

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

On this, the 19th day of March 2013

In C.G.No: 318 /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. A.Venkataratnam
DNo:5-20., Main Road.,
Marturu Village, Post & Mandal,
Prakasam-Dist- 522006.

Complainant

and

1. Junior Accounts Officer/Sub-ERO/Marturu
2. Assistant Engineer/Operation/Marturu
3. Assistant Divisional Engineer/Operation/Marturu
4. Assistant Engineer/DPE-1/Ongole

Respondents

* * *

Sri. A.Venkataratnam resident of DNo:5-20., Main Road., Marturu Village, Post & Mandal, Prakasam-Dist- 522006 herein called the complainant, in his complaint dt:29-01-2012 filed in the Forum on dt:29-01-2012 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 a consumer with SCNo: 4621129000755 with 3 phase supply and he let out the premises for the purpose of organizing Vysya community functions as aspired by his ancestors and paying the CC.Charges regularly according to the bills.
2. About 25 days back the AE/DPE/Ongole by name Samuel inspected their premises above and pointed out and got recorded that there is an additional

load and the neutral wire is bypassed from the meter for the service and sent a notice for an amount of Rs.75,277/- as fine.

3. Though the said building was let out for functions for the past few years, they are utilizing power for lighting purpose from generator only and paying bills regularly.
4. The service is in his name, where as the notice of fine was given in his son's name.
5. He paid the compounding amount also.
6. Requested to waive the penalty amount and not to penalize him for he is not at fault.

The respondent-4 i.e. the Assistant Engineer/DPE-1/Ongole in his written submission dt:13-03-2013 received in this office on dt:14-03-2013 stated that:

1. He inspected the above service on 22-12-2012 a 13:50 hrs and during inspection the consumer is utilizing supply duly bypassing the meter like the consumer tapped the incoming neutral of the meter and connected to the entire load of the service due to this the meter was by passed the consumer involved in pilferage of energy.
2. At the time of inspection, the consumer has accepted and given a statement in the inspection note with his own handwriting.
3. According to the above theft of energy case is booked as per the section No. 135 of I.E.Act 2003 and assessment is assessed as per GTCS.
4. The theft case was booked under LT-II as per tariff order.
5. The theft case was booked duly observing all the department procedures.

Findings of the Forum:

1. The grievance of the complainant is that his service was booked under theft of energy case stating the reason that the supply is being utilized by bypassing the meter duly tapping neutral wire at the incoming.
2. The respondent-4 i.e. AE/DPE-I/Ongole and the inspecting officer in this case reported that at the time of his inspection of the service on 22-12-2012 at 13:50 Hrs, he noticed that the neutral wire is tapped at the incoming of the meter and connected to the entire load and thus the consumer involved in the pilferage of energy in accordance Section 135 of I.E.Act 2003.
3. As could be seen from the inspection notes it is noticed that one Mr. A.S.R.Anjaneyulu, the son of the owner was present at the time of inspection and he himself admitted that the said connections were given due to fire at the meter about 15 days back while a function was going on and the only neutral wire is joined to the other wires.
4. As such there is no dispute about the occurrence of the theft of energy in the premises and the only other point of consideration is about the assessment made.
5. The assessment is made based on the connected load of 2255 watts at the time of inspection duly giving weightage to the recorded consumption and is in accordance with the General Terms and Conditions of Supply (GTCS) and the Tariff Order in force only.
6. The consumer's son in his written statement against item-X of the inspection notes clearly mentioned that the connections were given about 15 days back as on the date of inspection due to some fire caught at the meter, but the consumer is not supposed to meddle the meter connections at his own and shall have brought the matter to the notice of the respondents and got it rectified.
7. Though the complainant mentioned that the lighting loads are met from a separate generator, the inspecting officer considered only the load existing at the

time of inspection on the supply mains but not have any relevance with the decorative lighting and hence is not considered.

8. As such, there is no excuse for the said actions of the complainant and hence the request of the complainant for waiver of the amount towards the theft of energy case is not considered.

9. The complainant is liable to pay the assessed amounts without further dispute.

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

ORDER

The complainant is advised that he shall pay the assessed amount of Rs.75,277/- along with surcharges if any, without further delay to avoid consequential adverse effects there up on.

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 the 19th day of March 2013.

Sd/-
Member (Legal)

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.