

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

This the 6th day of October 2012

C.G.No:55/2012-13/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. P. Ankineedu Prasad
Gandhipet,
Chilakaluripeta Town
Guntur-Dist

Complainants

And

1. Junior Accounts Officer/ERO/Chilakaluripeta
2. Assistant Engineer/Operation/Town-1/ Chilakaluripeta
3. Assistant Divisional Engineer/Operation/ Chilakaluripeta

Respondents

Sri. P. Ankineedu Prasad resident of Gandhipet, Chilakaluripeta Town ,Guntur-Dist herein called the complainant, in his complaint dt:03-5-2012 filed in the Forum on dt: 03-5-2012 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 working as Civil Assistant Surgeon at Governemnt Hospital, Narasaraopet.
2. He is native of Chilakaluripeta and his father was a government servant.
3. He is staying at Chilakaluripeta i.e. at his native place since 24 years in the house of Sri..A.Venkateswarlu, Gandhipet with electricity SCNo: 2372 on rental basis.

4. He had been working as government doctor in and surrounding of Chilakaluripet of Guntur Dist. since his joining, and more over his children are studying at Chilakaluripet and hence he could not shift his family whenever he transferred.
5. Being a doctor he use to check-up his friends, relatives and neighbors in his personal room of rented house as and when they came to his house whenever he will be available.
6. There are no medical equipment and beds in his room to treat it as hospital.
7. During March he received current bill to his house with huge amount which is not bearable for his house holds consumables.
8. Then he enquired in the current office, regarding this huge current bill and got reply that as his house service connection number category was changed from Domestic to non-domestic i.e. commercial based on the inspection report of AE/Town-1/Chilakaluripet.
9. He is not running hospital in his house which is quite impossible to him being a Govt. doctor working out station of Chilakaluripet.
10. How the inspection has been carried out by station of Chilakaluripet to change the category of his house (i.e. rented) without proper functions leads in malpractice, since 24 years he is staying with his family in the same house.
11. After he enquired in the current office he received the above reference order on 21-3-2012 for Rs. 48,456/- which is not justified.
12. Hence he requested the DE/Assessments/Tirupati.

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

The respondent-2 i.e. the then Assistant Engineer/Operation/Town-1/ Chilakaluripeta and the inspecting officer in this case in his written submission dated 01-10-2012, reported that

1. He inspected the services in the building on 22-02-1-12 and there were three numbers services in the building and were SC.Nos.2371,2372 and 2373.
2. The SC.No.2371 was found utilizing for a Computer Institute while the SC.No.2372 was for a private Clinic. The other service, bearing SC.No.2373 was being utilized for domestic purpose by the tenant, namely Dr.Ankineedu Prasad. At the time of inspection, P. Saramma, said to be the mother of the doctor was present and signed the inspection notes for the house. In the ground floor, in two rooms there was a Clinic and in two other rooms, there was a Computer Institute both having separate services under domestic category, and hence the malpractice case was booked. The SC.No.2373 was being utilized by the Doctor for domestic purpose.

The respondent-3 i.e. the Assistant Divisional Engineer/Operation/ Chilakaluripeta in his written submissions dt:NIL received in this office on dt:18-09-2012 stated that

1. The service No:2372, category-1 of Chilakaluripet town-1 was inspected by AE/Opn/Chilakaluripet town-1 section on 22-02-2012 with the following points.

- a. At the time of inspection it is observed that the consumer unauthorisedly utilizing the domestic supply for non domestic purpose. Thus the consumer has committed the malpractice the use of electric power.
- b. The provisional assessment order was issued to the consumer on 24-2-2012 for payment amount of Rs.48,506/- (Rupees Forty eight thousand five hundred six only).
- c. The consumer represented for that, he is not running hospital and there is no medical equipments in my rented house.
- d. The service was inspected by him and found that the consumer not running hospital with beds or medical equipments and there is a table and chair in the first room of the house which is utilizing for check up of his friends and relations as part of the doctor profession

Findings of the Forum:

1. The grievance of the complainant is that a malpractice case was implicated against his rented residence service connection though he is not running any Hospital or Clinic in his house but only checking up his near and dear being a Government Doctor but not on commercial basis and requested for justice.
2. The respondent-3, ie the ADE/Operation/Chilakaluripet in his written submission mentioned that the said service no.2372 of Chilakaluripet Town was inspected by the then AE/Operation/Town-1 ,Chilakaluripet, namely K. Chandra Mohan on 22-02-2012 at 06:30 PM and the findings of the inspecting officer at that time were that the consumer was utilizing

domestic supply for the non-domestic purpose and hence the malpractice case was booked. The loss sustained by the licensee because of the said malpractice was provisionally assessed to a tune of Rs.48,506/-and served a notice to the complainant.

3. The complainant stated that, upon receipt of the notice made a representation to the DE/Assessments/Tirupati, whereas the later stated that there is no representation from the complainant and finalized the case for Rs.47,899/- in absence of such representation and purely based on the report of the Provisional notice believing in the contents. But the ADE/Operation /Chilakaluripet, mentioned that he inspected the service (did not mention the date) and found that the consumer was not running any hospital with beds or medical equipment but only checking up his friends and relations as part of his Doctor profession with a table and chair in the front room of his house containing the said service.
4. As could be seen from the inspection notes prepared by the inspecting officer on 22-02-2-12 at 06:30 PM, it is noticed that one Smt. Mary Jhones claimed herself wife of the Doctor, herein the complainant was present at the time of inspection and signed it duly accepting the contents.
5. In his written submission dt. 01-10-2012, the respondent-2, ie Sri. Chandramohan, the then Assistant Engineer/Operation/Town-1/Chilakaluripeta and presently working as Assistant Engineer/Operation/D-5 Section /Guntur who inspected the service mentioned that there were three services in the premises having two

floors, out of which, two were in the ground floor ; one Sc.No.2372 for a the said Clinic and the second ,SC.No.2371 for a Computer Institute both under Category-I meant for domestic and malpractice cases were booked against both the services. The Doctors family was residing in the first floor of the house having a separate service 2373 for domestic purpose.

6. In view of the facts that there were three services in the premises one for house occupied by the Doctor and his family members for residential purpose, and two for commercial activity as narrated by the respondent-2, ie the then AE/Operation/Chilakaluripet/town-1, the Forum finds it reasonable to classify the premises of the said Clinic as commercial and the resultant levying penalty of Rs.48,506/- by booking the said malpractice case is felt genuine and in order.
7. As such , the Forum feels that said notice for malpractice is quite reasonable and the complainant is liable to pay the said amount of final assessment Rs.47,899/- along with surcharge already contained by the arrears as on date to avoid disconnection of his service.
8. In view of the above, the Forum passed the following order.

ORDER

The complainant is advised to pay the arrears as on date including the said malpractice amount without any further dispute to avoid disconnection of his service.

Accordingly the case is disallowed 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 6th day of October 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.