

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

**On this the 25<sup>th</sup> day of July 2013**

**In C.G.No:56/ 2013-14/ Vijayawada 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. P.Ramalingeswara Rao  
Dno:21-18,  
Vinayaka temple Street, Main road,  
Nuzvid  
Krishna-Dist-521201

Complainant

***And***

1. Assistant Accounts Officer/ERO/Nuzuvidu  
2. Assistant Engineer/Operation/Nuzuvidu  
3. Assistant Divisional Engineer/Operation/Nuzuvidu  
4. Divisional Engineer/Operation/Nuzuvidu  
5. Superintending Engineer/Operation/Vijayawada

Respondents

\* \* \*

Sri. P.Ramalingeswara Rao resident of Dno:21-18, Vinayaka temple Street, Main road, Nuzvid, Krishna-Dist-521201 herein called the complainant, in his complaint dt:10-05-2013 filed in the Forum on dt:10-05-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. He is a consumer with SCNo:227 for his shop under the title Vijaya Coffee works & fancy at Nuzvid town.
2. The said service is in the ground floor of the two staired building against which there is a matter pending in the civil judge court and he stands as respondent and there was an order of status quo dt:07-02-2012 which is still in force.

3. On 16-04-2013 he issued notices to the AE, DE and SE concerned duly enclosing the copy of the court order.
4. The department inspite of the above orders cancelled the above service and released a three phase service in its place newly.
5. Requested to take action against the officers released new service in place of the existing one violating the court orders.

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

**The respondents-1, 2 and 3 i.e. the Assistant Accounts Officer/ERO/ Nuzvid, the Assistant Engineer/Operation/Town/Nuzvid and the Assistant Divisional Engineer/operation/Town/Nuzvid in their written submission dt:06-07-2013, received in this office on 06-07-2013 stated that:**

1. On 11-04-2013, the consumer sri Perla Amarnath had applied for cancellation of the Single phase service No:661110000227 present in his premises at the office of the AE/Opn/Nuzvid town. After verification of documents, service was disconnected by the field staff and correspondended to the ERO for procedure of cencellation.
2. At the ERO total dues as on the date including corrected fuel surcharge and advance minimum charges for a period of 3 months were collected and issued clearence certificate. Then the meter was removed and the party was suggested to apply a fresh for 3phase connection as requested by him in his letter and the consumers sri perla Amarnath kumar has applied for 3 phase service connection in Nuzvid town call centre.
3. On 15-04-2013, a hand-written complaint was received in the section ofice, Nuzivid town from Sri Perla Rama Lingeswara rao, wherein it was revealed regarding the STATUS QUO from, Junior Civil Judge, Nuzvid dated 20-01-2012 (effected upto 07-02-2012 as stated in it) hence the

release of the 3 phase service to Sri Perla Amarnath Kumar was kept withheld and the respondent-2 has approached the board legal advisor, APSPDCL, Sri. G.Narayana rao, Nuzvid for opinion.

4. On 18-04-2013, the Honourable Board Legal Advisor, Nuzvid has issued legal opinion wherein it was clarified that there was no dispute with regard to the electrical service connection in the court and the requirement of Sri. Perla Amarnath Kumar is just to enhance the meter capacity from single phase to 3 phase with meter replacement of meter, but in new name, without any new electrical installation in the premises.
5. On 19-04-2013, the 3 phase service was released with service connection number 6611100016496 duly following all departmental procedure.
6. The complainant Sri Perla Rama Lingeswara Rao have not provided any information regarding present position of the STATUS QUO order even after several requests or any details of the physical features noted down by the advocate commission ( as mentioned in the complainant letter to honourable Chairperson, CGRF). The allegations of the complainant regarding the misdeeds of the dept staff are also far from truth.
7. Regarding the RTI application, it was intimated to the complainant to pay the xerox charges in form of DD and the data will be provided to him immediately after payment.
8. It is also not out of place to mention that a new service been released for the present complainant Sri Rama Lingeswara rao with SC.No:6611100015790 duly confirmed by the present complainant that the stay is only regarding entrance way to the complex and nothing to do with the dept. of SPDCL.

9. Hence it is humbly submitted that everything had been carried out strictly adhering to the departmental procedures only and no violation of the orders from honourable court was involved.

**Findings of the Forum:**

1. The grievance of the complainant is that he was made to suffer by the department officials at Nuzvid by removing the service number 227 in his position and releasing an other 3 phase service in its place though there were specific orders of status quo from the honourable civil court Nuzvid in the matter.
2. As could be seen from a copy of the order enclosed by the complainant it was dated 20-01-2012 where as the complainant mentioned that it was dt:07-02-2012, but however as per the said order the said status quo was in force upto 07-02-2012 only and there is no further information in the matter.
3. As could be seen from the account copy of the service the name of the registered consumer of the said service was V.Atchiaiah and was released for a load of 1.44 KW and the date of supply is not available.
4. The clearance against service number 227 for closer of its account and dismantlement the AAO/ERO/Nuzvid the first respondent in this case in his letter dt:15-04-2012 issued a letter where in the addressee was mentioned as V.Atchiaiah where as the said copy was acknowledged by one P.Amarnath Kumar the relation between whom and the registered consumer is not established any where in the documents.
5. The respondents in their reply mentioned that on 11-04-2013, one Perla Amarnath had applied for cancellation the single phase service No:227 in his premises and after due verification of the documents, collecting the

necessary charges for a period of 3 months including fuel surcharge and advising to apply for a 3 phase connection afresh the said service was disconnected as per the procedure.

6. Though the respondents mentioned that they took action in accordance with the opinion given by the board legal advisor of Nuzvid upon approach, it is not appropriate to cancel a service without having proper request from the registered consumer or the legal heir and also release of new service in the same premises in same place duly enhancing the load capacity it is felt that the respondents did not follow the procedures and guided the beneficiary in a wrong way who is having the ulterior motive of having a service in his name in the premises instead of the original registered consumer to create an opinion that he is having the rights on the said property.
7. The release of new service was applied on 11-04-2013 and was released by 19-04-2013 i.e. within a span of 7 days inspite of having a written complaint by an other party namely Perla Ramalingeswara rao in between.
8. The action of the respondents in this matter are felt to be in violation of the departmental procedures.
9. The complainant shall have to settle the issue in a private case filed and the Forum cannot interfere in the matter since it will become subjudice.

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

### **ORDER**

The complainant is advised that he shall get the issue settled through the courts as the matter is already pending in the court of honourable principal Junior Civil Judge, Nuzvid.

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 the 25<sup>th</sup> day of July 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, 5<sup>th</sup> floor, Singarenibhavan, Redhills, Hyderabad-500004.  
Copy to the General Manager/CSC/Corporate office/Tirupati for pursuance in this matter.