

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

This the 4th day of December 2012

C.G.No:57/2012-13/Kadapa 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

Smt. C.V.Jayalakshmi,
W/o C.V.Suresh,
DNo: 9/163, Sreeramulupeta Village,
Proddatur Post ,
Kadapa-Dist

Complainants

And

1. Assistant Accounts Officer/ERO/Proddatur
2. Assistant Engineer/Operation/East/Proddatur
3. Assistant Divisional Engineer/Operation/Proddatur
4. Assistant Engineer/DPE-1/Kadapa
5. Divisional Engineer/Operation/Proddatur

Respondents

Smt. C.V.Jayalakshmi, W/o C.V.Suresh resident of DNo: 9/163, Sreeramulupeta Village, Proddatur Post, Kadapa-Dist herein called the complainant, in her complaint dt:16-5-2012 filed in the Forum on dt:16-5-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 have stated that

1. Recently she got astonished and flabbergasted by seeing the notice with regard to one of her service No.34932 for the door No: 9/163,

Sreeramulapet and adding of Rs.30,023/- as penal charges in the recent bills.

2. As per the notice, she came to know that one Mr. Nagaraj inspected her house and found some load difference was detected by said Nagaraj. Infact on that day the said Nagaraj personally spoke with her husband and said that nothing wrong either in load or any difference was found.
3. The said Nagaraj revealed the same in front of the two constables who accompanied the said officer.
4. Unfortunately and for the reasons best known to the authorities, they served notice and also added some other development charges in her bills.
5. She literally felt agony and mental harassment with regard to these developments by the good office authorities.
6. Recently she personally went to the office and raised her contents before the DE.
7. The then DE called some of his subordinate officers and verified records and bills extract and instructed the officers to rectify the same.
8. Basing on that the said office authorities raised some credit notes and deducted nearly thousands of Rupees for 2 to 3 times. In the said bill extract the officers recorded the category status as per their wish. The OMR and CMR units were also recorded as per their wish for the period 2009 to 2010. Without her knowledge the department raised some debit notes as per their wish.

9. In any of the inspection report or in any record they never taken her consent or any written notice was served to her. She personally feels that some sort of personal harassment on her were existing by one of the office authorities.
10. Every bill they are facing much troubles and getting thousand of Rupees as due in the said bills. They personally came to know that one of the officers of the department is creating such havoc in her issue. Being an advocate she personally represented the issue before the officers 3 times they raised the credit notes and still there is lot of miss calculations wrong readings and calculations.
11. They are the law binding citizens and they never commit any mistake on their part at any point of time. This type of attitude is nothing but revengeful of one of the officers of the department. One of her service was also disconnected without her acknowledge and one of their service wire neutral wire was disconnected.
12. A continuous torture is building up and one of the officer dragging them to trap them with a complete plan. They came to know all of the officers also suggested the said officer not to harass, but the said officer is continuing the same.
13. Being an advocate she felt very much worried with the sequence and they also feel some sort of unknown harassment to their family.
14. Requested for verification of the bills and the payments made towards and all the aspects of accounts and reduce charges and penalties in the interest of justice.

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

The respondents-1,2,3 and 5 i.e. the Assistant Accounts Officer/ERO/ Proddatur, the Assistant Engineer/Operation/East/Proddatur, the Assistant Divisional Engineer/ Operation/Proddatur and Divisional Engineer/ Operation/Proddatur in their combined written submission dt:27-05-2012 received in this office on dt:-08-06-2012 stated that:

1. The SCNo:34932, category-I of operation section, East, Proddatur which was released in the name of Smt. C.V.Jayalakshmi, Proddatur was inspected by Sri M.Nagaraj Kumar, AE, DPE-I/Kadapa on 04-2-2011 and booked malpractice case against the service for an amount of Rs.23,134/-, Provisional Assessment order was issued vide LrNo:ADE/O/PDR/SBE/DNo:4009/11, Dt:8-2-2011. The consumer has refused to take the notice and also not paid the 50% of Malpractice amount, due to non payment of 50% amount the service was disconnected on 20-9-2011.
2. The Malpractice case was finalized vide order No: DE/Assessments/TPT/ FNo:23-11/PRDT DNo: 345/11, Dt:29-10-2011 for an amount of Rs 21,765/-.
3. The consumer has refused to take final order notice also. Based on the final assessment order an amount of Rs. 21,765/- was included in C.C.bill.
4. In the month of 9/2010 the bill of SCNo:34932 was revised due to wrong reading furnished by the PAA for the period from 10/2009 to 10/2010 and demand raised for Rs 26,274/-.

5. Further, it is to submit that an amount of Rs 36,582/- arrears outstanding against HSCNo: 34932 up to the month May2012 including CC.bill and malpractice amount, but the consumer has not paid the arrears amount.
6. The notice was also issued to the consumer vide LrNo: AAE/O/E/PDR/F DN.555/11, dt:12-3-2012 stating that the order live services existing in the same premises(i.e. 1764 category-II and 76226 category-I) will be disconnected, if no payments have been received against the service number 34932.
7. The consumer has refused to take this notice also.

The Forum at the request of the complainant conducted personal hearing in the presence of the complainant and the respondents 1 to 4 in the chambers of the respondent-4 i.e. the DE/Opn/Proddatur at 4:30 PM on 27-11-2012.

Findings of the Forum:

1. The grievance of the complainant is that she is being harassed by one of the departmental officers intentionally and was dragged into multiple troubles by raising bills erratically on high side and booking malpractice against her service unlawfully and keeping it in wrong category. Requested for justice.
2. The main contention of the complainant is that she received a notice for an amount of Rs 30,023/- as penal charges for her service number 34932 at Door No: 9/163 of Sriramulapeta in Proddatur.
3. In the above said notice it was mentioned that the above said service belongs to her was inspected by one Mr. Nagaraj who deducted some load difference and claimed some amount towards development charges.

4. For the period from 2009-2010 the OMR and CMR readings of her above said service, the category and the status were put as per the wish of the department.
5. The complainant attributed all the above disorders as a willful act of one of the officers of the department, but did not mention his name in specific.
6. The respondents 1 to 4 in their common reply submitted to the Forum in this matter stated that
 - a. The SCNo: 34932 of the complainant situated in operation section East Proddatur was inspected by Sri M.Nagaraja Kumar AE/DPE-I/Kadapa on 04-02-2011 and a malpractice case was booked against the above service and an amount of Rs 23134/- was provisionally assessed and notice issued by the respondent-3 in his letter dt: 08-02-2011 to that effect, but the consumer herein the complainant refused to take the notice and also did not pay the 50% amount of the above for which reason the service was disconnected on 20-09-2011 i.e. after lapse of more than 7 months from the date of issue of notice. On the other hand the said malpractice case was finalized for an amount of Rs.21,765/- by the DE/Assessments/Tirupati and was communicated by him in his final orders dt: 29-10-2011 i.e. after one month of the service disconnection. The consumer refused to take this notice also.
 - b. The respondents accepted the fact that there was error in readings furnished by the PAA in respect of the service for the period from

10/2009 to 10/2010 in the month of 09/2010 and a demand for Rs.26,274/- was raised against the service.

c. The respondents also reported that a further notice was issued to the consumer on 12-03-2012 to clear the arrears amount of Rs.36,582/- pending against the service upto the month of May 2012 lest the other live services existing in the premises will be disconnected. The consumer refused to take this notice also.

7. As could be seen from the account copy of the service, it is noticed that the said service was released in 08/1999 for a contracted load of 1 KW and from 10/2009 to 11/2010 the reader treating that there was meter change put wrong readings pertaining to another service number: 76226 in the same premises that was released in 08/2009.
8. On 28-09-2011 the complainant made a representation addressing the AE/East Zone/Proddatur i.e. the respondent-2 in this case where in the errors in meter reading were pointed out and requested for revision of the bill and the later transmitted the same to the AAO/ERO/Proddatur for bill revision from 10/2009 to 07/2011.
9. The respondents noting their mistake revised the bills against the said service and added an amount of Rs.26,274/- in the bill for 10/2010 towards short billing on account of the said mistake. The complainant duly accepting the above paid the same in the month of 12/2011 i.e. after booking of the malpractice case and with a lapse of about 13 months period.

10. During the course of personnel hearing on 27-11-2012, the AE/DPE/Kadapa who inspected the service and booked the malpractice case on 04-02-2011 and assessed the loss stated that one number air conditioner that was fixed in the left front room of the building was extended supply from the domestic service where as the premises was utilized for commercial purpose i.e. whole sale of cosmetics items and there was no domestic nature. Also it is reported that though the complainant and her husband were available in the house at the time of inspection none attested the inspection notes which is not fair on the part of the consumer.
11. While accepting the presence of her self and her husband at the time of inspection on 04-02-2011, the complainant contested that there is already supply available under commercial category to the said room for lighting purpose and there is no necessity to tap supply from the domestic service. She also mentioned that she is an advocate and used to sit in that room preparing papers for cases while clearing doubts of the assistants available, while her husband who is also an advocate sits in the next room dealing with the clients. More over she always not uses the AC as it is functioning not so good. She also stated that there are provisions for considering the advocates office room as a part of domestic category as was decided by the Bombay High Court in the case of Rajendra G.Shah, V/s Maharashtra State Electricity Distribution company Limited.
12. Requested to consider her office also in the same manner under category-I and give relief from the said malpractice case as it is unjust.

13. During the hearing it was understood that the supply for the AC in the front room was utilized at that time of inspection from the consumers domestic service knowingly or unknowingly, but it so happened that there was a mistake took place as a result of which the inspecting officer booked the case under malpractice which is in order in accordance with the section 126 of Electricity Act 2003.
14. The other point of consideration is the assessment part. On going through the copy of the accounts it was noticed that the said malpractice period of one year is over lapping on the period where wrong readings were billed by the respondents and subsequently rectified, there is a necessity of revision of the assessment taking into consideration the revision of bill earlier made to correct the error took place.
15. As such the average consumption arrived during the period of the wrong readings was 746 units per month and the total units to be billed under malpractice are 7131 units instead of 2592 units taken by the inspecting officer to arriving at the initial assessment. Based on the above consumption and the loads, the proportionate consumption on account of the AC is arrived at 1847 units and the amount of malpractice to be paid by the complainant is arrived at Rs.16,209/- instead of Rs.23,184/- which includes the Supervision Charges and ED charges.
16. The complainant has to pay the above said amount without any further dispute

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

ORDER

The complainant is advised that she may pay the said amount of Rs 16,209/- towards the said malpractice without any further dispute to avoid disconnection of her services.

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 4th day of December 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.