

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

This the 10th day of January 2013

C.G.No:233/2012-13/Ongole Circle

Present

Sri K. Paul
Sri A.Venugopal
Sri T.Rajeswara Rao
(Vacant)

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

Between

Sri.N.Veeraiah Chowdary
Komaranenivaripalem Village & Post,
Parchoor Mandal,
Prakasam-Dist-523169

Complainant

And

1. Assistant Engineer/Operation/ Parchoor
2. Assistant Divisional Engineer/Operation/Parchoor
3. Assistant Engineer/DPE-I/ Ongole
4. Divisional Engineer/Operation/Chirala

Respondents

Sri. N.Veeraiah Chowdary resident of Komaranenivaripalem Village & Post, Parchoor Mandal, Prakasam-Dist-523169 herein called the complainant, in his complaint dt:16-10-2012 filed in the Forum on dt:16-10-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. He is having one domestic service connection with SCNo: 4433517000005 at Komaranenivaripalem of Parchoor Mandal in Prakasam-Dist.
2. On 13-09-2012 his service above was inspected by AE/DPE-I/Ongole and at the time of inspection the meter was little inclined and was not rotating and hence levied an amount of Rs. 1,17,875/- as penalty.
3. He is not aware of the things till the inspecting officer told him at the time of inspection.

4. He is having another service in the same house and the total loads both the meters are as follows.

Service Number :005

1. Bulbs	--	2
2. Fans	--	9
3. CFL Bulbs	--	4
4. AC	--	1
5. Invertor	--	1
6. TV	--	2

Service Number :233

1. Washing machine	--	1
2. Motor	--	1
3. Fridge	--	1

5. There is a geisure point, but the same is being utilized with gas.
6. He is not having any appliances like cooler, Mixie and Rice Cooker and hence the loads mentioned as 2000 watts towards geisure, 375 watts towards Cooler 450 watts towards Mixie and 1000 towards rice cooker totaling to 3825 watts is to be deleted from the total load of assessment.
7. There will not be power supply for above 12 hrs every day and the same situation was being continued since the previous year summer.
8. Requested to rectify the penalty and render justice considering all the factors mentioned above duly re-inspecting his premises.

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

The respondent-1 i.e. the Assistant Engineer/Operation/ Parchoor in his written submission dt:02-11-2012 received in this office on dt:05-11-2012 stated that:

1. The service number 5 of Komaranenivaripalem village of Parchoor Mandal was inspected by AE/DPE-I/Ongole and assessment was made against pilferage of energy and notice has to be served to the consumer.

The respondent-3 i.e. the Assistant Engineer/DPE-I/Ongole in his written submission dt:05-11-2012 received in this office on dt:09-11-2012 stated that:

1. He had inspected the above service on 13-09-2012 at 10:30 hrs and during inspection it is observed that the meter was kept in inclined position, at this position the meter disk was not rotating even applying the entire load of the house.
2. The meter was placed at normal position by the inspecting officer and at this position the meter disc was starts rotation and consumption is recording.
3. The consumption pattern is observed and it is found very low consumption recorded with compared to the connected load of the house.
4. Hence from the above facts it construed that the consumer intentionally keep meter in inclined position to stop the disk rotation. Thus the consumer indulged in theft of energy.
5. Hence pilferage of energy case is booked and also the consumer him self is accepted the fact and recorded his statement in inspection note by his own hand writing and acknowledged the inspection note.
6. According to the theft of energy case is booked as per the section No. 135 of I.E.Act 2003 and assessment is assessed as per GTCS. The theft case was booked under LT-I as per tariff order. The theft case was booked duly observing all the department procedure in vogue.

The respondent-2 i.e. the Assistant Divisional Engineer/Operation/ Parchoor in his written submission dt: 27-12-2012 received in this office on dt:05-01-2013 stated that:

1. Sri. Nagabadi Veeraiah Chowdary, Sc.No:005 of Kommernenivaripalem Village in Parchur Mandal who filed petition in consumer grievanceses redressal forum, APSPDCL,Tirupathi proceeded to court of Senior Civil Judge, Parchur as OS No.72/2012.

2. On behalf of APSPDCL counter filed against OS. No.72/2012. Now the arguments is going on. How ever the copy of the Affidavit is here with enclosed.

Findings of the Forum:

1. The grievance of the complainant is that his domestic service was booked under theft of energy case for keeping the meter board inclined which fact is out of his knowledge.
2. While accepting the crime the complainant contended that the assessment was not done properly in view of the following points.
 - a. Though a geisure is in use the source of energy is gas, but not electricity however there is a point for the purpose.
 - b. He is not in possession of cooler, mixie and rice cooker as stated by the inspecting officer
 - c. the inspecting officer did not consider the consumption of the second service bearing number 233 existing in the same premises sharing the loads.
 - d. requested for revision of the assessment duly canceling the additionally mentioned load of 3825 watts towards towards the said cooler, mixie and rice cooker and also considering the consumption of SCNo.233.
3. In the mean time the complainant without waiting for the disposal of the case by the Forum and while the case is pending with the Forum, filed a suit in the court of Senior Civil Judge, Parchoor in the matter in OS number 59/2012 in which the arguments are going on.
4. Since the issue is pending in the court, the Forum shall not finalize the case as it becomes sub-judice.

5. As such the complainant may have to wait for the verdict of the said court.

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

ORDER

The complainant is informed that he shall get the issue settled in the Senior Civil Judge Court, Parchoor itself .

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 10th day of January 2013.

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.