

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

On this the 25th day of June 2014

In C.G.No: 209/2013-14/ 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. Ch.Srinivasa Reddy,
Guttikonda Village and Post
Vinayaka Gudi Bazar,
Piduguralla Mandal,
Guntur Dist.

Complainant

And

1. Assistant Engineer/Operation/Rural/Piduguralla
2. Assistant Divisional Engineer/Operation/Piduguralla
3. Assistant Divisional Engineer/DPE-I/Guntur
4. Divisional Engineer/Assessments/APSPDCL/Tirupati
5. Divisional Engineer/Operation/Macherla.

Respondents

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Sri. Ch.Srinivasa Reddy, Guttikonda Village and Post, Vinayaka Gudi Bazar, Piduguralla Mandal, Guntur Dist., herein called the complainant, in his complaint dt: Nil, filed in the Forum on dt: 07-03-2014 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 a consumer with SC No. 1373 at Guttikonda village of Guntur-Dist.
2. He is staying at Bangalore for the past 10 years for lively hood and due to unavoidable circumstances, he came back to Guttikonda about 4 month back and started running a Chillies mill by purchasing old machinery. The wet grinder and the flour mill are under repair and hence are not in use also using rice cooker borrowed from the neighbours since the gas cylinder was exhausted while so the case was booked and there was a balance of 900 units in the meter

corresponding to the period prior to setting up of the mill and for that also the charges were levied at Rs.10/- per unit. He is from a poor family and having 2 female children.

3. He made a representation to the SE/Opn/Guntur on 26-09-2013, but there is no result the service also was disconnected.
4. Requested to render justice and reconnection of the service.

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

The respondent-2 i.e. the Assistant Divisional Engineer/DPE-I/Guntur in his written submission dt: 28-03-2014, received in the Forum on 01-04-2014 stated that:

1. A. Sreenivasa Rao, ADE/DPE-1/Guntur have inspected the premises of SC.No.1373 Guttikonda (Village), Piduguralla-Rural Section on 30th April 2013 at about 12:30 Hrs.
2. At that time of inspection the domestic supply is being extended to Chillipowder & Flour Mill (i.e. other than stipulated purpose). The connected load of non-domestic and house are 3375 watts and 1040watts respectively.
3. Hence malpractice case and additional load cases were registered based on the recorded consumption against the above said service and the same was explained to the present owner wife Smt.Chilukuri. Prabhavathi W/o Srinivasa Reddy (present owner).
4. The present owner wife Smt. Chilakuri Prabhavathi. W/o Srinivasa Reddy has agreed with the above observations and signed in the inspection notes.

The respondent-1 i.e. Assistant Engineer/Operation/Rural/Piduguralla in his written submission dt: 02-04-2014, received in the Forum on 09-04-2014 stated that:

1. He had received Malpractice & additional load case PA notices from the ADE/Opn/Piduguralla vide Lr.Dt.26-06-2014. Immediately he served the PA notices for malpractice & additional load cases to the consumer. On local enquiry

the floor mill load was installed in April 2012. The consumer paid part amount of Rs.6000/- vide PR.No.1111111414200400, dt:24-02-2014. The consumer utilizing supply now under LT category-II.

Findings of the Forum:

1. The grievance of the complainant is that the officials booked a case against this service and levied penalty on high side without considering the usage of the appliances and their working conditions. Requested to render justice and order reconnection of the service in view of his poor family back ground.
2. As could be seen from the documents available it is learnt that the service was under domestic category and was being utilized for chillies powder and wet grinder comes under commercial category and also the contracted load was only 260 watts where as the connected was 4415 watts at the time of inspection on 30-04-2013 and the inspection notes was accepted and acknowledged by one Ch.Prabhavathi, W/o of the consumer present at the time of inspection.
3. As such the consumer is indulged in malpractice of energy by utilizing of supply un-authorisedly for other than sanctioned purpose for which the charges are to be levied in accordance with section 126 of Electricity Act 2003 and also the consumer exceeded the contracted load un-authorisedly which he had to got regularized by paying the necessary charges as prescribed for.
4. The inspecting officer upon his findings on such inspection above had sent a report to the concerned Assistant Divisional Engineer for serving of notice upon the consumer for realization of the departmental revenue.
5. Accordingly the assessment was made by the inspecting officer for Rs.16,150/- towards regularization of additional load of 5KW and the other for Rs.10864/- towards malpractice. The notices of the ADE/Opn concerned dt:26-06-2013.
6. The consumer paid Rs.6000/- on 24-02-2014 as reported by the AE/Opn/Rural/Piduguralla towards the additional load and also on local

enquiry he came to know that the additional load was installed in April 2012 that is exactly one year prior to the date of inspection.

7. The other point of consideration of the period taken for assessment of malpractice amount. Here in this case the period was taken as one year prior to the date of inspection which is quite in order in accordance with Electricity Act 2003 and Amendment Act 2007 and the consumer is bound to pay the amount of Rs.10864/- as arrived by the assessing officer.
8. Regarding regularization of additional load the consumer shall have to pay the amounts as per the demand since there is no such provision at that time for removal of the additional loads, but only he can regularize the additional loads by paying the necessary charges.
9. It is reported that the consumer paid Rs.6000/- as part amount on 24-02-2014 and the respondents did not specify against which the consumer paid the said amount.
10. The request of the consumer for waiver of the charges levied towards the malpractice and the additional load in view of his property cannot be considered as the said amounts were levied in accordance with law.
11. The service was changed to non domestic category with effect from the month of 06/2013 and continued as on date. The consumer may obtain an exclusive service for his domestic purpose leaving the existing one for commercial purpose, if he desires in view of the billing pattern.
12. As such Forum finds no deficiency of service on the part of the respondents in this matter and hence no compensation is allowed.

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

ORDER

The complainant is advised that he shall pay the amounts in full in both the cases of unauthorized use of electricity by connecting excess load and utilizing power for other than the sanctioned purpose along with the arrears if any pending as on the date of payment.

Accordingly the case is disallowed and disposed off

If aggrieved by this order, the complainant may represent to the **Vidyut Ombudsman, 1st Floor, 33/11KV Sub-Station, Hyderabad Boat Club Lane, Lumbini Park, Hyderabad-500063**, within 30 days from the date of receipt of this order.

Signed on this, the 25th day of June 2014.

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.