

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

**This the 28<sup>th</sup> day of July 2012**

**C.G.No:56/2012-13/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 Kandimalla Balachandra rao  
Secretary  
Kakatiya Sevasamithi  
Madala Village & Post  
Muppalla Mandal  
Guntur-Dist-522403

Complainant

*And*

1. Assistant Accounts Officer/ERO/Sattenapalli
2. Assistant Engineer/Operation/Muppalla
3. Assistant Divisional Engineer/Operation/Sattenapalli
4. Additional Assistant Engineer/DPE-II/Guntur
5. Senior Accounts Officer/Operation/Guntur

Respondents

\*\*\*

Sri Kandimalla Balachandra rao, Secretary resident of Kakatiya Sevasamithi, Madala Village & Post, Muppalla Mandal, Guntur-Dist-522403 herein called the complainant, in his complaint dt:08-5-2012 filed in the Forum on dt:08-5-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. They have established a mineral water plant for the benefit of about 10,000 people of the village drinking water purpose with the aid of certain well settled donors of their village under the title Kakatiya Sevasamithi with the

resolution of Grama Panchayath of their village and supplying water @ Rs 3/- for each 20 litres can.

2. The above said amount is collected just to meet the running cost of the plant and the service bearing SCNo: 2110 was obtained for a load of 4HP in the name of Sarpanch, Madala.
3. They are paying the CC.Charges to the above service under category-VI in time every month.
4. Subsequently their service above was inspected by AE/DPE who booked a malpractice case against the service and assessed an amount of Rs 61243/- for the period from 2-11-2010 to 2-11-2011 besides changing the category of the service from category VI to III.
5. In view of the services rendered to the public through the panchayat resolution requested to permit to continue the service under – VI and revise the assessment made for 6 months instead of for one year as per the rules.

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

**The respondent-4 i.e. the Additional Assistant Engineer/DPE-II/Guntur in his written submission dt:22-5-2012 with a copy to the complainant received in this office on dt:24-5-2012 stated that:**

1. He had inspected the service No: 2110 Madala distribution of Muppala section on 2-11-2011 at 10:50AM.
2. The SCNo: 2110 was in the name of surpanch Grama panchayat of madala village in Muppala Mandal and being utilized for mineral water plant which is billing under category-VI with a contracted load of 5HP.

3. Even though the service is not owner by grama panchayat of Madala the building is under private people i.e. in the firm of Kakatiya Sevasamithi, Madala.
4. The maintenance is being carried out by firm only and is selling water bottles of 20liters per Rs 3/-.
5. The contracted load at the time of my inspection is 5.5 HP + 120 watts i.e. 5.66 or say 6HP.
6. the Chairman & managing Director, APSPDCL, Tirupati in the memo dt: 23-1-2012 has issued guidelines for category-VI B services, water plants run by local bodies association, charitable organization, societies and also community based plant on no loss no profit basis with a connected load of 4.0 KW shall be categorised under VI-B, but the above service having contracted load of 5HP but connected load 5.66 HP i.e. 4.223 KW, hence cannot applicable category-VI (B) tariff.
7. But the operation wing cannot followed the Chairman and Managing Director's instructions thus back billing was proposed for period of 1 year only.
8. The proposed back billing is as per the proceedings framed in the company, but not penalized on par my willing.

**The respondent-3 i.e. the Assistant Divisional Engineer/Operation/Sattenapalli in his written submission dt:28-5-2012 with a copy to the complainant received in this office on dt:04-6-2012 stated that:**

1. The SCNo: 2110 of Madala was inspected by AE/DPE\_II/Guntur on 02-11-2011 and recommended for back billing.

2. Back billing notice for 12 months is issued vide letter dt: 03-12-2011 to the consumer for an amount of Rs 61,243/- and also the category was changed from category VI-B to category-III from December -2011 by AAO/ERO/Sattenapalli.

**The respondent-1 i.e. the Assistant Accounts Officer/ERO/Sattenapalli in his written submission dt:24-5-2012 with a copy to the complainant received in this office on dt:26-5-2012 stated that:**

1. The customer requested for revision of back billing amount for the period from one year to six months and also the service be continued in the same old category which was given at the time of release of supply.
2. The SCNo: 1324460002110 of Madala distribution in Muppala section was released on 20-4-2010 in the name of sarpanch grama panchayat in category VI and it was in the same category till November 2011.
3. But as per the Letter dt: 03-12-2011 the demand was raised for the back billing amount of Rs 61243/- vide debit RJNO: 36/01-2012 and also the category change was effected from VI to III during December 2011 as per the provisional assessment order.
4. The provisional assessment order is herewith enclosed for ready reference.

**Findings of the Forum:**

1. The grievance of the complainant is about the categorisation of the mineral water plant operated by their organization and selling water to the villagers at price of Rs 3/- for 20 liters can.
2. The grievance relates to billing and categorisation of the service which shall be done within 7 days from the date of the application, production of

necessary documents and payment of prescribed fee in accordance with the Guaranteed Standards of Performance.

3. The complainant contends that their mineral water plant is run for the drinking water purpose of their villagers through the Grama Panchayat of their village, but the service was changed the category from VI to III against the rules.
4. Though the service was obtained in the name of the surpanch grama panchayat, the water is not distributed at free of cost, but an amount of rs 3/- was collected from the consumers which is a commercial activity, but since the plant processes the raw water and gives out mineral water which is an industrial activity the service is treated as an industry by the inspecting officer and is in order. Hence the contention of the complainant cannot be accepted.
5. The other aspects of the complaint is that the assessing officer assessed the amount of malpractice for a period of one year instead for 6 months which is against the rules.
6. The contention above of the complainant is not correct in view of the electricity amendment act 2007 wherein it was contemplated that the period of assessment shall be limited to 12 months immediately preceding the date of inspection.
7. As such the action of the respondents in changing the category of the service from LT-VI to III and assessing the malpractice for one year resulting in levy of amount Rs 61243/- as on the date of inspection is in order.
8. Hence the request of the complainant is set aside in toto and the complainant is liable to pay the said amounts immediately to avoid disconnection of his service.

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

**ORDER**

The complainant is advised to pay the amount of assessment and any surcharge there upon to avoid disconnection of his service.

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 this the 28<sup>th</sup> day of July 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, 5<sup>th</sup> floor, Singarenibhavan, Redhills, Hyderabad-500004.  
Copy to the General Manager/CSC/Corporate office/Tirupati for pursuance in this matter.