

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

On this the 12th day of March 2013

C.G.No: 347/2012-13/Guntur Circle

Present

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

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

Between

Sri. N.Srinu
Srinagar Village & Post
Dacepally mandal
Guntur-Dist-522414

Petitioner

and

1. Assistant Accounts Officer/Sub-ERO/Dachepalli
2. Assistant Engineer /Operation/Rural/Dachepalli
3. Assistant Divisional Engineer/Operation/Dachepalli

Respondents

Sri. N.Srinu resident of Srinagar Village & Post Dacepally mandal, Guntur-Dist- 522414 herein called the complainant, in his complaint dt:18-02-2013 filed in the Forum on dt:18-02-2013 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 from Srinagar village of Dacepalli Mandal in Guntur-Dist and his service number is 430.
2. About one year back a special team from Guntur inspected his service above and got the signature of a minor boy without informing about the change of category of the service to II.
3. Later he came to know that the service above was under a case and another service will be given for the purpose.
4. He is not in position to pay the CC.Charges being an Ex.Naxalite.

5. Requested to recategorise the service from II to I and remove the charges already levied.

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

The respondent-3 i.e. the Assistant Divisional Engineer/Operation/Dachepalli in his written submission dt:01-03-2013, received in this office on 05-03-2013 stated that:

1. The ISC No:430/Srinagar, Category-II service is inspected on 26-02-2013 and noticed that the consumer is using the electric supply for his domestic premises only.
2. He is not running his shop at present on local enquiry and local field staff report, he has log back stopped his commercial shop due to road widening work in Srinagar.
3. The JAO/Sub-ERO/Dachepalli for withdrawal of CC.Charge amount in category-II from the date of removal of shop in the consumer's premises and adjust the amount under category-I.
4. It is also submitted that the malpractice case was booked on 15-09-2010 and assessed the usage of commercial load and booked for an amount of Rs.3424.00.
5. As the case is booked by segregating domestic and commercial loads separately, there is no possibility to reduce the assessed amount.
6. Sri Rangi setty Chandrasekhar, resident of Narayanapuram in Dachepalli, wanted erection of 4 Nos new poles along with conductor. He gave instructions to AE/Opn/Town/Dachepalli for the preparation of necessary estimate, duly after receiving the consent letter from the consumer, towards payment of estimate cost.

7. He also gave the same instructions pertaining to the HSC No:10510 of Sri. Kommu Sambaiah, S/o Sri. Kommu/Pitchaiah.

The respondent-1 i.e. the Assistant Accounts Officer/Sub-ERO/Dachepalli in his written submission dt:01-03-2013, received in this office on 05-03-2013 stated that:

1. On Letter dt:20-02-13, complaint received from N.Srinu/Srinagar/Dachepalli/Rurals section SCNo:430, category-II, he requested to change the category from II to I due to not utilized non-domestic purpose and withdraw malpractice booked case amount 3,424/- i.e. back billing amount.
2. He asked the AE/O/R/Dachepalli on 20-02-2013 to recommend field reports on above said consumer grievance complaint to withdraw amount and change the category from II to I of SCNo: 430/Srinagar.
3. Based on the report dt: 28-02-2013 of the AE/O/R/Dachepalli changed the category of the service from II to I, due to the consumer not utilized supply for commercial purpose from 11/2011 and revision of CC.bill in category-I from said period.
4. On 01-03-2013, ADE/OSD/Dachepalli finalized regarding malpractice back billing booked amount Rs.3424/- there is no possibility to withdraw assessment amount.
5. Based on the above information changed the category from II to I, and revised already the billed amount (category-II) in category-I from November/2011 with draw Rs. 3416/- out of his due 15,392/- as on 28/02/2013.
6. Assessed amount of Rs.3424/- not possible to withdraw as per ADE/OSD/Dachepalli reference.

Findings of the Forum:

1. The grievance of the complainant is that
 - i. He is having one domestic service with S.C.No: 430 at Srinagar village of Dachepalli mandal in Guntur-Dist.
 - ii. His service above was inspected by a special team from Guntur about one year back and got signature of a boy stating that the signature is obtaining for release of an other service to the premises, but contra to that he came to know that his service was booked under malpractice with the reason that there was commercial activity besides changing its category to LT-II.
 - iii. He is not in a position to pay the bill amounts since he is an Ex-Naxalite and requested to reclassify his service to LT-I instead of LT-II and withdraw the amounts of malpractice.
2. The respondent-1, ie the JAO/ Sub-ERO/ Dachepllli, reported that the bills of the said service were revised duly considering the recommendations of the AE/Operation/Rural/Dachepalli, that the said service was being utilized for domestic purpose only since 11/2011 and an amount of Rs.3416/- was withdrawn out of his due amount of Rs.15,392/- as on 28-02-2013.He also stated that the assessed amount of Rs.3424/- towards the said malpractice can not be with drawn.
3. As could be seen from the Inspection notes and the letter, it is evident that the consumer was indulged in malpractice by extending supply to his shop from his house on its back and there was a fridge in the shop with a load of 210 watts as on the day of inspection took place on 15-

09-2010. This in accordance with the Section 126 of the Electricity Act 2003, constitutes malpractice in use of electricity.

4. The actions and contentions of the respondents are acceptable in total in accordance with the Act.
5. As such, the request of the complainant to with draw the amount as it is beyond his paying capacity can not be accepted and is liable to pay the balance amount out standing against his service as on date.

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

ORDER

The complainant is advised to pay the balance amount out standing against his service as on date to avoid disconnection of the 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, 5th floor, Singarenibhavan, Redhills, Hyderabad-500004, within 30 days from the date of receipt of this order.

Signed on the 12th 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.