

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

**This the 10<sup>th</sup> day of January 2013**

**C.G.No:234/2012-13/Ongole Circle**

***Present***

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

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

***Between***

Sri.N.Ramesh Babu  
Komaranenivaripalem Village & Post,  
Parchoor Mandal,  
Prakasam-Dist-523169

Complainant

***And***

1. Assistant Engineer/Operation/ Parchoor
2. Assistant Divisional Engineer/Operation/Parchoor
3. Assistant Engineer/DPE-I/ Ongole
4. Divisional Engineer/Operation/Chirala

Respondents

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Sri.N.Ramesh Babu resident of Komaranenivaripalem Village & Post, Parchoor Mandal, Prakasam-Dist-523169 herein called the complainant, in his complaint dt:16-10-2012 filed in the Forum on dt:16-10-2012 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 having one domestic service connection with SCNo: 4433517000185 at Komaranenivaripalem of Parchoor Mandal in Prakasam-Dist.
2. On 13-09-2012 his service above was inspected by AE/DPE-I/Ongole and at the time of inspection the meter was little inclined and was not rotating and hence levied an amount of Rs. 80,758/- as penalty.

3. He is not aware of the things till the inspecting officer told him at the time of inspection.
4. He is having another service in the same house and the total loads both the meters are as follows.

<b>Service Number :185</b>			<b>Service Number :216</b>		
1.	Tube Lights	-- 5	1.	Tube Lights	-- 2
2.	Fans	-- 6	2.	Fans	-- 1
3.	CFL Bulbs	-- 2	3.	Washing Machine	-- 1
4.	AC	-- 1	4.	Fridge	1
5.	TV	-- 1	5.	CFL Bulbs	2
6.	Motor	-- 1 ½ HP	6.	Mixey	1

5. There is a geisure point, but the same is being utilized with gas.
6. He is not having any appliances like Cooler, Mixie and Rice Cooker and hence the loads mentioned as 2000 watts towards Geisure, 375 watts towards Cooler 450 watts towards Mixie and 1000 towards rice cooker totaling to 3825 watts is to be deleted from the total load of assessment.
7. There will not be power supply for above 12 hrs every day and the same situation was being continued since the previous year summer.
8. Requested to rectify the penalty and render justice considering all the factors mentioned above duly re-inspecting his premises.

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

**The respondent-1 i.e. the Assistant Engineer/Operation/ Parchoor in his written submission dt:02-11-2012 received in this office on dt:05-11-2012 stated that:**

1. The service number 185 of Komarnenivaripalem village of Parchur Mandal was inspected by AE/DPE/Ongole and made an assessment

against pilferage of energy. In this connection the notice has been served to the consumer.

**The respondent-3 i.e. the Assistant Engineer/DPE-I/Ongole in his written submission dt:05-11-2012 received in this office on dt:09-11-2012 stated that:**

1. He had inspected the above service on 13-09-2012 at 10:30 hrs and during inspection it is observed that the meter was kept in inclined position, at this position the meter disk was not rotating even applying the entire load of the house.
2. The meter was placed at normal position by the inspecting officer and at this position the meter disc was starts rotation and consumption is recording.
3. The consumption pattern is observed and it is found very low consumption recorded with compared to the connected load of the house.
4. Hence from the above facts it construed that the consumer intentionally keep meter in inclined position to stop the disk rotation. Thus the consumer indulged in theft of energy.
5. Hence pilferage of energy case is booked and also the consumer himself is accepted the fact and recorded his statement in inspection note by his own hand writing and acknowledged the inspection note.
6. According to the theft of energy case is booked as per the section No. 135 of I.E.Act 2003 and assessment is assessed as per GTCS. The theft case was booked under LT-I as per tariff order. The theft case was booked duly observing all the department procedure in vogue.

**The respondent-1 i.e. the Assistant Divisional Engineer/Operation/  
Parchoor in his written submission dt: 27-12-2012 received in this office  
on dt: 05-01-2013 stated that:**

1. After approaching the Forum, the complainant filed a suit in the Junior Civil Judge Court at Parchoor in this matter and the same was registered and number allotted was OS-59/2012. The argument is going on. However the copy of the affidavit is herewith enclosed.

**Findings of the Forum:**

1. The grievance of the complainant is that his domestic service was booked under theft of energy case for keeping the meter board inclined which fact is out of his knowledge.
2. While accepting the crime the complainant contended that the assessment was not done properly in view of the following points.
  - a. The water motor is of ½ HP capacity where as the inspecting officer mentioned it as 1 HP.
  - b. Though a geisure is in use the source of energy is gas, but not electricity however there is a point for the purpose
  - c. the inspecting officer did not consider the consumption of the second service bearing number 216 existing in the same premises sharing the loads.
  - d. requested for revision of the assessment duly canceling the additionally mentioned load of 2375 watts towards the geisure and the water motor and also considering the consumption of SCNo.216.
3. In the mean time the complainant without waiting for the disposal of the case by the Forum and while the case is pending with the Forum,

filed a suit in the court of Senior Civil Judge, Parchoor in the matter in OS number 59/2012 in which the arguments are going on.

4. Since the issue is pending in the court, the Forum shall not finalize the case as it becomes sub-judice.
5. As such the complainant may have to wait for the verdict of the said court.

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

**ORDER**

The complainant is informed that he shall get the issue settled in the Senior Civil Judge Court, Parchoor itself .

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 10<sup>th</sup> day of January 2013.

Sd/-	Sd/-	Sd/-	Sd/-
<b>Member (Legal)</b>	<b>Member (C.A)</b>	<b>Member (Accounts)</b>	<b>Chairperson</b>

**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.