

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

On this the 25th day of July 2013

In C.G.No:103/ 2013-14/ Vijayawada Circle

Present

Sri K. Paul
Sri A. Venugopal
Sri T. Rajeswara Rao
Sri A. Satish Kumar

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

Between

Smt. T. Krishna Kumari
Dno:19-394., Manikonda Road,
Manikonda post,
Gudivada mandal,
Krishna-Dist-521301

Complainant

And

1. Assistant Engineer/Operation/D-2/Gudivada
2. Assistant Divisional Engineer/Operation/Gudivada
3. Divisional Engineer/Operation/Gudivada

Respondents

* * *

Smt. T.Krishna Kumari resident of Dno:19-394., Manikonda Road, Manikonda post, Gudivada mandal, Krishna-Dist-521301 herein called the complainant, in her complaint dt:24-06-2013 filed in the Forum on dt:24-06-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. She had applied for a new service connection on 26-03-2013 and got her application registered in the office of the ADE/Opn/Gudivada for a load of 5KW and paying an amount of Rs.4825/- and obtained a receipt bearing No:1101455.
2. She produced the receipt before the ADE/Opn who promised her that the service connection will be given the next day.

3. On 04-04-2013, she received notices from the AAE/Opn concerned the service number 20469 will be disconnected and the new service cannot be released in view of the judgement ordered by the Additional District Judge Court.
4. The said service was under the possession of her son and the ground portion of the building while she is staying in the upstairs of the same building.
5. In the year 2010 she obtained two service connections in another portion of the same building bearing SCNos:35936 and 35937, when there is no objection for release of the two services why the officials decline to release the fresh service.
6. Requested to explain the reasons for not releasing the service now applied for

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

The respondents-1, 2 and 3 i.e. the Assistant Engineer/Operation/D-2/Gudivada the Assistant Divisional Engineer/Operation/Gudivada and the Divisional Engineer/Operation/Gudivada in their combined written submission dt:06-07-2013, received in this office on 06-07-2013 stated that:

1. The complainant was applied an LT application for 4KW to her house in town, customer service centre, Gudivada on 28-03-2013.
2. The complainant says false statement because the complainant was applied for 4.0 KW only not for 5.0 KW and the customer service centre is independently operated with 1 no. computer operator, ADE not given any instructions to operator, CSC either to register the application or not to register.

3. The complainant was registered the application on 28-03-2013 at CSC town, Gudivada without any intimation to the ADE/Opn/Town/Gudivada. The complainant was not meet the ADE/Opn/Town/Gudivada till to date.
4. The complainant husband Sri. Tummala Sitarama prasad preferred appeal against the decree and judgement in OSC.No:1999 on the file of Senior Civil Judge in AS.No.262/2010 on the file of 11th Additional District Judge Gudivada. The Hon'ble court dismissed the appeal and confirmed the decree and judgment of the lower court. The complainant husband filed a suit on OS.No.95/1996 on the file of Senior Civil Judge Gudivada and Respondents preferred appeal in AS.No.65/2010 on the file of 11th Additional District Judge, Gudivada. The Hon'ble Court allowed the said Appeal. Both suits are related the meter Nos. 7260 and 8129 respectively. Those meters are removed long back when Pilferage and Malpractice of Power has taken place. In pursuance of the orders of Hon'ble court, Respondents issued a notice demanding to pay the amount as decreed and incase of failure alternative connection No.20469 stood in the name of complainant husband will be disconnected. Complainant husband failed to pay the amount with in stipulated period and Respondents department disconnected the service No.20469 on 15-03-2013. As matter stood thus, the complainant husband arranged unauthorized Extension of supply from service connection No.18427. The Respondents department filed a criminal case and he paid the compounding amount. Again on 08-04-2013 the complainant husband took unauthorized extension of supply from service connection No.34510

with active connivance of TUMMALA ANUPAMA. The department filed a case on that score and complainant paid compounding amount.

5. The complainant without disclosing correct facts made an application to respondents department for New service connection on 28-03-13. Respondents department people visited the premises and identified that the proposed New service connection and removed service No.20469's premises are one and the same and they intimated the same in writing to complainant on 04-04-2013. Knowing fully well about all these facts complainant applied for New service connection.
6. Again on 15-4-2013, the Respondents Asst. Accounts Officer, Town, Gudivada issued a notice demanding to pay the amounts as decreed in 11th District Judge, Gudivada and in case of failure alternative connection No. 18421, Cat-III, D2, Gudivada stood in the name of complainant husband will be disconnected.

Then the complainant husband filed two appeals before Hon'ble High court of AP. In

- a. Second Appeal No.69 of 2013 against the orders issued in AS.No.65 of 2010 by the XI Additional District and Sessions Judge, Gudivada.
 - b. Second Appeal No.70 of 2013 against the orders issued in AS.No.262 of 2010 by the XI Additional District and Sessions Judge, Gudivada.
7. In SA.No.69 of 2013, the Hon'ble High court, Hyderabad passed interim orders "Stay of disconnection is granted until further order" and in SA.No.70 of 2013 the Hon'ble High court, Hyderabad passed interim orders "The stay is granted on the condition of the petitioner depositing Rs.2 (TWO) lakhs within a period of six (6) weeks." Then the complainant husband paid Rs.2.0 lakhs on 17-6-2013.

8. As per the Respondents department rule, not to issue any new service connection, if any arrears pending in that premises.
9. The allegations to the contra in the notice referred to above are not at all the true & correct and not tenable in law and they should be treated as denied line by line word by word. Further it is to submit that the contention of complainant that the Hon'ble HIGH COURT of AP has granted stay on arrear is not correct. The copies of orders of Hon'ble HIGH COURT are here with submitted for perusal please.

Findings of the Forum:

1. The grievance of the complainant is that she applied for a new service connection on 26-03-2013 and paid the necessary charges on the same day upon which the ADE/Opn concerned herein the respondent-2 told that the meter will be fixed and connection given on the next day, but contra to the above she received a notice on 04-04-2013 from the AAE concerned that the said service can not be released in the premises. But she already got two services in the premises in the year 2010. Requested for release of the present service also.
2. The respondents replied that it is a fact that the complainant applied for new service connection for a load of 4KW on 28-03-2013 at the sub division office Gudiwada, but the service could not be released in the premises since there is pendency of dues against the services 20469 which was disconnected on 15-03-2013 for non payment of the charges as ordered by the 11th Additional and Sessions Judge Gudiwada in ASNo:65/2010 and the applicant hiding the facts and furnishing wrong information filed her application in the CSC.

3. Though the complainant mentioned that there are stay orders on disconnection of complainants service with the condition of depositing Rs.2,00,000/- within a period of 6 weeks and the complainant's husband failed to pay the said amount within the stipulated period and hence the service was disconnected and paid the amount Rs.2,00,000/- on 17-06-2013. It is not a right on the part of the complainant to insist for release of new service in the premises since the matter is related to the service against which it was ordered and has nothing to do with the release of new service.
4. Moreover the complainant's husband is always behaving unlawfully right from committing malpractice by utilizing supply of Industrial to the commercial purpose i.e. Cinema Theatre and ever after the disconnection of the service the person resorted for extension of supply from other services which is also a violation of law in all the above instances the respondents booked cases. It reveals that the complainants husband is habitual law breaker and not having any respect towards the law.
5. The contention of the respondents that a new service connection cannot be released in a premises where there are arrears pending is in order in accordance with clause 5.9.6 of General Terms and Conditions of Supply and hence the contention of the complainant that the respondents wantonly stopped the release of new service she applied for is not at all correct.
6. But however it is felt by the Forum that the respondents shall have to return the amount received by them towards the new service connection duly withholding the application fees or can adjust the same to the arrears pending in the premises.

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

ORDER

The complainant is advised that she shall clear all the dues in the premises before applying for any new service in it in future.

The respondents shall adjust the amount already paid towards the new service by the applicant to the arrears pending in the premises if the consumer opts for.

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 25th day of July 2013.

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.