

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

On this the 19th day of December 2013

In C.G.No:138/ 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. Neeli Venkata Rao
C/o Venkateswarlu
Kattempudi Village & Post
Ponnur Mandal
Guntur-Dist

Complainant

And

1. Assistant Accounts Officer/ERO/Ponnur
2. Assistant Engineer/Operation/Rurals/Ponnur
3. Assistant Divisional Engineer/Operation/Ponnur
4. Divisional Engineer/Operation/Bapatla
5. Superintending Engineer/Operation/Guntur

Respondents

* * *

Sri. Neeli Venkata Rao, C/o Venkateswarlu resident of Kattempudi Village & Post, Ponnur Mandal, Guntur-Dist herein called the complainant, in his complaint dt:11-10-2013 filed in the Forum on dt:11-10-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. He is an agl. consumer with ScNo:386 at Kattempudi village of Ponnur mandal in Guntur-Dist.
2. He is having a wet land to an extent of one acre 62 and $\frac{1}{4}$ cents only and there is no other land to him any where.
3. The government had provided free power to the agl. consumers those having land below 2 acres.

4. In the earlier days the CC.bills received by him were at Rs.40/- for two months, but surprisingly the said service has been converted into paid category without any reason. He had cleared all the arrears existing as on the date of complaint.
5. On 14-09-2012 he had represented the same to the Assistant Engineer/Opn/Ponnur rural section and the same has been sent to the AAO/ERO/Ponnur on the same day itself. But so far the service has not been converted into free category.
6. Requested to change the category of the service from paid to free category.

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

The respondent-1 i.e. the Assistant Accounts Officer/ERO/Ponnur in his written submission 21-10-2013 received in this office on 21-10-2013 stated that:

1. The ScNo:386, Kattempudi, category-V is paid agricultural service under the Sub- category-14 (DSM measures with wet land 2.5 acre with 50 paise per unit meter service) from the date of supply i.e. 26-6-2004.
2. The service was billed under 09 i.e. PNU status with monthly minimum charges from August-2005 to May 2008, and August 2008 to July-2010. Later from August-2010 to October-2011 the service billed as per the readings and the consumer also paid the bill amounts under paid category.
3. As per the October-2013 BBA, the present reading 10811 and previous reading 10753 under meter status "01" and CB is 2398.00.
4. The sanction order copy for change of sub-category from paid agl. to free agl in respect of ScNo:386, Kattempudi, not received in this office. After receiving the sanction order from Superintending Engineer/

Operation/Guntur the change of sub-category of the service will be effected.

The respondent-3 i.e. the Assistant Divisional Engineer/Operation/ Ponnur in his written submission 22-10-2013 received in this office on 01-11-2013 stated that:

1. The consumer of ScNo:386, Kattempudi represented AAE/Opn/R/Ponnur on 14-09-2012 for conversion of his agriculture service from paid to free category. Further the consumer stated that previously his service was free category and later it was converted into paid category without any revision.
2. The service was released on 26-06-2004 under paid category only. The consumer has paid the minimum bills during P.N.U status and he has misunderstood that his service was under free category and after receipt of the CC.Bills as per the actual consumption, he thought that it was converted into paid category.
3. The consumer has not enclosed the proper documents to send the proposal of his agriculture service for conversion of paid agriculture service to free agriculture service as per the eligibility norms. The consumer was asked to submit from the Mandal Revenue Officer stating that he is having the wet land less than 2.5 acres.
4. But the consumer submitted a certificate obtained from the village revenue officer, Kattempudi dt:11-05-2013. The consumer was asked to get a certificate from MRO, Ponnur who is the competent authority to certify the land in the mandal jurisdiction. The pattadar pass books were issued village wise. Based on the pattadar pass book we cannot conclude that the consumer is having less than 2.5acres. Hence it is necessary to submit a certificate from MRO, Ponnur.

5. The necessary proposals for change of paid category to free category to ScNo:386, Kattempudi will be submitted and approval will be taken from SE/Opn/Guntur, soon after receipt of the MRO certificate.

The respondent-5 i.e. the Superintending Engineer/Operation/Guntur in his written submission 30-11-2013 received in this office on 06-12-2013 stated that:

1. The proposal for conversion of 1 No.Agl service of 386 category-V of 3HP at Kattempudi (village), Ponnur Mandal, in Ponnur rural section Ponnur Sub-division, from Non-free to free category was received in this office on 27-11-13. The Divisional Electrical Engineer, Operation, Bapatla has submitted the report stating that the following consumer is having the extent of wet land less than 2.5 acres, having less then or equal to 3 connections in dry land and he is not IT payee.

Sl. No.	Name of the consumer	SC. No	Name of the distribution	Name of the section	Connected load	Extent of land	No. of services in the name of same consumer	Type of second crop	IT Assessee or not	Meter or non-meter
1	2	3	4	5	6	7	8	9	10	11
1	N.Venkata Rao	386	Kattempudi	Ponnur	3HP	Sy.No.236, 237-1= 1.62 acres	1	Cron	No	Yes

2. Based on the report submitted by the Divisional Engineer, Operation, Bapatla and by verifying the land documents/ panchayat Secretary certificate produced by the consumer, approval is here by accorded to convert the above said Sc.No:386 from Non-free to free category.
3. The Assistant Accounts Officer, Sub-ERO, Ponnur is requested to bill the above said service under free category by fixing up the sub-category based on whether the consumer is adopting DSM measures or not.

4. The Assistant Divisonal Engineer, Operation, Ponnur has to furnish the above information to AAO/ERO/Tenali for fixing up the sub category. The ADE, Opn/Ponnur is also requested to see that the above service should be metered immediately.
5. The ADE/Opn/Ponnur and AAO/Sub-ERO, Ponnur are requested to follow the above instructions scrupulously. Any deviation in this will be viewed seriously.

Findings of the Forum:

1. The complainant is an agriculturist and having service connection No:386 at Kattempudi village in Ponnur mandal of Guntur-Dist also is having land below 2 acres and is eligible for free power. He had cleared all the arrears as on date and requested to recategorise his service above from paid to free.
2. The respondent-1 i.e. the AAO/ERO/Ponnur replied that the said service of the complainant was under category-V sub-category-XIV applicable, but the services adopting DSM measures and the consumer having land more than 2.5 acres from the date of its release on 26-06-2004 and the service was billed in 09 status from August 2005 to May 2008 and also from august 2008 to July 2010 from August 2010 to October 2011 the service was billed as per the readings and the consumer paid accordingly. There is no order of such from the higher authorities to change the category of the service.
3. The respondent-3 i.e. the ADE/OPn/Ponnur in his reply stated the complainant made a representation before him on 14-09-2012 for conversion of his agl. service from paid to free category. The service was earlier under free category, but was converted to paid category for reasons not known. The service was first release under paid category only

on 26-06-2004, but the consumer is not aware of the fact and is under the mis-concept that the service was first released in free category and later converted into paid category since he did not pay for certain period during which the service was under PNU (party not utilizing supply). The consumer had not enclosed the proper documents along with his application for change of his category and the consumer was asked to submit a certificate from the mandal revenue officer who shall certify that the extent of land under his possession is less than 2.5 acres. Soon on receipt of certificate from the MRO, the necessary proposals for change of category will be submitted for approval from the SE/Opn/Guntur the competent authority to do so.

4. The respondent-5 i.e. the SE/Opn/Guntur in his reply dt:30-11-2013 stated that he had accorded approval for change of category of service on due verification of the records on the recommendations of the DE/Opn/Bapatla who had stated that the consumer is having wet land less than 2.5 acres and connections less than 3 and is not an Income Tax Payer.
5. As could be seen from the documents available, it is evident that the consumer herein the complainant produced a certificate dt: 11-05-2013 issued by the village revenue officer, Kattempudi wherein it was stated that the complainant is having a land total of one acre 62 $\frac{1}{4}$ cents wet land under his possession. Based on the certificate the respondents should have changed the category of the service duly observing the other factors like following DSM measures and number of connections in his enjoyment.

6. But it was learnt that the respondents insisted for a certificate from the Mandal Revenue Officer, but no where it is specified as such and hence the certificate issued by the VRO shall be sufficient to act upon.
7. The respondent-5 passed instructions to the respondent-1 to bill the said service under free category by fixing up the sub category based on the factor whether the complainant adopted DSM measures or not.
8. The complainant had produced a copy of the letter dt:14-09-2012 addressed by him to the AE/Opn/Rural/Ponnur wherein he had requested to convert his service from paid to free category and the same was transmitted to AAO/ERO/Ponnur by the AE on the same day.
9. But there was no action further in the matter and was delayed till the complainant approached to the Forum on 11-10-2013 i.e. after one year of his application.
10. In accordance with the GTCS change of category is to be within 7 days from the date of the application after receipt of the necessary application along with documents and prescribed fee if any. Here in this case the respondents failed in changing the category of the service well in time and hence have to compensate the complainant by remitting an amount of Rs.50/- for each day of default besides effecting the change of category with effect from the date of his application. But herein this case the certificate of extent of land in the name of the complainant was dt:11-05-2013 and hence the days shall be counted from 19-05-2013 both for effecting the change of category as well as computing the compensation.
11. The number of days delayed treating that the category change will be effected by 31-12-2013 is 226 days and the amount of compensation payable is Rs.50x226 days = Rs.11,300/-.

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

ORDER

The respondents are directed that they

1. shall effect the change of category of the service to its appropriate class not later by 31-12-2013.
2. Shall remit the amount of compensation Rs.11,300/- to the consumer service within 90 days from the date of this order.
3. Shall report compliance on the item-1 above of the order not later by 07-01-2014 and on item-2 within 100 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 19th 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.