

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

**On this the 14<sup>th</sup> day of June 2013**

**In C.G.No: 60/ 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. Gogineni Rambabu  
C/o Subba Rao  
Flat No:101., Mayuri Crystal Department  
Vidyanagar Post,  
Guntur City  
Guntur-Dist-522007

Complainant

***And***

1. Assistant Accounts Officer/ERO/Town-1/Guntur
2. Assistant Engineer/Operation/Rurals/Guntur
3. Assistant Divisional Engineer/Operation/Town-3/Guntur.
4. Divisional Engineer/Operation/Town/Guntur
5. Senior Accounts Officer/Operation/Guntur
6. Superintending Engineer/Operation/Guntur

Respondents

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Sri. Gogineni Rambabu, C/o Subba Rao resident of Flat No:101., Mayuri Crystal Deq apartment, Vidyanagar Post, Guntur City, Guntur-Dist-522007 herein called the complainant, in his complaint dt:14-05-2013 filed in the Forum on dt:14-05-2013 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 having agl. land at Pottur Village, Guntur Rural mandal of Guntur-dist to an extent of 3.75 acres under cultivation.

2. On 29-03-2012 he had applied for free power connection in his land above for irrigation purpose and made an application against registration number: 1138N00002.2012.
3. At a later date he was replied by the department that there is no scope of sanctioning free power and suggested to make an application under paid category.
4. On 21-06-2012 he made an application with the ADE/Opn/Guntur and in response on 29-06-2012 the DE/Opn/Town-1/Guntur sanctioned the connection under paid category for his agl. usage and the same was intimated to the ADE/OPn/Town-3/Guntur through a letter dt:29-06-2012.
5. Finally he got a connection with SCNo:1262 under paid category for agl usage. He did not get any bill from the department for the above service and immediately he approached the concerned authority for the bill for which he consumed and finally he was served the bill on 15-10-2012 which gave him a shock.
6. The department charged Rs.7/- per unit under category-II (B) which is the highest charge under industrial category and also charged surcharge for the delay which was exclusively made by the electricity department in furnishing the bill.
7. Aggrieved with this he approached the DE, SE and the CE of the area repeatedly requesting them to solve the problem for which they replied that the problem is pending before Chairman, Tirupati.
8. He waited for 30 days, but of no use and bills are continued to be issued in the same category.

9. The bills are on much high side and beyond his paying capacity since is a small farmer
10. Requested the Forum
  - i. to interfere and render justice by changing the category of the service from LT-II to agriculture duly verifying the usage of the connection.
  - ii. Adjust the excess charged bill amount in the future bills.
  - iii. Not to cause any inconvenience by way of disruption of power to his agl. operations which may cause huge loss and crop damage.

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

**The respondent1 i.e. the Assistant Accounts Officer/ERO/Town-1/Guntur in his written submissions dt:22-05-2013, received in this office on 23-05-2013 stated that:**

1. The consumer of Sri. G. Rambabu applied a new connection under category-II, with a connected load of 6KW.
2. The application was registered at CSC vide registered No:11138N 18117/2012, dt:5-7-12 and the consumer paid test report are herewith enclosed.

1.	Development charges	---	12000 (6KW)
2.	Security deposit	---	7200
3.	LT application fee	---	50
	Total	---	19250

3. Total paid by the consumer 19,250/- vide PRNo:435277, dt:5-7-12.
4. Further the Assistant Engineer/Operation/Lines/Guntur has released the service on 07-07-2012 under category-II in favour of Gogineni Rambabu with a connected load 6KW.

5. Further the consumer have paid the CC.Charges Rs.12,357/- to the end of 4/13. An amount of 656/- demand have been raised during the month of 5/13 towards minimum charges during the month of 7/12 and 8/12.
6. An amount of Rs.4631/- is outstanding to the end of 5/13 against the service.
7. Further no such proposal received from the field till to date for change of category 2(b) to category-V.

**Findings of the Forum**

1. The grievance of the complainant is that he is a small farmer having agl. land of an extent of 3.75 acres under cultivation and applied for a new agl. service connection under free category, but subsequently with the advise of the ADE made a revised application for power under paid category agl., but the department finally released service under LT-II(B) category and the bill was on much high side of beyond his paying capacity. Requested the interference of the Forum to recategorise the above said service, adjust the excess paid amounts and finally not to disconnect his service.
2. The respondent-1 i.e. the AAO/ERO/Town-1/Guntur replied that
  - i. the consumer himself had applied for new connection under category-II with a load of 6KW and the application was registered in CSC on 05-07-2012 and paid the necessary amounts of development charges, security deposit and the application fee totaling to Rs.19,250/- on the same day.
  - ii. The AE/Opn/Lines /Guntur has released the service on 07-07-2012 under category-II favouring Bogineni Rambabu with a connected load of 6KW.

- iii. An amount of Rs.656/- demand has been raised during the month of 05/2013 towards minimum charges an amount of Rs.4631/- is outstanding to the end of 05/2013 against the service.
  - iv. No such proposal was received from the field to change of category II (B) to V.
3. The respondent above had submitted a copy of the LT application and the test report. In the LT application it was mentioned that the application is for “**non domestic**” purpose for a load of 6KW and both are signed by the complainant where as in the test report it was mentioned that the supply is for “**domestic**” at one place against items-2 and 8, but against item 11 meant for the tariff applicable it was mentioned as “**category-II ( 3 phase )**”.
  4. At the item-7 of the test report it was mentioned as lighting load with 17 numbers points and a load of 1000 watts.
  5. As such, there is much variance from document to document which indicates that none, either the complainant or the respondents gone through the contents of the documents.
  6. As could be seen from the account copy, the date of supply was 07-07-2012 and the billing was also started in the same month ie., from 07/2012 onwards, but the readings were taken only from 11/2012 onwards.
  7. The amount pending to the end of 05/2013 is Rs.3,975/- as per the account copy.
  8. It is noticed that the respondents have not properly guided the consumer and both the respondents and the consumer have not gone through the contents of the application as well as the test report before signing.

9. Also since there is no provision of tatkal scheme in agl. in the recent, the consumer cannot expect the agl. service immediately after registering his application and he has to wait till his turn in the priority list of agriculture comes which may take months/years for release of service.
10. Since the applicant himself knowingly or unknowingly signed the application filled in for LT-II ( non-domestic ) and the test report instead for agl., he is bound to pay the charges under category-II till the service is terminated.
11. Though the complainant mentioned that he is utilizing power for agriculture purpose from the service, and requested to verify and ensure the facts, he shall have to understand that he had applied for non-domestic purpose and the agriculture services are released as per priority only but not immediate to the application.
12. As such, his request for re-categorizing the service into agriculture billing can not be considered.
13. The applicant /consumer can opt for termination of the service after expiry of the period of agreement , i.e., two years from the date of the agreement
14. The consumer, herein the complainant has to file an application afresh for the purpose of agriculture and pay the necessary charges as applicable in the form of DDs, and wait for the release of his service according to his turn in the priority list.

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

**ORDER**

The complainant is directed that he

1. shall file and get an application registered at the CSC, Guntur afresh for the purpose of agriculture duly enclosing the relevant documents and shall pay the necessary charges towards the said service in the form of DDs obtained

on the banks as specified in the letter of intimation from the respondents and shall wait for his turn in the priority list for agriculture services .

2. can opt for termination of the service number 1113822001262 after completion of the agreement period of two years from its conclusion if he wish to not to continue with the service and till such time, he can utilize the supply and pay the CC charges in the same Category according to the tariffs applicable from time to time.
3. after termination of the agreement, he can get back the Security Deposit only by cash or it will be adjusted to the final bills for settlement of the account. He can not claim for back payment of the Development Charges paid.

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 14<sup>th</sup> 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, 5<sup>th</sup> floor, Singarenibhavan, Redhills, Hyderabad-500004.

Copy to the General Manager/CSC/Corporate office/Tirupati for pursuance in this matter.