

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

**This the 19<sup>th</sup> day of March 2013**

**C.G.No:327/2012-13/Vijayawada Circle**

***Present***

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

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

***Between***

Sri. B.Venkateswara rao  
C/o B.Rama Swamy  
DNo: 27-33-36, Ashoka traders  
Gudavallivari Street,  
Governorpet Post,  
Vijayawada City  
Krishna-Dist-520002

Complainant

***And***

1. Assistant Accounts Officer/ERO/Town-1/Vijayawada
2. Assistant Engineer/Operation/Governorpet
3. Assistant Divisional Engineer/Operation/D-2/Vijayawada
4. Assistant Divisional Engineer/DPE-1/Vijayawada

Respondents

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Sri. B.Venkateswara rao, C/o B.Rama Swamy resident of DNo: 27-33-36, Ashoka traders Gudavallivari Street, Governorpet Post, Vijayawada City Krishna-Dist- 520002 herein called the complainant, in his complaint dt:04-02-2013 filed in the Forum on dt:04-02-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. He has one service No. 6423354002644, Governorpet in Vijayawada town division bearing LT category-III for which he is utilizing electrical supply to Ashoka Traders which is having both Flor mill and Retail shop in the same premises.

2. His service was inspected by Sri. R.Govinda Rajulu, ADE/DPE-I/VJA on 13-09-2011 and during the inspection he has informed that the above said service is being utilized for both Flour Mill purpose (Industrial Purpose) and retail shop purpose and also instructed to apply separate service for shop purpose under commercial category.
3. The ADE/Opn/D-2/Vijayawada has served a PA notice to me stating that to pay an amount of RS. 33,889/- for a reason that the SCNo:6423354002344 was released for industrial purpose, but some part of the load has been utilizing for Ashoka Traders, Dalls Wholesale & Retail shop.
4. Accordingly, he had paid 50% amount to the AAO/ERO/APSPDCL/VJA and he had applied for representation for reduction of amount to the DE/Assessment/Tirupati and he had also paid final balance amount as per final order of the SE/Assessment/Tirupati.
5. Further, it is to inform that the category of my service is changed from LT-III with a contracted load of 33HP to LT category-II with a contracted load of 24.6KW during the month of 10/2011.
6. He had approached the DE/Opn/Town, ADE/Opn/D-2/VJA and also requested to change the category from LT-II to LT-III for which portion, he is utilizing electrical supply for Flour mill purpose.
7. They had instructed to apply a separate service for retail shop purpose under LT category-II and accordingly one service was released to retail shop under commercial category during the month of December 2011.
8. He had two services under commercial category, one commercial category service feeding to shop purpose and another commercial category CT meter

service feeding to Flour mill.

9. Even after repeated representations for the last one year, my service feeding to Flour mill has not been changed from LT category-II to LT Category-III.
10. As per the inspection made by, ADE/DPE-I/Vijayawada only retail shop has to be billed under LT-II category and Flour mill has to be billed under LT Category-III.
11. In the above context, he had un-necessarily paid bills under commercial tariff to his Flour mill instead of LT category-III for which he had lossed Rs.3,000/- per month approximately.
12. Requested to consider his case of recategorisation of his floor mill from LT-II to LT-III and refund the amount he had already paid towards LT-category-II since his industry is having the activity of manufacturing and processing.

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

**The respondents-1, 2 and 3 i.e. the Assistant Accounts Officer/ERO/Town-1/Vijayawada, the Assistant Engineer/Operation/Governorpet and the Assistant Divisional Engineer/Operation/D-2/Vijayawada their combined written submission dt:NIL, received in this office on 15-03-2013 stated that:**

1. SCNo: 6423354002644 released in category-III of Governorpet section is stand in the name of Sri B.Ramaswamy availing the electrical supply both the purpose of i) the Floor mill and ii) Main retail/ grocery shop in the same premises from the date of release of supply. The same premises of are one way entrance and first two rooms relating to grocery retail shop and the back rooms for floor mill and other stocking.
2. The service was inspected by Sri. R.Govindarajulu ADE/DPE-I/Vijayawada on 13-09- 2011 and observed that

the service was released for industrial purpose, but some part has been utilized for Ashoka traders, dalls, wholesale and retail shop (one copy of inspection report is enclosed).

3. The ADE/C/D2/Vijayawada has been proposed assessment notice U/S 126 for an amount of Rs.33,889/- as per the inspection report referred in the above para-2, ( the copy of PA notice is herewith enclosed for reference).As per the notices, the consumer has been paid an amount of Rs.20912/- vide BCRC No: 164798 dt:21-09-2011 and BCRC No: 152825 dt:08-02-2012 at electricity revenue office/Town-1/Vijayawada and the consumer applied for reduction of amount finally the SE/Assessments/Tirupati has been issued on 03-11-2011 for an amount of Rs.20912/- (the copy of F.A notice enclosed).
4. The change of category from LT-III to II from 33KW to 24.6 KW effected by the AAO/ERo/T-1/Vijayawada as per the F.A. Notice of ADE/O/D2/VJA as detailed above.
5. Sri B.Venkateswara Rao has represented to the Divisional Electrical Engineer/Opn/Town/VJA for change of category from II to III on 28-03-2012 on his representation the DE addressed the M/s Ashoka traders, Vijayawada and requested to submit the related ownership documents and SSI certificate for further action as requested by the consumer, but the consumer did not submit the said records till to date, but addressed the CGRF.
6. The consumer, on 27-01-2012 had approached CSC, Vijayawada for new service connection in the name of Smt. B.Rama Devi, W/o Venkatarama Rao, DNo: 27-33-36 Gudavallivari street for a load of 5 KW and released the same by the operation section authorities on 29-01-2012 duly

assigning SCNo: 6423309191675.

7. On verification of ownership documents related to SCNo: 6423309191535, Vijayawada, it is noticed that the owner of the same premises is Smt.B.Ramadevi, but not B.Venkateswara Rao and he is no right on the premises and the complainant failed to submit the ownership documents.
8. The complainant without having right on the premises where the service connection number 6423354002644 is situated and made a representation to CGRF for change of category II to III instead of submitting relevant ownership documents required by the DE/Opn/Town/Vijayawada.
9. On receipt of the ownership documents the category change will be effected without any delay.

**Findings of the Forum:**

1. The grievance of the complainant is that
  - i. His industrial service for Flour Mill and retail shop in the same premises was inspected and was served by a notice for an amount of Rs.33,889/-for the reason that the service was released for flour mill and being utilized for whole sale and retail shop also.
  - ii. He paid 50% of the amount and applied to the DE/ Assessments for reduction of amount and finally paid the balance amount also on the Final orders of the SE/Assessments.
  - iii. In the month of October 2011 his service above was changed from LT category-III to II with a contracted load of 24.6 KW which was earlier 33HP.

- iv. Upon the advise of the respondent he applied for a second service exclusive for the retail shop under category-II in the month of December 2011.
- v. In view of his obtaining separate service for the two activities and even after repeated request his industrial service was not recategorised into LT-III.
- vi. Because of the inaction of the respondents he sustained a loss of about Rs.3000/- every month. Requested for refund of the amounts paid under category-II instead of category-III.
2. The respondents-1, 2 and 3 i.e. the Assistant Accounts Officer/ERO/Town-1/Vijayawada, the Assistant Engineer/Operation/Governorpet and the Assistant Divisional Engineer/Operation/D-2/Vijayawada reported that the owner of the premises is Smt.B.Rama Devi, but not B.Venkateswara Rao, as per the documents and the category change will be effected only after production of proper owner ship documents by the complainant.
3. The complainant himself had affected that there are two activities in the premises i.e. floor mill and retail shop and also accepted that he was utilizing supply of the floor mill to the retail shop also which is an Act of malpractice in accordance with section 126 of Electricity Act 2003. He duly accepting the malpractice paid the assessed amount in full.
4. He also obtained a separate service for the retail shop in the name of Smt.B.Rama Devi as per the advise of the respondents within three months from the date of inspection, But his contention is that the industrial service is not recategorised into category-III even as the supply is being utilized exclusively for the flour mill

5. The service was first inspected on 13-09-2011 and the consumer paid the amounts in full and the service was converted to LT-II in 10/2011 and in December 2011 the consumer obtained a separate service for the retail shop and hence he is eligible conversion of the industrial service from II to III from that date itself, but the respondents with the simple reason that he is not owner of the premises refused the said conversion.
6. Here it is to be noticed that the respondents irrespective of knowing the proper person as the owner of the service changed the category from LT-III to II, but for changing the category from II to III they are insisting for ownership documents which is felt unjust.
7. And more over, as could be seen from the complaint, the complainant B.Venkateswara Rao is S/o B.Rama Swamy, the registered consumer of the industrial service needs recategorisation and hence there shall not be any bar for the said recategorisation.
8. As could be seen from the account copy of the new service said to have been released in January 2012, though the service was released on 29-01-2012, the consumption in the meter of this service started in 04/2012, but however the respondents shall change the category of the service from LT-II to III with effect from 29-01-2012 date of release of second service in the premises onwards.

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

**ORDER**

The respondents are directed that

1. They shall change the category of the service number: 6423354002644 from LT-II to III with effect from 29-01-2012 onwards and adjust the payments made by the consumer duly revising the bills accordingly

within 15 days from the date of this order.

2. They shall serve a notice to the consumer for registering the application and submitting the necessary test reports and agreement within 15 days from the date of this order.
3. They shall report compliance on the above said items:1 and 2 of the order within 21 days from the date of this order.

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, 5<sup>th</sup> floor, Singarenibhavan, Redhills, Hyderabad-500004, within 30 days from the date of receipt of this order.

Signed on the 19<sup>th</sup> day of March 2013.

Sd/-  
**Member (Legal)**

Sd/-  
**Member (Accounts)**

Sd/-  
**Chairperson**

**Forwarded by Orders**

**Secretary to the Forum**

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



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