

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

**This the 3<sup>rd</sup> day of August 2012**

**C.G.No:54/2012-13/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 R.Veeranarayana Rao  
DNo: 3-33., Nelapadu (Village & Post),  
Tenali Mandal  
Guntur-Dist

Complainant

*And*

1. Assistant Engineer/Operation/D-3/Tenali  
2. Assistant Divisional Engineer/Operation/Town/Tenali  
3. Divisional Engineer/DPE/Guntur

Respondents

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Sri R.Veeranarayana Rao resident of DNo: 3-33., Nelapadu (Village & Post), Tenali Mandal, Guntur-Dist herein called the complainant, in his complaint dt:28-4-2012 filed in the Forum on dt:28-4-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. He received a notice from ADE/Opn/Tenali on 17-4-2012 against his service number 220 where in it was mentioned that he can represent to the final assessing officer within 15 days if he is having objections on the notice.
2. In view of bringing the objections to the notice of the Forum, and he could not understand the contents of the notice as it was printed in English and also the method by which the said amount of Rs 472923/- arrived he

represented the ADE/Opn on 18-4-2012 to give the notice in Telugu language such that he can understand the factors.

3. Without assigning any details his service was disconnected by AE/OPn/Tenali on 24-4-2012. He feels that there is no crime in asking for the details of the notice, but the ADE/Opn/Tenali acted unilaterally without giving the details intentionally with grudge.
4. Requested for taking necessary action in the matter

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

**The respondent-2 i.e. the Assistant Divisional Engineer/Operation/Town/Tenali in his written submission dt:11-5-2012 received in this office on dt:16-5-2012 stated that:**

1. Sri K.Venkata Krishna, Divisional Engineer, DPE, Guntur has inspected the agricultural service no.800220, Nelapadu village , Tenali Mandal, on 13-4-2012 and booked unauthorized use of electricity case under section 126 of electricity act 2003, in the presence of the representative from the consumer side. The following are the incriminating points.
  - a. “At the time of inspection it is noticed that the consumer extended the supply from AGL service number 220 of Nelapadu to the commercial SCNo:21299, category-2 & SCNo:221, category-1 by three numbers aluminium multistranded PVC wires to the changeover switches of three numbers, which were arranged in the presence of college. Hence the consumer committed malpractice of energy. The consumer also arranged five numbers change over switches near non-domestic service board. The existing AGL service is under no display. Hence malpractice case was booked for total load”.

- b. Accordingly as designated officer the Assistant Divisional Engineer, Operation, Town, Tenali has issued provisional assessment notice vide reference (ii) cited to the consumer and the same was acknowledged by the consumer on 17-4-2012. Later the consumer has requested the information in Telugu language Lt dt: 21-4-2012.
- c. In this connection it is to submit that as Telugu scripts is not available in MATS (Monitoring and Tracking System), this office addressed a letter to the Divisional Engineer, DPE, Guntur vide Lt dt:21-4-2012 to furnish detailed calculation of assessment.
- d. The same was received in on line folder on 07-5-2012.
- e. Soon after receipt of information the same was translated in Telugu language and the required information is sent to the consumer vide Lr dt:07-05-2012.
- f. Further it is to submit that the consumer has not paid 50% of provisional assessment amount within 7 days from the date of receipt of provisional assessment notice and hence the service was disconnected as per clause 9.2.4 (i) of GTCS.

**The respondent-3 i.e. the Divisional Engineer/DPE/Guntur in his written submission dt:12-5-2012 received in this office on dt:16-5-2012 stated that:**

1. He had inspected the SCNo: 800220 of D3/Tenali on 13-4-2012 is a agl. service with meter number 303301 of Ansu make which is under No. display. But the consumer tapped the distribution board after the meter to the adjacent premises of Vivekananda Junior college through 3 nos alluminium multi stranded PVC wires via 2 sets of change over switches one at middle pole of the compound with 3 nos change over switches and

other at the main commercial services Nos:21299 & 221 where 5 nos of change over switches are arranged on the main board. The same was shown to the consumer and photographed the situation and seized the 3 nos change over switches along with wooden board.

2. They have taken the statement of the consumer and witness the copy of inspection notes are herewith enclosed photographs are herewith enclosed in the CD.
3. The consumer intentionally theft the electricity through the meter. Hence pilferage of energy could not be made only malpractice was penalized. The consumer made available with 3 nos multi standard alluminium PVC wires means to draw more energy with out any damages and arranged pakka wiring.
4. If the existing load is utilized continuously with the existing meter, the meter has to be burnt at least in a year, but it could not happen so.
5. Moreover the consumer organized a week long national talent exhibition programme with a fully decorated lights with entire area using this existing meter cannot tolerate. Hence provide the consumer indulging in theft of energy.
6. Even though the consumer is capable of payment of malpractice amount, but he hesitate to pay that much of huge amounts. Hence dragging the time to applying for the court of law.
7. The assessment made in the assessment is as per the GTCS only. Hence there is no intention of penalizing huge amounts to the consumer.

**Findings of the Forum:**

1. The grievance of the complainant is about booking of malpractice case against the agl service and issuance of notice in English which is could not understand the contents resulted in disconnection of his service.
2. The grievance is not a specified item of the Guaranteed Standards of Performance and it is only a request to furnish the details of calculations in telugu language for his understanding and arranging payment.
3. The respondent-2 i.e. ADE/Town/Tenali in his letter dt: 7-5-2012 addressed to the complainant furnished the details for the assessed amount and the procedure followed to arrive at the assessed amount of Rs 4,73,073/- and also the details of loads that have been misused by the complainant by extending supply from the agl service through unfair means i.e. by providing change over switches and laying the cables underground.
4. The inspection notes dt:13-4-2012 of the inspecting officer Sri K.Venkata Krishna herein the respondent-3 was attested by one Sri G.V.Chowdery and an other Sri Alapati Chowadary the staff of the complainants institution.
5. The persons presented at the time of inspection duly accepting the misuse have stated in their own handwriting that with the help of 3 numbers service wires, the power supply from their agl. service was tapped in to their compound and connected to 3 numbers change over switches fixed near by their lighting meter and the connections were not brought into the building and also the power from the adjacent fields electrical connections was used for the water motor of their college.

6. The inspecting officer ceased the PVC aluminium multi-standard wires along with three number change over switches which were arranged in the premises of the college for driving power from the said agl. service.
7. The details of the case was intimated to the complainant by the respondent-2 i.e. ADE/Opn/Town/Tenali on 7-5-2012, but the complainant without appealing to the DE/assessments and without paying 50% of the assessed amounts resulted in disconnection of the service.
8. As could be seen from the inspecting notes it is understood that the meter provided to the said agl service upon which the malpractice case was booked is not having display and hence cannot gauge the consumption which factor was taken advantage by the complainant for resorting to the malpractice.
9. As such it is clear that the said malpractice took place in the premises and the complainant cannot dispute the issue. In View of accepting the provisions of change over of the loads to the agl service by means of 3 numbers change over switches the loads that were taken into account for calculation of misused energy is also in order and hence the assessed amount of Rs 472923/- is in order.
10. The only point of consideration is that the notice is not given in the regional language for which also the respondents furnished the required data in Telugu for the easy understanding of the complainant inspite of which the complainant was reluctant to pay the 50% of assessed amount and approaching the DE/assessments to get the issue settled.
11. Since the notice in Telugu was acknowledged by the complainant on 7-5-2012 he could have approached the DE/Assessments within 15 days from

that date of acknowledgment i.e. by 22-5-2012 by paying 50% of the assessed amount which was not done by.

12. As such the complainant is liable to pay the total amount of assessment along with RC fees for getting his service reconnected and to avoid disconnection of other alternative services.

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

### **ORDER**

The complainant is advised to pay the amount of assessment Rs 472923/- along with surcharge if any levied upon and the RC fees to get his service No :220 reconnected and to avoid disconnection of other alternative services.

Accordingly the case is allowed and disposed off

If aggrieved by this order, the complainant may represent to the Viduyt 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 3<sup>rd</sup> day of August 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. to the General Manager/CSC/Corporate office/Tirupati for pursuance in this matter.