

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

On this the 14th day of June 2013

In C.G.No:61/ 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. T.Ramakrishna Reddy
C/o Ms Gayathri Womens Hostel
DNo:46, Kakatiya Nagar,Tirupati Town Post,
Tirupati Town
Chittoor-Dist

Complainant

And

1. Assistant Accounts Officer/ERO/Town-1/Tirupati
2. Assistant Engineer/Operation/South /Tirupati
3. Assistant Divisional Engineer/Operation/CCO/Tirupati
4. Assistant Divisional Engineer/DPE-2/Tirupati
5. Superintending Engineer/Assessments/Tirupati

Respondents

Sri. T.Ramakrishna Reddy, C/o M/s Gayathri Womens Hostel resident of No:46, Kakatiya Nagar,Tirupati Town Post, Tirupati Town Chittoor-Dist 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. The grievance of the complainant is that he had set up and running a ladies hostel in a domestic premises having 5 numbers services and a malpractice case was booked against the said services.

2. The method of calculation differed from the inspecting officer to the assessing authorities and the date is also not taken properly.
3. He in the month of November 2012 contacted the AE and the line man to change the category of the services from category-I to II.
4. The cases were booked on 02-02-2013 that the services were billed under category-II and bills issued on 12-02-2013 according to which he paid the bills, but again bills were issued under category-II also that is he is made to pay the bills twice.
5. Requested to consider all the factors above and render justice.

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

The respondent-4 i.e. the Assistant Divisional Engineer/DPE-2/Tirupati in his written submissions dt:24-05-2013, received in this office on 24-05-2013 stated that:

1. The complaint filed by Sri. T.Ramakrishna Reddy, C/o M/s Gayathri Womens Hostel, Kakatiya Nagar, Tirupati. In this connection he submit the following facts in respect of detection of unauthorized use of electrical energy committed by Sri T.Ramakrishna Reddy (tenent) and the services are existing in the name of Smt. E.Laxmi Vasundara, W/o E.Suresh vide SC.Nos.131302, 131300, 131303, 107973 and 131301 at Kakatiya Nagar, Tirupati.
2. He is working as ADE in DPE-II, Sub-Division, Tirupati for detection of theft of electricity and unauthorized use of supply by a person in their premises in Tirupati Circle.
3. As per the programme of pole to pole inspection in south section/Tirupati on 02-02-2013 he has attended this programme and detected the SC.Nos 131302, 131300, 131303, 107973 and 131301 at

Kakatiya Nagar, Tirupati are released under domestic category where as the services are being utilized by Sri. T.Ramakrishna Reddy (Tenant) for commercial purpose i.e. for M/s Gayathri women's hostel due to which the APSPDCL sustained revenue loss and penalized as per the terms and conditions of the supply of APSPDCL only. And at the time of inspection the consumer not produced any relevant evident documents for their occupation of hostel.

Findings of the Forum

1. The grievance of the complainant is that the services in which he is running a hostel in a domestic premises were inspected and booked in malpractice and the assessment was also finalized in different stages, but assessing authorities have not taken into consideration the exact date of their starting the hostel and also have billed the services twice in the month of February 2013 and requested to rectify the same.
2. The respondent-4 i.e. the ADE/DPE-II/Tirupati reported that he had inspected the said services during a pole to pole inspection programme organized in south section Tirupati on 02-02-2013.
3. At the time of inspection Sri.T.Ramakrishna Reddy the tenant was present and the premises was titled with M/s Gayathri Womens Hostel where as the services were released for domestic purpose which activity is a malpractice and he had assessed the loss sustained by the APSPDCL and more over the consumer did not produce any relevant documents in proof of the occupancy of the hostel.
4. As could be seen from the documents produced by the inspecting officer herein the respondent-4 it is understood that the complainant

himself was present at the time of inspection and attested the inspection notes to that effect for all the services under his utilization.

5. In the inspection notes at item-10 meant for the statement of the consumer or his representative the consumer mentioned that the said hostel is running in the premises from the month of November which indicates that the said malpractice took place in the premises and was accepted by the complainant, but the only thing is the part of calculation of the loss sustained by the licensee on account of the said malpractice.
6. In accordance with section 126 of Electricity Act 2003 as amended in 2007 the period of malpractice shall be taken as follows
 - a. "If the assessing officer reaches to the conclusion that unauthorised use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorised use of electricity has taken place and if, however, the period during which such unauthorised use of electricity has taken place cannot be ascertained, such period shall be limited to *a period of twelve months* immediately preceding the date of inspection.";
7. But where as the initial assessing officer has assessed the loss considering that the said malpractice is taken place only from six months back.
8. The final assessing officer also had taken into consideration the date mentioned by the complainant and the assessment was revised assuming that the said malpractice took place from 03-11-2012 only and hence maximum consideration has been given to the complainant.

9. It is the responsibility of the consumer to approach the offices and file applications for conversion of the services being utilized for hostel a commercial activity into LT-II, but he had not done so and the fact was brought o light only during inspection by the DPE wing who booked the malpractice cases.
10. The other point raised by the complainant is that the bill was issued both in category-I and II for his services above in the month of February 2013. As could be seen from the bills and assessments it is noticed that the services were already billed under category-I from 13-01-2013 to 13-02-2013 and also the assessment was made upto 02-02-2013 where there is a overlap 21 days for which the bills were issued both in category-I and category-II
11. If any such duplication is taken place, the respondents have to revise the bills and adjust the amounts if any paid in excess to his future bills.
12. The complainant raised that the respondents have levied penalty of Rs.150/- towards belated payments for the months of November, December 2012 and January 2013, but he did not give the details like payment date and the bill dates and hence it cannot be ascertained.
13. Though the complainant mentioned that he met the line man and the AE and requested for change of category of the services from I to II he could not produce any evidence to that effect and as such cannot be accepted.

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

ORDER

The respondents are directed that they

1. Shall adjust the amounts if any paid in excess by the complainant on account of billing the services both in category-I and II for the same period duly revising the same within 15 days from the date of this order.
2. Shall report compliance on the item-1 above of the order within 21 days from the date of this order.

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 14th 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.