

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

This the 9th day of August 2012

C.G.No:129/2012-13/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

Sri G.Sreenivasa Rao
S/o G.Lakshmi Narayana
DNo: 2-64, Budampadu Village & Post
Guntur Rurals
Guntur-Dist-522017

Complainant

And

1. Assistant Engineer/Operation/D-10/Guntur
2. Assistant Divisional Engineer/Operation/Town-1/Guntur
3. Assistant Engineer/DPE-1/Guntur
4. Divisional Engineer/Operation/Town-1/Guntur

Respondents

Sri G.Sreenivasa Rao, S/o G.Lakshmi Narayana resident of DNo: 2-64, Budampadu Village & Post, Guntur Rurals, Guntur-Dist-522017 herein called the complainant, in his complaint dt:28-7-2012 filed in the Forum on dt:28-7-2012 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 having two numbers electrical service connections bearing SCNo: 627 for his house under category-I and SCNo:6 under category-II at Budampadu village under D-10 section, Guntur.

2. The above two services were inspected by AE/DPE-1/Guntur on 3-2-2012 and the ADE/Town-1/Guntur on 31-3-2012 issued a notice to him duly mentioning about the above said inspection and booking of malpractice against SCNo: 627 and levying of Rs 17480/- as penalty.
3. He lost one of his legs in some accident and leading his life with a small tiffin centre and also repairing grinders because of his knowledge he is having.
4. But the inspecting officer mistook the fact and he felt that the grinders are being used for commercial purpose and there is no necessity for him to misuse the power as he already having one category-II service in the same premises.
5. Requested for justice upon going through the consumptions of both the services.

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

The respondent-3 i.e. the Assistant Engineer/DPE-1/Guntur in his written submission dt:06-8-2012 with a copy to the complainant received in this office on dt:7-8-2012 stated that:

1. He had inspected the premises of SCNo: 627 (category-I) Budampadu village of D-10 section, Guntur on 3-2-2012 at about 12:15 hrs.
2. At the time it was observed that the consumer has unauthorisedly extended the domestic supply partially to the non domestic (commercial) premises i.e. for two numbers 1HP each wet grinders and one number 200 watts bottle cooler for cool drinks and for other lighting load in the general stores from SCNo: 627 (category-I).

3. The connected load at the time of inspection for both the purposes utilized from ScNo; 627 are as follows

For Domestic Purpose			For Commercial Purpose		
Tube lights	3x40 watts	120 Watts	Wet Grinder	2x1 HP	1500 Watts
Fans	2x60 watts	120 Watts	Bottle cooler	1x2 watts	200 Watts
Port TV	1x60 watts	60 Watts	Tube light	1x40Watts	40 Watts
Rice Cooker	1x500 watts	500 Watts	Fan	1x60 watts	60 Watts
Water motor	1x1/2 HP	375 Watts			
	Total	1175 Watts		Total	1800 Watts

4. The total connected load = 1175 + 1800 = 2975 watts
5. The consumer has exceeded the contracted load also by connecting a load of 2975 watts unauthorisedly against the sanctioned load of 1.48 KW.
6. The observations above pointed out by him were shown to the consumer Sri Gangichetty Srinivasa Rao who is the beneficiary and son of the registered consumer Sri G.Lakshmi Narayana.
7. Sri Srinivasa Rao the beneficiary agreed with the above incriminating points and signed in the inspection notes but refused to give his statement on the observations pointed out.
8. Accordingly the malpractice case was booked for Rs 17480/- and also additional load case booked.
9. The average consumption recorded from 10/2010 to 2/2012 for SCNo: 627 (category-I) was 262 units per month which was on high side for the domestic loads of 1175 watts and hence the high consumption is due to extension of supply to the commercial purpose.
10. The average consumption recorded from 9/2010 to 3/2012 in respect of service number 6 under category-II was only 96 units per month which is

very low for the loads connected being two numbers 1 HP each wet grinders and one 200 watts bottle cooler, a tube light and a fan totaling to a load of 1800 watts and hence the low consumption is on account of diversion of commercial loads to the domestic service i.e. SCNo: 627.

11. It is also observed that there was an increase in the commercial service consumption while the consumption in domestic service was fell down after his inspection of his services on 3-2-2012.
12. Hence as per the observations and the consumption pattern and the connected loads of both the services it is clearly evident that the consumer has committed in malpractice unauthorisedly by extending partially supply to the non domestic premises for wet grinders and general stores intentionally though the consumer is having an other service connection under category-II for the purpose.
13. There are no repairing activities in the premises at the time of inspection as mentioned by the complainant in his appeal.

Findings of the Forum:

1. The grievance of the complainant is about booking of malpractice case against his domestic service though he is having another service under commercial purpose and not indulged in malpractice and it is only by the mistake of the inspecting officer and requested for justice in view of the consumptions of both the services.
2. The inspecting officer in his report while accepting that there are two services one for commercial with SCNo: 6 and the other for domestic purpose with SCNo: 627 had stated that the consumer here the complainant indulged in malpractice by extending supply to 2 numbers

wet grinders of 1HP capacity each and also one number bottle cooler having 200 watts capacity besides connecting one tube light and one fan.

3. As could be seen from the inspection notes of the respondent-3 i.e AE/DPE-1/Guntur, the complainant i.e. the consumer he himself was present at the time of inspection on 3-2-2012 at 12:15 hrs and signed the inspecting notes duly accepting the contents, but refused to give his statement to be recorded at item-X of the inspection notes.
4. The variance in consumption of both the services is gone through and it is observed that there is drastic fall from 447 units in 2/2012 to 137 units in 3/2012 in the consumption of the domestic service after the said inspection which indicates that the loads were diverted from domestic service to the commercial service and hence the said malpractice case is in order.
5. The complainant's request for excuse from the said malpractice in view of his loosing one of his legs cannot be considered since the committing of malpractice appears to be intentional though he is having another service for commercial purpose.
6. As such Forum feels that the relief sought by the complainant in view of the consumption patterns of both the services cannot be considered and it is set aside.
7. The complainant could have approached the final assessing officer within 15 days of receipt of the notice for Rs 17330/- duly paying the amount of Rs 8665/- towards 50% of the assessed amount.
8. The complainant is liable to pay the total amount of assessment along with surcharges if any to avoid disconnection of his service under malpractice and other services in his name or in the premises.

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

ORDER

The complainant is advised to pay the amount of assessment Rs 17330/- along with surcharge if any levied there upon to avoid disconnection of his services, in case he did not have made an appeal before the final assessing officer.

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 9th day of August 2012.

Sd/-	Sd/-	Sd/-	Sd/-
Member (Legal)	Member (C.A)	Member (Accounts)	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.