

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

On this the 28th day of October 2013

In C.G.No: 126/ 2013-14/ Kadapa 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

Sri. M.Subbarayulu Chetty
Retired Head Master,
DNo:4/27,
Chinnamandem Village, Post & Mandal,
Kadapa-Dist

Complainant

And

1. Assistant Accounts Officer/Sub-ERO/Rayachoti
 2. Assistant Engineer/Operation/Chinnamandem
 3. Assistant Divisional Engineer/Operation/Rurals/Rayachoti
 4. Divisional Engineer/Operation/Rayachoti
 5. Superintending Engineer/Operation/Kadapa
- Respondents

* * *

Sri. M.Subbarayul Chetty, Retired Head Master resident of DNo:4/27, Chinnamandem Village, Post & Mandal, Kadapa-Dist herein called the complainant, in his complaint dt:28-08-2013 filed in the Forum on dt:28-08-2013 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 domestic consumer with ScNo: 16 at Chinnamandem village and mandal of Kadapa-Dist.

2. On 09-07-2013 he received a notice from the AE/Opn/Chinnamandem to pay an amount of Rs. 2475/- towards additional load deposit for his service above.
3. But he had already paid an amount of Rs.2000/-vide receipt No:16406 dt:29-08-2002 for a contracted load of 4000 watts to the then RESCO limited, Rayachoty.
4. He shown the original receipt to the AE Chinnamandem and requested to accept the receipt to the intimation.
5. The officers of the APSPDCL, Rayachoty refused to accept the receipt given by the RESCO and asked him to pay again.
6. Though the department has been changed the receipt shall be given validity.
7. Requested to direct the APSPDCL authorities, Rayachoty to honour the receipt given by then RESCO and do justice to him and cancel the notice for Rs.2475/- issued recently.

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

The respondent-1, ie the Assistant Engineer/Operation/Chinnamandem in his written submission dt:20-09-2013, received in the Forum on 20-09-2013 stated that:

1. On receipt of the consumer representation and going through the contents of the receipt for Rs.2000/- for 4KW additional load, he thoroughly examined the records, he understood that the said payment was made on 29-08-2002 under special scheme offered by RESCO, Rayachoty and the receipt is genuine.
2. But the additional load is not effected in the service monthly CC.bill.

3. He verified the old records of RESCO at the Divisional office and also at the ERO office but could not traced the load details and it is also not known whether it was accounted or not and it is a fact.

The respondent-3, ie the Assistant Divisional Engineer/Operation/Rurals/Rayachoti in his written submission dt: 20-09-2013, received in the Forum on 01-10-2013 stated that:

1. The detailed report on their notice for not effecting additional load to the HSC No:16, Chinnamandem.
2. By receiving consumer representation, I enquired thoroughly into the matter and knowing that the consumer paid the amount of Rs.2000/- towards 4KW additional load vide PR No:16406/29-08-2002 under special scheme offered by RESCO, Rayachoty, but the 4KW additional load was not effected in the monthly CC.Bill against this service by the then Chinnamandem section office of RESCO, Rayachoti.
3. He verified the old records of RESCO at Divisional Office and also at ERO office, but he could not traced the Additional load details of HSC No:16, Chinnamandem, even he don't know whether it is accounted or not. This of the fact to the best of my knowledge and belief.

Findings of the Forum:

1. The grievance of the complainant is that he had paid an amount of Rs.2000/- towards 4KW additional load on 29-08-2002 and obtained a receipt to that effect from the then management of RESCO. Subsequently the management was changed to APSPDCL. Again he received a notice for an amount of Rs.2475/- on 09-07-2013 for additional load from the APSDPCL officials and they did not take into account the receipt that was obtained at the time of payment in 2002.

Requested to render justice by giving due weightage to the payment already made to the earlier management and he should not be punished for not fault of him.

2. The respondents-1 and 2 i.e. the AE and the ADE/Operations concerned while accepting that the receipt produced by the consumer is genuine replied that the said payment of Rs.2000/- made in 08/2002 was towards 4KW additional load regularization during a special scheme during the tenure of RESCO management.
3. They have verified all the records both at Division Office as well as the ERO, but the details of the additional load pertaining to the said service were not traced out.
4. Since the fact of payment made by the complainant has been accepted by the respondents and the payment of Rs.2000/- was made for a load of 4KW in 08/2002 under special scheme for regularization of unauthorized loads by the then electricity distribution company RESCO, Rayachoty subsequently merged into APSPDCL, it is the responsibility of the respondents to give due weightage to the receipt given by the earlier company and the said additional load of 4KW is to be regularized by the respondents based on the earlier payment without insisting for the payment against the fresh notice issued for Rs. 2,475/- on 09-07-2013.
5. For the change of management for their convenience, the consumer shall not be penalized.
6. Also as could be seen from the bill for the month of 10/2013 of the consumer's service the contracted load was shown as 0.26 KW i.e.

without considering the payment of the additional load of 4KW earlier made.

7. On the licensee side they shall regularize the additional load from the date of payment itself and revise the bills if necessary and area at liberty to collect the difference amounts if any arises on account such revision.
8. It appears that the consumer had paid only the development charges leaving the security deposit and hence the licensee may collect the necessary security deposits if required on proper review.

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

ORDER

The respondents are directed that they

1. shall withdraw the notice for Rs.2,475/- issued on 09-07-2013 in-respect of the complainants service number 16 of Chinnamandem distribution of Kadapa-Dist for additional load detected within 15 days from the date of this order.
2. shall regularize the additional load of 4KW in-respect of the complainants service number 16 of Chinnamandem distribution of Kadapa-Dist right from the date of payment within 15 days from the date of this order.
3. shall revise the bills of the consumer if necessary in accordance with the tariff orders from time to time right from 08/2002 treating the contracted loads as 4.26KW.
4. additional security deposit if necessary shall be collected based on 12 months average as per APERC regulations.

5. shall report compliance of the item-1 and 2 above with 21 days from the date of this order.

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 28th day of October 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 to the General Manager/ CSC/ Corporate office/ Tirupati for pursuance in this matter.