

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

**On this the 19<sup>th</sup> day of December 2013**

**In C.G.No:130/ 2013-14/ Guntur 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. S.Chandra Sekhar  
C/o M/s S.V.R.Projects  
Beside of Manipal Hospital  
Tadepalli Village, Post & Mandal  
Guntur-Dist.

Complainant

*And*

1. Assistant Engineer/Operation/Kunchanapalli
2. Assistant Divisional Engineer/Operation/Mangalagiri
3. Divisional Engineer/Operation/Town-2/Guntur
4. Superintending Engineer/Operation/Guntur

Respondents

\* \* \*

Sri. S.Chandra Sekhar, C/o M/s S.V.R.Projects resident of Beside of Manipal Hospital, Tadepalli Village, Post & Mandal, Guntur-Dist. herein called the complainant, in his complaint dt:07-09-2013 filed in the Forum on dt:07-09-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. He had applied for 46 numbers new service connections for domestic purpose in F-Block of M/s VR.Projects Private.Limited besides Manipal Hospital, Tadepalli, Guntur-Dist and paid a total amount of Rs.6,79,090/- towards cost of the estimate and security deposit.

2. He purchased a new transformer of 315KVA capacity from a licensed vendor of the department M/s BSR Power construction, Tenali for Rs.2.9 lakhs as the same is not available with the department.
3. But he had already paid the total amount including the cost of the transformer as per the estimate, was shown as Rs. 4,50,743/- . But the department paid him back only Rs.2.9 Lakhs.
4. He had pursued the matter several times with the department to pay back the balance amount of Rs.1,60,743/- towards the cost of the transformer already collected, but the department is not in his favour.
5. Requested the Forum to arrange of the balance payment of Rs.1,60,743/- from the department at the earliest possible.

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

**The respondent-2 Assistant Divisional Engineer/Operation/Mangalagiri in his written submission dt:21-10-2013 received in this office on 22-10-2013 stated that:**

1. The consumer was got approval from Superintending Engineer/Operation/Guntur for purchase of the transformer of capacity 315 KVA in view of non availability at the district stores, Guntur and in view of emergency of the consumer vide letter dt:27-07-2013.
2. The consumer purchased the DTR from M/s B.Srinivasa Rao power constructions Pvt.Ltd. for Rs.2,90,000/- vide letter dt:26-06-2013 and was tested at SPM Guntur vide Letter dt:29-07-2013. As the results were found satisfactory the DTR was accepted and erected at consumer premises.
3. The cost of the DTR amount was adjusted to the consumer in CC.Bills as the consumer only purchased the DTR and balance work is done by the department.

**Findings of the Forum:**

1. The grievance of the complainant is that after paying the total cost of the estimate for release of 46 numbers new service connections for the newly constructed housing complex by him, the department expressed its inability to provide new 315KVA transformer at Rs. 2.9 lakhs from a licensed vendor of the department for the purpose as it is not available with them. While the cost of the transformer was shown as Rs. 5,94,490/- in the estimate he could purchase it at Rs.2.9 lakhs only. As such the excess amount of Rs. 1,60,743/- paid by him towards the transformer is to be paid back, but the department is not favourable to pay back balance amount above. Requested the Forum to arrange for payment of Rs.1,60,743/- from the department as early as possible.
2. The respondent-2 i.e. the Assistant Divisional Engineer/Operation/ Mangalagiri stated that the consumer got approval from Superintending Engineer/Operation/ Guntur for purchase of the transformer of capacity 315 KVA in view of non availability at the district stores, Guntur and in view of emergency of the consumer vide letter dt:27-07-2013. The consumer purchased the DTR from M/s B.Srinivasa Rao power constructions Pvt.Ltd. for Rs.2,90,000/- vide letter dt:26-06-2013 and was tested at SPM Guntur vide Letter dt:29-07-2013. As the results were found satisfactory the DTR was accepted and erected at consumer premises. The cost of the DTR amount was adjusted to the consumer in CC.bills as the consumer only purchased the DTR and balance work is done by the department.
3. The consumer herein the complainant paid Rs.4,50,743/- towards the cost of the transformer as incorporated in the estimate, but he could purchase the transformer at Rs.2.9 lakhs only from a departmental licensed vendor.

Moreover the transformer was tested and accepted by the department for its healthiness and as such it is never inferior to that provided by the department.

4. Though the respondents mentioned that the transformer was purchased by the complainant at his request due to non availability of the same at the district stores, Guntur and in view of emergency, no where it is mentioned that the consumer accepted to not to claim/pay the difference amount on account of purchase of transformer at his own.
5. The respondents paid back only the amount of Rs.2.9 lakhs in accordance with the invoice produced by the complainant duly retaining the balance amount towards the cost of the transformer.
6. It is not appropriate to depend purely upon the invoice by the respondents as it is not an inversely accepted figure. In this case since the complainant procured the transformer at the cost lower to the departmental rates and incase if the complainant purchased the same transformer at a cost higher to the estimated value the department cannot payback the entire amount.
7. As such it is clearly evident that the department had collected excess amount from the complainant which is to be returned back and the respondents are liable to pay back the balance amount of Rs.1,60,743/- invariably.

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

### **ORDER**

The respondents are directed that they

1. shall pay back the amount of Rs.160743/- to the prospective consumer herein the complainant within 15 days from the date of this order.

2. shall report compliance on the item-1 above of the order within 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, 5<sup>th</sup> floor, Singarenibhavan, Redhills, Hyderabad-500004, within 30 days from the date of receipt of this order.

Signed on this the 19<sup>th</sup> day of December 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.