

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

**On this the 17<sup>th</sup> day of May 2013**

**In C.G.No: 14/ 2013-14/ Kadapa Circle**

***Present***

***Sri K. Paul***  
***Sri A.Venugopal***  
***Sri T. Rajeswara Rao***  
***Sri A. Sateesh Kumar***

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

***Between***

Sri. S.Sankara Reddy  
C/o Sankar Hospital DNo:03/1373  
Holmespetta Village  
Proddatur Post & Mandal  
Kadapa-Dist-516360

Complainant

***And***

1. Assistant /Accounts Officer/ERO/Proddatur  
2. Assistant Engineer/Operation/East/Proddatur  
3. Assistant Divisional Engineer/Operation/Town/Proddatur  
4. Additional Assistant Engineer/DPE-I/Kadapa  
5. Divisional Engineer/Assessments/Tirupati

Respondents

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Sri. S.Sankara Reddy, C/o Sankar Hospital DNo:03/1373 resident of Holmespetta Village, Proddatur Post & Mandal, Kadapa-Dist-516360 herein called the complainant, in his complaint dt:26-04-2013 filed in the Forum on dt:26-04-2013 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 doctor by profession and is running a hospital with the title of Sankara Hospital, Holmespet, Proddatur duly occupying upper blocks of 3/1373 dwelling and the said building is in the name of Sulochana Devi and having the following meters prior to January 2013.

<b>USC No.</b>	<b>Category</b>
2223101061063	Category-II (B)
61064	Category-I (B)
61065	Category-I (B)
61066	Category-I (B)
61067	Category-I (B)
61068	Category-I (B)
7204	Category-II (A)

2. The AAE/DPE-I who is not having knowledge of status of above meters/services connections entered the building and booked malpractice cases on SCNos:6164, 6165 and 6166.
3. Notices were issued by the ADE/Opn/Proddatur to him demanding to pay huge amounts of Rs.22,082/-, Rs.14,032/- and Rs.4302 for the above three services.
4. He paid 50% of the amounts demanded above under protest on 12-02-2013 under acknowledgement in respect of SC.No.s 61064 and 61065 but appealed the higher authorities to suspend the order in SC.No.61066 which is being utilized exclusively for domestic purpose since long back.
5. The above said matter has been explained to the DE/Assessments/Tirupati on 12-02-2013 for justice.
6. Apart from all the above and despite the repeated appeals the AAO/ERO/Proddatur raised the bills in April month as follows:

<b>USC.No</b>	<b>Bill No.</b>	<b>Bill Amount</b>	<b>Sudden Change of category</b>
061064	438	Rs.5728/-	From category I-B to 2 B
061065	439	Rs.10513/-	From category I-B to 2 B
061066	437	Rs.24348/-	From category I-B to 2 B

7. The acts of all the four respondents are arbitrary, un-reasonable and violative of articles of Indian constitution.

8. Requested for
  - i. Suspension of all the reports of the second respondent AE/DPE-1
  - ii. Issuance of orders maintaining status-quo.
  - iii. adjustments of amounts already paid to their future bills
  - iv. to pay compensation of One Lakh rupees to the petitioner from the APSPDCL department.
  - v. Any relief (s) deem fit

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

**The respondent-3 Assistant Divisional Engineer/Operation/Town/ Proddatur in his written submission dt:07-05-2013, received in this office on 10-05-2013 stated that:**

1. The AE/DPE-II/Kadapa has booked 3 nos Malpractice cases in east section in the jurisdiction of Operation sub-division, Proddatur on 14-01-2013.

The details of the same are submitted below for favour of information & for ready reference.

Sl.No.	SC No./ Section	Name of the consumer	Present category	Purpose of utilization	Inspection notes number	Assessed amount
1	2	3	4	5	6	7
1.	61064/East	Smt. D.Sulochana Devi, Holmespet, Proddatur	1	Hospital M/s Sankar Diabeti centre	451288 Dt:4-1-13	4.02.00
2.	61065/East	Smt. D.Sulochana Devi, 3/1373-Up,Holmespet, Proddatur	1	M/s Sankar Diabetic centre	451289 Dt:4-1-13	14.032.00
3.	61066/East	Smt. D.Sulochana Devi, 3/1373-Up,Holmespet, Proddatur	1	M/s Sankar Diabetic centre	451286 Dt:4-1-13	22,082.00

2. Based on the above inspection notes and case details available in MATS provisional assessment notices served to the above consumer vide DNO:4005/13 dt:21/01/2013, dt:21-01-2013 & dt:21-01-2013 respectively.

3. The Xerox copies of inspection notes and provisional assessment notices issued by this office and by the Divisional Engineer/Assessments/ Tirupati.

**The respondent-4 Additional Assistant Engineer/DPE-I/Kadapa in his written submission dt:07-05-2013, received in this office on 14-05-2013 stated that:**

1. On 04-01-2013 he along with S.Sudhakar, ALM of Rameswaram section the premises at DNo:3/1373, Homaspet.
2. During the time of inspection observed that a board "Sankar Diabetic Centre" was seen and enter into the premises seen that No. of meters were available.
3. At that time of inspection in the first entrance room doctor S.Sankar Reddy sitting and examining a patient.
4. He reached the doctor and asking about the CC.bills for verification. He submit a file and told that he having No. of services and the same relevant file was shown.
5. He inspected the services as per the service Nos. and found that there are total 6 nos. services are located. (The SCNos are 61063, 61064, 61065, 61066, 61067).
6. Apart the services Nos. SCNo. 61063 is used for hospital is existing under Category-II the remaining 3 Nos. services which were used for hospital purpose 61064, 61065 and 61066 were existing under category-I. The same matter was explained to the consumer and told him that using of service other than sanction purpose is illegal and told him malpractice cases to be booked.
7. The remaining 2 services 61067 and 61068 which are used for domestic purpose in upstairs 1<sup>st</sup> floor are correct and hence no inspection note written. For the 3 services for which unauthorisedly used the supply for sanction

purpose domestic, but used for hospital purpose were inspection note prepared and malpractice case booked.

8. He was used supply from 61064 for nurse room, the room NO.3 which is for patient injection and treatment purpose.
9. From the SCNo:61065 he was used supply for operation theatre.
10. From the SCNo:61066 he was used supply for blood laboratory.
11. The necessary inspection notes are prepared the same also acknowledge by the consumer S.Sankara reddy who was present that time. At the time he also satisfied and orally told me that was able to paid the penalty amount if reasonable.
12. The SCNo:61063 is used for another lady doctor which the service were in correct category i.e. category-II. The remaining 2 services which are located in 1<sup>st</sup> floor were purely used for domestic purpose.
13. Hence in this regard he humbly submitted the way of thinking of consumer after completion of inspection which is not correct, as he was well known clearly what purpose he was used supply.

**Findings of the Forum:**

1. The grievance of the complainant is that he is running a hospital at Proddatur town in a building having 7 numbers service connections out of which two numbers are already in category-II and 5 numbers are in category-I.
2. His services above were inspected by an officer from DPE and malpractice cases were booked against 3 numbers services 6164, 6165 and 6166 and penalties levied for all the three, treating that the services are utilizing for hospital purpose instead of domestic, requested to
  - a. Suspension of all the reports of the second respondent AE/DPE-1
  - b. Issuance of orders maintaining status-quo.

- c. adjustments of amounts already paid to their future bills
  - d. to pay compensation of One Lakh rupees to the petitioner from the APSPDCL department.
  - e. Any relief (s) deem fit
3. The respondent-2 i.e. the AEE/DPE-I/Kadapa reported that
- i. the complainant himself was present at the time of inspection of the premises with a board “Sankar Diabetic Centre” and followed the process.
  - ii. out of 6 numbers services available in the premises, excepting one service 61063 already in category-II and 3 three services 61064 (Nurse room for injection and treatment), 61065 (Operation Theater) and 61066 (Blood testing laboratory) which were also being utilized for hospital purpose were under category-I domestic purpose and two more services 61067 and 61068 in the first floor were utilized for domestic purpose only.
  - iii. the necessary inspection notes were prepared and the same were acknowledged by the consumer present at that time duly satisfying himself and accepted to pay the penalty amount.
4. In the light of the facts mentioned above by the respondent-2 and the inspecting officer in this case and upon going through the documents submitted it is construed that the consumer indulged in malpractice by utilizing supply for the purpose of hospital while it was intended for domestic which act attracts the provisions of section 126 of the Electricity Act 2003.
5. The other point of consideration is the assessment part which is also done in accordance with the Electricity Act 2003 as amended in 2007 and hence there is no need to review the assessment.

6. As such the all the five requests made by the complainant in his grievance have got no merits on them and hence kept aside.
7. The complainant is liable to pay the balance amounts of assessment as per the final order given by the respondent-5 i.e. the Divisional Engineer/ Assessments/Tirupati.

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

**ORDER**

The complainant is advised that he shall pay the amounts in accordance with the final orders issued in respect of all the three services i.e. 61064, 61065 and 61066 to avoid further complications in this regard.

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 17<sup>th</sup> day of May 2013.

Sd/- <b>Member (Legal)</b>	Sd/- <b>Member (C.A)</b>	Sd/- <b>Member (Accounts)</b>	Sd/- <b>Chairperson</b>
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**Forwarded by Orders**

**Secretary to the Forum**

To  
The Complainant  
The Respondents  
Copy submitted to the Honourable Ombudsman, APERC, 5<sup>th</sup> floor, Singarenibhavan, Redhills, Hyderabad-500004.  
Copy to the General Manager/CSC/Corporate office/Tirupati for pursuance in this matter.