspecting notes.

3. As could be seen from account copy of the service the service is under category-II since long time (the data is available from 4/2004 onwards) with a contracted load of 1.28 KW.
4. As such the contention of the respondent mentioned supra is not reasonable and he is supposed to go according to the records available, but not with a doubt or suspicion led to wrong booking of the case.
5. The complainant naturally resists the wrong perception of the inspecting officer since she knows that the service is already under category-II and hence the inspecting officer should not find fault for the non signing of the inspecting notes by the complainant.
6. The respondent-5 duly admitting the mistake sought excuse for the mistake happened for the first time, but he should have a thought of the consequences of the inspection and here in this case the complainant was suffered by disconnection of her service forcibly and made to pay the huge amount of Rs 10,000/- with much hard ship.
7. Also the respondent-5 mentioned that though he booked the case on 9-12-2011, he prepared the inspecting report on 30-12-2011 i.e. after delay of 21 days which is against to the clause 10.1.3 of GTCS which says that ***the inspection report shall be sent by the next working day of the inspection*** and also unfair on the part of the respondent attributable motivation of yielding benefit out of the event.
8. The said amount of Rs 16,197/- towards malpractice was included in the CC.bill for 1/2012 of the service.

9. The complainant paid Rs 10,000/- in the month of 4/2012 is on 28-4-2012 and Rs 10,033/- in the month of 5/2012 is on 22-5-2012 unwillingly under the force of the officials with threat of disconnection of her service
10. As reported the complainant, her service was disconnected in the month of 4/2012.
11. The AAO/ERO/Bapatla should have gone through the records while including the said amount of Rs 16,197/- in the bill of the service for the month 1/2012.
12. The inconvenience caused to the complainant is to be compensated by the respondent for the period from 1/2012 till date as the defect was not intimated to the AAO concerned for withdrawal of the unnecessarily raised demand even after the fact came to light.
13. The AAO/ERO/Bapatla shall withdraw the amount already collected from the complainant towards the said undeserved malpractice case and remit along with interest @ 6% per annum on the above amounts from the date of the payment before issue of next bill from the date of this order.
14. The amount of compensation payable to the complainant is calculated from 28-4-2012 i.e. the date on which the complainant paid part of the assessed amount under the threat of disconnection to 15-8-2012 the date by which the respondents are expected to resolve the grievance i.e. 109 days @ Rs 25/- for each day of default and the total amount of compensation is Rs 2,725/-

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

ORDER

The respondents are directed to

1. With draw the amount of Rs.16,197/- along with surcharge if any levied upon from the complainants service account and pay interest @ 6% per annum on the amounts already collected upto the date of withdrawal.
2. Remit the amount of compensation Rs 2,725/- to the complainants service /services with in 15 days from the date of this order.
3. Report compliance on the item-1 and 2 above of the order within 21 days from the date of this order.

The complainant is advised to report the matter to the Forum in case of non compliance by the respondents for the item-1 and 2 above of the order for further proceedings.

Accordingly the case is allowed and disposed off

If aggrieved by this order, the complainant may represent to the Viduyt 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 28th day of July 2012.

Sd/-
Member (Legal)

Sd/-
Member (C.A)

Sd/-
Member (Accounts)

Sd/-
Chairperson

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.