

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

On this the 27th day of June 2013

In C.G.No:63/ 2013-14/ Ongole 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

Smt. Kolla Sobharani
W/o Late Venkateswarlu
DNo:23-06-38/A., Wood Nagar
Chirala Post & Mandal
Prakasam-Dist-523155

Complainant

And

1. Assistant Accounts Officer/ERO/Chirala
2. Assistant Engineer/Operation/D-1/Chirala
3. Assistant Divisional Engineer/Operation/Chirala
4. Divisional Engineer/Operation/Chirala
5. Superintending Engineer/Operation/Ongole

Respondents

Smt. Kolla Sobharani, W/o Late Venkateswarlu resident of DNo:23-06-38/A., Wood Nagar, Chirala Post & Mandal, Prakasam-Dist-523155. herein called the complainant, in her complaint dt:15-05-2013 filed in the Forum on dt:16-05-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. There is an electrical service connection bearing number:4411144014638 at wood nagar, Chirala stood in the name of Kolla Venkateswarlu her husband and is in use for the past 15 years and she is the beneficiar of the house as the registered consumer is her husband is no more.

2. She alone is staying in the said house and her two sons and daughter who are already married are staying at Hyderabad.
3. On 09-04-2013 she received CC.bill for an amount of Rs.2,34,971/- and she was shocked with.
4. The AAO/ERO/Chirala in his letter dt:24-04-2013 informed her that the said amount is some pole tax i.e. to be paid by Kollaa Kishore her eldest son.
5. Her eldest son Kishore never stayed in the said house at woodnagar and also he never did business of Citycable in her premises and he is no way connected with the property of her husband.
6. She represented the matter to the AAO/ERO/Chirala and his superior officers on 30-04-2013, but there is no reply from the said officers. She sent the DD dt:26-04-2013 for Rs.4,911/- towards the actual payable CC.Charges for the month of April 2013.
7. Requested to direct the AAO/ERo/Chirala not to disconnect the power supply for the said amount of pole tax while she continuous to pay the regular monthly CC.Charges bills.

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

The respondent-2 i.e. the Assistant Engineer/Operation/D-1/Chirala in his written submissions dt:30-05-2013, received in this office on 06-06-2013 stated that:

1. A service with SC.No:1485 category-I in the name of M.Sathya Sesha at Kothapeta in Vetapalem rural section was having arrears pending towards City cable pole charges.
2. The JAO/Sub-ERO/Vetapalem has intimated that the city cable operator of Kothapeta area has vacated the SCNo:1485 Kothapeta and residing at wood

nagar in D-1/Chirala having SCNo: 14638 in D-zone and also requested to transfer the old arrears to the later for arranging payments.

3. Accordingly he issued a notice to Kolla Kishore of SC.No:14638, Chirala for confirmation to pay pole charges who inturn replied that he never did city cable business in Kothapeta and cannot be made responsible to pay the pole taxes.
4. Again on the request of the AE/Opn/Vetapalem he issued a notice to the said Kolla Kishore that the pending amount of Rs.2,18,407/- will be included in the CC.bill of SCNo:14638 upto 04/2013 and an amount of Rs.3,885/- will be added to the monthly CC.bills every month.

The respondent-1 i.e. the Assistant Accounts Officer/ERO/Chirala in his written submissions dt:07-06-2013, received in this office on 20-06-2013 stated that:

1. The SC.No:1485 category-I in the name of M.Sathya Sesha Hari Narayana at Kothapeta in Vetapalem rural section have arrears pending towards City cable pole rental charges.
2. On 26-05-2012 the AE/Opn/Vetapalem Rurals sent a letter to him duly counter signed by the ADE/Opn/Vetapalem wherein it was mentioned that the city cable dealer of Kothapeta area has resided at HSC No:1485 of Kothapeta distribution of Vetapalem rural section under rent purpose and he had vacated the house of HSC.No:1485 Kothapeta residing at wood nagar having HSCNo:14638 of D-zone distribution pertaining to operation section D-1 Chirala and arranged for transfer of the arrears of City cable pole rental charges pertaining to HSC No:1485 Kothapeta to HSC No:14638 of D-Zone, Chirala.

- 3.** The Junior Accounts Officer, S.ERO, Vetapalem, in his letter dated 31-07-2012 has informed to the Asst. Engineer, operation, D-1 section of Chirala Town that the consumer of SC. No. 1485 of Kothapeta represented to Adl. Asst. Engineer /Operation/Vetapalem rural as the city cable operator of Kothapeta area has recently vacated the house i.e., 26-05-2012 and he shifted from HSC.No.1485 of Kothapeta to H.SC.No.14638 of Wood Nagar D-1 Section of Chirala Town.
- 4.** The Asst. Engineer, Operation, D-1 Section, Chirala town, in his letter dated 01-08-2012 has informed to Sri Kolla Kishore Kumar consumer of Sc.No.14638 D-1 Section, Chirala section that the Sc.No.1485 Cat.1 in the name of Sri M.Satya sesha Hari Narayana at Kothapeta in Vetapalem rural section have an arrears pending due to City cable pole rental charges as the consumer of City cable Kothapeta was vacated from Sc.no.1485 of Kothapeta and shifted to Sc.No.14638 of D-1 Section of Chirala town. Further he requested to confirm any city cable operator of Kothapet has residing in the HSC.No.14638 of D-1 Section within 7 days.
- 5.** The Asst. Engineer, Operation, D-1 section of Chirala town Sub-Division, in his letter dated 13-08-2012 has transmitted his detailed report that the consumer of Sc.no.14638 of D-1 section of Sri Kolla Kishore Kumar has replied that whatever the owner of Sc.No.1485 in Kothapeta distribution has informed to AAE/O/Vetapalem Rural mandal which is totally not correct and also intimate that he never did any cable business in Kothapeta. Hence the owner of Sc.No.14638 D-Zone has not related to any pole charges in Kothapeta area.
- 6.** The Addl. Asst. Engineer, Operation,Vetapalem Rural Section, in his letter dated 22-11-2012 has submitted to the Divisional Electrical Engineer, Operation, Chirala for transfer of city cable pole rental charges to other

linked services. The Divisional Electrical Engineer has approved for Sc.No.1485 Kothapeta area city cable pole charges will be included to the other linked consumer of Sc.No.14638 of D zone of D-1 section of Chirala town.

7. Afterwards, as per the instructions of the Divisional Electrical Engineer, Operation, Chirala this office has issued a notice through AE/O/D-1/Chirala to Sri Kolla Kishore Kumar of HSC.No.14638 that the pending pole charges arrears an amount of Rs.218407/- pertaining to Kothapeta area city cable pole charges will be included in the C.C bill upto 3/2013 and Rs.3,885/- will be added in the CC bills every month as reference (7). Further this office has raise the arrears demand of Rs.2,18,407/- to HSC.No.14638 of D-1 Section, vide RJ.No. 67/3-2013 in the month of 3/2013.
8. Further the consumer has given a Advocate notice through Alluri Gopal Rao, Bsc. BL., Advocate, Chirala on 30.04.2013, copy enclosed.

Findings of the Forum

1. The grievance of the complainant is that she is in possession of a house with SC.No:14638 that was transferred to her due to the demise of her husband and an amount of Rs.2,34,971/- was suddenly appeared in the CC.bill dt:09-04-2013 for the above service putting her to shock and later she came to know that the said amount is towards pole rental charges for cable TV which is unjust and requested to withdraw the said amount and order the officials to not to disconnect the service.
2. For this the respondents 1 and 2 replied that one Mr. Kolla Kishore has operated cable TV at service number 1485 of Kothapeta and later the said Kishore vacated the house and was staying at SCNo:14638 of D-Zone D-1 section, Chirala. An amount of Rs.218407 pertaining to Kothapeta Area City cable pole charges were added to the SCNo:1485 of Kothapeta first.

3. Later as the owner of the SCNo:1485 had protested the inclusion of the said amount to his service under the plea that the said Kishore who operated the cable TV having established his office at the SCNo:1485 belongs to him taken on rental basis and hence he has to pay the said amount.
4. As could be seen from the account copies of both the services, an amount of Rs.97,125/- was first added to the service number 1485 of Kothapeta in the month of 12/2010 which was left unpaid till 01/2013 during which month an amount of Rs.2,18,407/- was withdrawn from the same service account for the reasons not explained also an amount of Rs.2,31,177.26 ps was suddenly appeared under Closing Balance (CB) SCNo:14638 in the name of K.Kishore Chawdoury.
5. Though the complainant mentioned that the said service 14638 stands in the name of her husband by name Venkateswarlu Kolla, as per the records the service stands in the name of K.Kishore Chawdoury for a load of 4.98KW under LT-I category and the date of supply was 20-04-2008.
6. As per the documents available the said amount of Rs.218407 is pending upto 12/2012 for 259 poles and the demand is to be further raised every month @ Rs.50/- for each pole from 01/2013 onwards and the net amount for every month is Rs.3,885/-.
7. The respondents did not mention the period to which the said amount of pole rental charges was claimed and added corresponds to, but as per the data given the amount of Rs.97,125/- that was added to the service number 1485 in the month of 12/2010 is for 25 months prior to it which indicates that the levy was started for the period from 01/2009 till 12/2010.
8. In accordance with clause 4.8.2 of Electricity Supply Code (Regulation 5 of 2004), the respondents are restrained from claiming any amount that was not displayed in the CC.bills for a period of 24 months prior to its claiming

and hence in this case also the respondents have got no right to claim the amount of Rs.97,125/- from any of the consumers either the tenant or the owner.

9. The respondents are well aware of the fact that the cable network was operated having its office at SCNo:1485 of Kothapeta and the rental charges for the poles utilized by the operator are to be attached to that particular service only that too in time every month. But the same was not done so for a considerable period of about 2 years and all of a sudden they have included the said accumulated amount of Rs.97,125/- on the same service in bulk in 12/2010.
10. But in the month of 01/2013 i.e. about after one year an amount of Rs.2,18,407/- had been withdrawn from the above service account. On the other hand an amount of Rs.2,31,177/- had been shown in CB of the other service 14638 belongs to K.Kishore Choudary, but it is not clear how the said amount was included and in which month.
11. The said service 14638 was bill stopped in 06/2008 and was restored in 04/2013 i.e. after about 5 years only to facilitate the inclusion of the said amount has desired by the respondents and to please the owner of the SCNo:1485.
12. Though the said service 14638 of D-Zone Chirala stands in the name of K.Kishore Choudary, the service was bill stopped about 5 years back and more over the respondents without having any supporting documents to establish the relationship of the said Kishore Choudary with the said cable TV had transferred the pole rental charges to him which is not having any valid reason and hence the responsibility shall not be laid upon the said Kishore Choudary and his service 14638.

13. As such the Forum felt that the said amount towards pole rental charges shall be withdrawn from the account of the service number 14638. The respondents may have to collect the said amount from the service 1485 to which it was first linked with.

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

ORDER

The respondents are directed that they

1. Shall withdraw any amount towards the pole rental charges from the service 14638 with immediate effect and shall not disconnect the service for the said amount while the regular CC.Charges are paid as usual.
2. Report compliance on the item-1 above of the order within 15 days from the date of the 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 27th 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.