

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

**This the 23<sup>rd</sup> ay of November 2012**

**C.G.No:236/2012-13/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. V. Hanumanthu Rao  
C/o Rajasekhar Reddy Charitable Trust.,  
Arepalli Muppalla Village & Post,  
Ipuru Mandal  
Guntur-Dist-522661

Complainant

*And*

1. Assistant Accounts Officer/Sub-ERO/Vinukonda  
2. Assistant Engineer/Operation/Ipuru  
3. Assistant Divisional Engineer/Operation/Rurals/Narasaraopeta  
4. Assistant Engineer/DPE-II/Guntur  
5. Divisional Engineer/Operation/Narasaraopeta  
6. Senior Accounts Officer/Operation/Guntur

Respondents

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Sri. V. Hanumanthu Rao, C/o Rajasekhar Reddy Charitable Trust., resident of Arepalli Muppalla Village & Post, Ipuru Mandal Guntur-Dist-522661 herein called the complainant, in his complaint dt:09-11-2012 filed in the Forum on dt:09-11-2012 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 resident of Arepalli muppala Village of Ipuru mandal in Guntur-Dist and is founder of Sri Rajasekhar Reddy Charitable Trust started at their village and is to provide drinking water to their villagers and the same was registered under Rgd No: 98/2009.

2. The secretary Grama Panchayat of their village and the sarpanch were approached and enlightened about the formation of the trust and providing of drinking water to the villagers, they applied for electricity connection for the water plant and the service was released under LT category-VI (B) with SCNo: 00901804 and the bills are paid accordingly
3. On 14-09-2011 one AE by name N.Ramesh Babu inspected their service above in their absence and levied penalty treating the service under commercial.
4. Subsequently they received a notice for an amount of RS.88906/- and the same amount was included in the CC.bill and also the service was disconnected by the AE/Opn/Ipuru.
5. Because of the above the hostels, the schools and Hospitals are suffering for drinking water.
6. Requested for reconnection of their service besides cancellation of the penalty amount.

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

**The respondent-1 i.e. the Assistant Accounts Officer/Sub-ERO/Vinukonda in his written submission dt:16-11-2012 while enclosing the orders of provisional and final assessments received in this office on dt:22-11-2012 stated that:**

1. The SCNo: 1343468901804 of Muppala distribution in Ipuru section was released on 24-07-2010 in the name of PWS scheme in category-VI.
2. The AE/DPE-II/Guntur booked malpractice case against this service vide provisional assessment D.No: 1059/11, dated 02-11-2011 of amount of Rs.88906/-.

3. But as per the letter No:23-02-2012 the demand was raised for the Malpractice case amount of Rs.141837/- in Sub-ERO, Vinukonda vide debit RJNo:12/04-2012 as per the final assessment order of DE/Assess/Tirupati, DNo: 227/12, dt:23-02-2012.

**The respondent-6 i.e. the Senior Accounts Officer/Operation/Guntur in his written submission dt:19-11-2012 received in this office on dt:23-11-2012 reiterated the items already mentioned by the respondent-1 in this case above and know additional points are covered.**

**Findings of the Forum:**

1. The grievance of the complainant is that the drinking water plant being run by them under a trust formed by the villagers was first released in LT-VI (B) subsequently the same was treated as commercial during inspection and booked a malpractice case by the DPE wing levying penalty of Rs.88,906/-.
2. Requested for recategorisation of the service besides withdrawing the malpractice amount in view that their plant is not in commercial operation, but is serving the villagers with fluorine free water.
3. The respondent-4 i.e. the AE/DPE-II/Guntur in his inspection report mentioned that the supply was being utilized for mineral water plant at the time of inspection which is of non domestic nature and hence the case is booked under section:126 of electricity Act 2003 and the assessment was made according to the GTCS treating the service as LT-III (A) applicable for industries and arrived to an amount of Rs.88,906/- as the loss sustained by the licensee on account of the said malpractice.
- 4.

5. The complainant made an appeal before the DE/Assessments /APSPDCL/ Tirupati who upon examination of the case passed an order in his proceeding dt: 23-02-2012 duly arriving at an amount of Rs 1,41,837/- treating the service under commercial activity i.e. LT-II payable by the complainant for the said malpractice.
6. Still there was a provision for the complainant to approach the appellate authority i.e. the SE/Assessments/Tirupati within 30 days from the date of receipt of the order i.e. he should have to approach by 31-03-2012.
7. But it appears that the complainant did not made an appeal before the SE/Assessments/Tirupati so far.
8. The said amount of malpractice was included in the demand of the service by the respondents through RJNo: 12/04-2012 for an amount of Rs.1,41,837/- in the month of April 2012 which us after the expiry of the reasonable time allowed to the complainant to file his appeal before the appellate authority.
9. The assessment made by the DE/Assessments/Tirupati treating the service under commercial is not appropriate since there is involvement of processing the raw water to fit for drinking and hence it shall be treated under LT-III (A) only, but not under LT-II as he felt.
10. As such the assessment made by the respondent-4 i.e. the AE/DPE-II/ Guntur for Rs.88,906/-(88756 +150) is in order and the complainant without any further dispute pay the assessed amount immediately to avoid further inconvenience.
11. At present the service is being billed under LT category-III which is appropriate for the nature of the service and hence the request of the

complainant for its recategorisation to LT-VI (B) is not considered and as it is not needed.

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

**ORDER**

The complainant is advised that he may pay the amount of assessment Rs.88,906/- without any further dispute to avoid inconvenience.

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 23<sup>rd</sup> day of November 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.