

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

This the 18th day of July 2012

C.G.No: 09/2012-13/ 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 G.Satyanarayana,
C/o Lingaiah,
Chiluvuru Village & Post,
Duggirala Mandal,
Guntur Dist.

Complainant

And

1. Assistant Accounts Officer/ERO/Tenali
2. Assistant Engineer/Operation/Duggirala
3. Assistant Divisional Engineer/Operation/Rural-1/Tenali

Respondents

Sri. G.Satyanarayana, C/o Lingaiah, Chiluvuru Village & Post, Duggirala Mandal, Guntur Dist. herein called the complainant, in his complaint dt: 2-4-2012 filed in the Forum on dt: 2-4-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. He is having two numbers services bearing SC No: 242 and 2342.
2. He received notice for the service number:242 under category-II treating that the service is utilised for cable TV.
3. But he is not having any such appliances in the ground portion.
4. He requested the AE and ADE to come and inspect his premises.

5. The above officers inspected his premises and noticed that there are no appliances connected with cable TV, but advised him to pay 50% of the assessed amount and accordingly he paid the amount.
6. Requested for justice.

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

The respondents-2, i.e. the Assistant Engineer/Operation/Duggirala in his written submission dt:24-4-2012 and received in this office on dt:2-5-2012 stated that:

1. The SC No: 242 and 2342 were already inspected by him on 19-3-2012 during which the two numbers services are in the premises while the SCNo: 242 was in the ground floor the SCNo: 2342 was in the first floor and the two numbers services were utilizing for domestic purpose only and there was no city cable purpose at that time.

The respondents- 3, i.e. the Assistant Divisional Engineer/Operation/Rural-1/Tenali in his written submission dt: 25-4-2012 and received in this office on 5-5-2012 stated that:

1. The SC No: 242 and 2342 were already inspected by him on 20-04-2012 during which the two numbers services are in the premises while the SCNo: 242 was in the ground floor the SCNo: 2342 was in the first floor and the two numbers services were utilizing for domestic purpose only and there was no city cable purpose at that time.

Further the ADE/Opn/R-1/Tenali in his second written submission dt: dt: 23-4-2012 received on 27-04-2012 stated that

1. During intensive inspection programme in Duggirala on 2-1-2012 the SCNo: 242 category-I was inspected by him at 11:15 AM.

2. The owner has two numbers services in the building, one in the first floor and the SCNo: 242 in the ground floor.
3. The additional load case was booked for the service in the first floor and malpractice case was booked for the SCNo: 242 in the ground floor.
4. At the time of inspection the SCNo: 242 has a connected load of 950 watts.
5. When all the connected loads were cut off, the meter was still running.
6. When asked about the other loads connected if any, the consumer told that they have been supplying cable services in the village by extending electrical supply to one amplifier fixed on the pole.
7. A black coloured thick PVC cable was found connected from the out going mains to the amplifier fixed on the top of the pole located opposite to their premises.
8. The consumer G.Vanaja devi duly accepting the fact that they have extending supply to cable service from SCNo: 242, signed the inspection notes.

The respondent-1, i.e. the Assistant Accounts Officer/ERO/Tenali in his written submissions dt:21-4-2012 and received in this office on dt:27-4-2012 stated that:

1. The ScNo: 242 of Chiluvuru was inspected by the ADE/O/R-2/Tenali on 02-01-2012 at 11:15 hrs and found that the supply was extended to other than the sanctioned category i.e. for SITI cable purpose.
2. Hence, a malpractice case was booked for Rs 1663/- and notice was too served to the consumer vide case No: GNT/TENL/TNLRI/893/12 DT:02-01-2012.
3. A copy of the provisional assessment order is submitted herewith.

4. The consumer has paid the 50% of the assessment notice amount Rs 857/- on 30-3-2012 along with the regular CC.bill.

Findings of the Forum:

1. The grievance of the complainant is that he is having two services in his house one for the first floor and the second for the ground floor, both were under domestic purpose, but a malpractice case was booked on service number 242 stating that the supply was misused for cable TV amplifier which is false.
2. Though the complainant stated that they have not utilised the supply for other than domestic purpose, but at the time of inspection the inspecting officer noticed that the supply was extended to cable TV amplifier fixed on a pole opposite to the complainant's house for business purpose and the registered consumer G.Vanaja Devi duly accepting the offence signed the inspection notes.
3. The respondent-3 i.e. ADE/Opn/R-1/Tenali, the inspecting officer assessed the amount of malpractice of Rs 1663/- provisionally and served notice upon the consumer herein, the complainant
4. The complainant paid 50% of the assessed amount Rs 857/- on 30-3-2012 along with regular CC.bill
5. Though the respondents inspected the premises at a later date and could not establish the fact of malpractice it cannot be simply denied that the offence did not take place, but the said service can be recategorised to category-I from the date of second inspection i.e. 19-03-2012 and till such time the service shall be billed under category-II from the date of first inspection, ie; 2-1-2012.

6. Hence the complainant is liable to pay the balance amount of assessment i.e. Rs 857/- to avoid disconnection of his service

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

ORDER

1. The respondents shall bill the consumption for the service number 242 for the period from 2-1-2012 to 19-03-2012 under LT Category –II. proportionately among the loads of the respective categories.
2. The respondents are directed to recategorise the service no.242, from LT Category -II to LT Category –I with effect from 19-03-2012.
3. The complainant is directed to pay the balance amount of assessment Rs.857/-along with other charges if any there upon immediately to avoid disconnection of his services.

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 this the 18th day of July 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, 5th floor, Singarenibhavan, Redhills, Hyderabad-500004.
Copy to the General Manager/CSC/Corporate office/Tirupati for pursuance in this matter.