

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

This the 21st day of December 2012

C.G.No:239/2012-13/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.Gamini Anjaiah
Sitharamanjaneye Rice Mill
Govada Village & Post,
Amruthaluru Mandal,
Guntur-Dist

Complainant

And

1. Assistant Accounts Officer/ERO/Tenali
2. Assistant Engineer/Operation/Amruthaluru
3. Assistant Divisional Engineer/Operation/Rurals-2/Tenali
4. Divisional Engineer/Operation/Tenali
5. Senior Accounts Officer/Operation/Guntur

Respondents

Sri. Gamini Anjaiah, Sitharamanjaneye Rice Mill, Govada Village & Post, Amruthaluru Mandal, Guntur-Dist herein called the complainant, in his complaint dt:21-11-2012 filed in the Forum on dt:21-11-2012 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 an Industrial consumer having service number 116 for his rice mill under the title Seetharamanjaneya Rice Mill at Govada Village of Amruthaluru mandal of Guntur-Dist.
2. He leased out the said mill as it was sick to some outsiders.

3. The said lease holders committed theft of energy in the said rice mill and a huge penalty of Rs.3,00,000/- was levied by the department.
4. On 31-03-2011 he paid Rs.1,00,000/- to the department against the above said penalty.
5. His rice mill is closed from 1996 and has become sick and hence he cannot pay the balance amount being poor and also not able to run the said mill.
6. Requested to consider his case sympathetically and withdraw the balance remaining amount as it is a sick industry.
7. The departmental people are pressing for payment of the balance dues.

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

The respondents-1 and 3 i.e. the Assistant Accounts Officer/ERO/Tenali and the Assistant Divisional Engineer/Operation/Rurals-2/Tenali in their separate written submissions dt:30-11-2012, having similar contents received in this office on dt:15-12-2012 and 18-12-2012 stated that:

1. The service was released on 07-05-1971 under category-III and booked under theft case and also finalized the case vide SE/A/VJA/ proceeding 3067/D-TEL/DNo:1708/28-1187 an amount of Rs.2,950,22.00.
2. Consumer appealed to CEE/VZ/VJA and same was rejected vide LrNo.CE/VZ/VJA/NRT/AE/F.DOC/DNo.265/90 DT:26-9-90.
3. The SCNo:116 Govada was under disconnection prior 01/1997 as per old data. The service was bill stopped with arrears Rs.3,01,495/- including theft amount and SD amount of Rs.12,800/- was adjusted through credit RJ 3/2009.

4. The consumer has paid Rs.1,00,000/- vide PRNo:741090/29.3.11 and balance arrears amount of Rs.2,01,495/- was out standing against the SCNo:116 Govada.
5. The consumer paid Rs. 1,00,000/- on 29-03-11 only after issuing of Form A notice.

Findings of the Forum:

1. The grievance of the complainant is that an amount of Rs.3,00,000/- was levied as penalty for committing theft of energy in his service by the lease holders long back and he paid Rs.1,00,000/- against the service and requested for withdrawal of the balance amount in view of his poverty and inability to pay.
2. The complainant while accepting the occurrence of theft of energy in his premises requested for sympathetic consideration of his case and requested for withdrawal of the theft amount.
3. The respondents in their reply while stating that the service was released on 07-05-1971 under category-III also stated that the theft case was finalized by the then SE/Assessments/Vijayawada on 28-11-1987 for an amount of Rs. 2,95,022/- upon which the complainant made an appeal before the CE/Opn/Vijayawada who rejected it.
4. The service was under disconnection even prior to 01/1997 as per data and was bill stopped with arrears amounting Rs.3,01,495/- out of which the SD amount of Rs.12,800/- was adjusted through RJ in the year 2009 and the complainant paid an amount of Rs.1,00,000/- on 29-03-2011 and a balance amount of Rs.2,01,495/- was out standing.
5. The respondents issued a notice the complainant on 23-02-2012, but the complainant did not respond.

6. Though the complainant represented that he is not in a position to pay the said arrear amount, his request for withdrawal of the balance pending amount cannot be considered by the Forum as the Forum has got no jurisdiction in the matter and hence kept aside.

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

ORDER

The respondent is informed that he is liable to pay the said amount towards theft of energy.

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 21st 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.