

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

On this the 28th day of June 2013

In C.G.No:35/ 2013-14/ Tirupati 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. V.Muralidhar Reddy,
C/o Chengal Reddy,
Thurupupalli Village,
Penumuru Post & Mandal,
Chittoor-Dist

Complainant

And

1. Assistant Engineer/Operation/Penumuru
2. Assistant Divisional Engineer/Operation/R-2/Chittoor
3. Divisional Engineer/Operation/Town/Chittoor

Respondents

Sri. V.Muralidhar Reddy, C/o Chengal Reddy resident of Thurupupalli Village Penumuru Post & Mandal, Chittoor-Dist. herein called the complainant, in his complaint dt:07-05-2013 filed in the Forum on dt:07-05-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. He had applied for a new agl. service connection on 28-05-2011 for a load of 10 HP and got his application registered by paying Rs.25/-.
2. Since then he had approached the electricity of officers concerned several times and expressed his readiness for payment of the deposits amounts, but the officers assured that his service will be released at his turn as per the seniority duly collecting the deposit amounts then itself and also no

others will be provided agl. service from the 25HP transformer existing near by his bore and preference will be given to him only.

3. Though a period of about 2 years lapsed, he is not having informed about the estimate and the development charges payable and on the other hand have sanctioned estimate in favour of one M.Gnanasekhar Reddy, S/o Paramdami Reddy.
4. When he contacted the AE in this matter he got the reply that the said Gnanasekhar Reddy is a close relative of V. Devendra Reddy who is working in the cadre of SE in APSPDC, Tirupati and under the influence of the later only the SE/Opn/Tirupati put high pressure on him and because of that only the service was released favouring Gnanasekhar Reddy.
5. On 14-03-2013 he complained in the matter to the Chairman/APSPDCL/Tirupati with copies to Chairman/APTRANSCO/ Hyderabad, Superintending Engineer/APSPDCL/Tirupati, Divisional Engineer/APSPDCL/Chittoor and Assistant Divisional Engineer/APSPDCL/Chittoor by registered post, but none of the above replied.
6. Requested the Forum to enquire into the matter and render justice.

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

The respondent-1 Assistant Engineer/Operation/Penumur in his written submission dt:01-06 -2013, received in this office on 06-06-2013 stated that:

1. The consumer Sri.Muralidhar Reddy had not paid the estimate cost Rs.10600/- vide WBS.No.A003205012105087 sanctioned in SAP :PE:61 of ADE/R2/Chittoor. The consumer only paid the application fee cost Rs.25/- only.
2. The service will be released after receiving the payment.

The Forum team conducted field inspection in the afternoon of 13-06-2013 in the case as requested by the complainant and to find the facts.

The following are the findings in the field

1. The complainant's premises is a mango garden and the 25 KVA transformer is situated in his fields.
2. There are 4 numbers services existing on the transformer totaling to a load of 18 HP.
3. Out of the four, one number with 3 HP load belongs to the complainant for pumping water from a open well with SCNo:215 and the said open well is dried up and there is no water.
4. About 25 mts from the open well, the complainant dug a borewell and a submersible pump was implanted in and connected to the mains and is in running condition. As per the Muhurtham paper, the said bore was scheduled for rigging on 17-02-2011 and the complainant stated the same was adhered to.
5. As such, it is concluded that the bore well was dug on 17-02-2011 and the application was registered on 28-05-2011.
6. But the respondents shown a copy of notice dated 23-03-2013 asking the complainant to pay the charges of Rs.16,100/- but there is no acknowledgement.
7. The complainant stated that the said borewell is in use right from the date of his application for the service as the said open well is dried up.
8. As such, it is construed that the respondents have kept quiet for a considerable period of 21months and on the other hand, the consumer, herein the complainant also kept quiet utilizing power un- atherisedly..

9. Another service with SCNo:1082 was connected recently on the same transformer for a load of 8 HP, in the name of one Gnanasekhar Reddy to pump water from borewell, but there is no agl. activity or any other else and the land is empty.

Findings of the Forum:

1. The grievance of the complainant is that he had applied for new agl. service connection for a load of 10 HP on 28-05-2011 by paying Rs.25/- towards application and got it registered.
2. Even though a period of 2 years is lapsed, the said service was not released and even he is not informed about the payment of deposits to be made towards the said service and the respondents while kept his request un-heard released a service on the same existing transformer in favour of another under the influence of certain officials of the licensee.
3. The respondents for the above replied that the complainant had not paid the estimate cost of Rs.10,600/-, but he paid only Rs.25/- and the service will be released after receiving payment from the complainant.
4. The application was registered in 28-05-2011, but the respondents have not given any intimation to the complainant in spite of his repeated visits to the respondents offices shall be with the view that if the service as sought by the complainant is released on the existing transformer, it cannot allow further loads and hence it needs providing additional transformer to meet the later applicant's loads.
5. Since there is no proof of acknowledgment with the respondents, it is understood that the respondents willfully evaded the sanction of estimate and the intimation there upon in the name of the complainant and hence

the complainant could not pay the necessary charges towards release of the service.

6. The respondents are bound to release service in the name of the complainant on the date on which the applicant next to the complainant was provided with service.
7. But the respondent-1 i.e. the AE/Operation/ Penumur replied that he is not maintaining any priority list since the number of applications are very less and the services are being released within a month of the application and as such, there is no room for the priority criteria.
8. As such, it is construed that had the complainant been allowed to pay the charges, the respondents could have released the service within one month of the application, i.e., by 30-06-2011 itself.
9. Since the complainant himself had accepted that he is utilizing supply to the said bore-well for a load of 10 HP, right from the date of his application, the service shall be billed accordingly from that date itself and also there is no suffering on the part of the complainant.
10. It is not fair on the part of the complainant to utilize power to his bore-well immediately without waiting for his turn in the priority list and without actually getting the service released. Moreover, the complainant, though mentioned that he met the officers several times, there is no proof to that effect and it is also not a point to keep out of consideration that he kept quiet as he is enjoying the power without any suffering.
11. The respondents shall release the service in favour of the complainant duly collecting the necessary charges in the form of DDs by serving a notice afresh to that effect at first immediately and shall be billed right from 28-05-2011, the date of application.

12. As such, the Forum felt that there is no suffering on the consumer side.

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

ORDER

The respondents are directed that they

1. shall first serve a notice on the complainant intimating the charges, like SLC, Development Charges and Security Deposit that are payable by him immediately, collect the amount and release the service in his favour within 30 days from the date of this order or the date of payment of the said deposits which ever is later.
2. A report of compliance on the item 1 above of the order shall be submitted to the Forum with relevant proofs like new service release return and remittance voucher.

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 the 28th day of June 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 submitted to the Honourable Ombudsman, APERC, 5th floor, Singarenibhavan, Redhills, Hyderabad-500004.
Copy to the General Manager/CSC/Corporate office/Tirupati for pursuance in this matter.