

**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:66/ 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. K.Nagi reddy  
Amaranarayanapuram  
Kotavur Post  
B.Kothakota mandal,  
Chittoor-Dist

Complainant

***And***

1. Assistant Engineer/Operation/B.Kothakota
2. Assistant Divisional Engineer/Operation/R-2/Madanapalli
3. Divisional Engineer/Operation/Madanapalli
4. Superintending Engineer/Operation/Tirupati

Respondents

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Sri. K.Nagi reddy resident of Amaranarayanapuram, Kotavur Post, B.Kothakota mandal, Chittoor-Dist herein called the complainant, in his complaint dt:24-05-2013 filed in the Forum on dt:24-05-2013 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 an agl. service with 12.5HP load at Amaranarayanapuram of B.Kothakota mandal in Chittoor-Dist and paid the necessary charges.
2. But the officers of APSPDCL objected to release of service to his bore-well for the reasons not known.

3. He had represented the matter before the Consumers Forum Tirupati on 27-03-2012, but the Forum could not order for release of the service in his favour and aggrieved by this he approached the Ombudsman to in-turn after conducting hearing on 17-01-2013 or release of agriculture service.
4. Accordingly he approached the Divisional Engineer on 08-02-2013 duly enclosing the orders of the Ombudsman and even then the respondents did not release the service.
5. For his agl single phase 3HP motor is not sufficient and hence it requires 10HP 3 phase service and request the Forum to order accordingly.

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

**The respondents-1, 2 and 3 i.e. the Assistant Engineer/Operation/B.Kothakota the Assistant Divisional Engineer/Operation/R-2/Madanapalli and the Divisional Engineer/Operation/Madanapalli in his written submissions dt:22-05-2013, received in this office on 23-05-2013 stated that:**

1. Sri K. Nagi Reddy S/o Konda Reddy herein afterwards called as complainant registered a LT application at Customer Service Center, Rurals-II Sub-Division, Madanapalli for 12.5 HP agricultural service at S.F. No. 382 of Kotavooru Revenue village, near Amaranarayanapuram of B. Kothakota Mandal vide P.R. No. 339186, dated 03.10.2011, where the electrical supply activities are under the control of Operation Section, Kurabalakota. But before sanctioning the proposal for 12.5 HP agricultural service to the complainant, a legal notice dated 07.10.2011 from (1) Sri A. Arun Kumar, B.Com.,LLB, (2) Sri T.L.N. Rajasekhar, B. Sc., BL., has been issued by the neighbouring riots. (1) Sri R. Prasanna Kumar S/o Reddeppa and (2) Smt R. Gayathri W/o Srinivas Rao and was received on 11.10.2011 prohibiting and restraining the respondents to not

to issue electricity connection to a bore well of the complainant due to the differences between them.

2. Immediately the same was intimated to the complainant on 22.10.2011 vide Lr. No. AE/O/KBK/D.No.792/11, dated 22.10.2011 duly expressing the difficulty in issuing agricultural service connection due to dispute. Later on the complainant also issued a legal notice dated 24.10.2011 received on 28.10.2011 through the advocates Sri N.S.N. Prasad B.Com., LLB., and other 4 advocates stating that the complainant has drilled a bore well in order to have a Nursery and requested to issue electrical service connection to a bore well.
3. Meanwhile due to the above complication before sanctioning of the estimate to release agricultural service to a bore well of the complainant it was addressed to the Standing Legal Advisor of APSPDCL, Madanapalle Division for getting legal opinion in this regard vide Lr. No. DE/O/MPL/ A A E / Tech/D. No. 3338/11 dated 25.11.2011.
4. But prior to receipt of legal opinion from the Standing Legal Advisor/ APSPDCL/ Madanapalli, the complainant due urgent need of water to the Nursery activity and also issue of new agricultural service to the bore well take time as the agricultural services should be released following the priority as per rules in vogue, has registered a LT application under Cat-I for a contracted load 260 Watts at Customer Service Centre, Rural- II, Sub-Division, Madanapalli for the same bore well vide P.R. No. 339764 Dt. 24.10.2011 and was deleted due to the reason that the service is purely for Nursery activity and the connected load is more than 260 Watts. Then again the complainant registered a LT application for emergency need of water to Nursery for a LT Cat-II service to a contracted load of 3 KW for the same bore well at Customer Service Centre, Rurals-II, Sub Division, Madanapalli vide P.R. No 52423, dated 03.12.2011 to

which the Cat-II service was released on 04.12.2011 in 11KV 24 hours supply Reliance feeder emanating from 33/11 KV Kotavooru sub-station.

5. Then by the time of legal opinion of the Standing Legal Advisor, APSPDCL, Madanapalli dated 27.11.2011 has been received in the office, stating that the agricultural service can be issued to the bore well of complaint as there is no any court orders prohibiting and restraining the department from issuing agricultural service to the applicant, the complainant has already got a Cat-II service for contracted load of 3 KW to his bore well.
6. Then the LT application for 12.50 HP agricultural service filed by the complainant has been deleted in February, 2012 as the existing bore well is already having Cat-II service and there is no other open wells or bore wells there to process the application, in order to clear all the pending LT agricultural applications as per the additional guide lines communicated from the corporate office for releasing new agricultural services vide Memo No. CMD/SPDCL/TPT/F. Peshi/D. No 183 /12 Dt. 13-01-2012.
7. As the above are the factuals leading to deleting of agricultural LT application filed by the complainant and hence all other allegations made by the complainant on the respondents are false and not correct. The allegation that the department employees are colluded with the complainants neighboring consumer Sri Praveen Kumar is also false and not correct and all the respondents are working according to the rules of the company only and there is no deviations at any where as alleged by the complainant.
8. Meanwhile on 30-03-2012, the complainant filed a complaint before the Hon'ble Chairperson, Consumer Grievances Redressal Forum, APSPDCL, Tirupati which was assigned complaint No. as C.G. No. 510 / 2011-12 / TPT Circle, requesting to give directions to Assistant Divisional Engineer / Rurals -II / Madanapalli so as to process the LT Application registered for 12.5 HP

agricultural service on 03.10.2011 and then the Hon'ble Forum directed the respondents to file a written submission before 10.04.2012. Accordingly the Addl. Asst. Engineer, Operation, Kurabalakota filed written submission vide Lr. No. A E / O / K B K / F . 4/D.No.415/12 dated 07.04.2012 and Assistant Divisional Engineer, Rurals-II, Madanapalli also has filed written submission vide Lr. No. ADE/R2/MPL/ D.No.558/12 dated 09.04.12 duly submitting the reasons for not processing the LT agricultural application registered by the complainant.

9. After verifying the written submissions of the respondents, the Hon'ble Forum directed the respondents to bill the existing LT Cat-II 3 KW service under LT V(A) II from the date of release of service itself and adjust the amounts to the further bills of the service duly changing category of the service from LT Cat-II to LT Cat-V(A) II within 15days from the date of order ie., 28.06.2012 and further directed to report compliance on the same within 21 days.
10. Further the Hon'ble Forum also advised the complainant that if aggrieved by the order of the Forum, APSPDCL, Tirupati, the complainant may represent to the **Viduyuth Ombudsman**, O/o. APERC, Hyderabad.
11. As per the order of Hon'ble Forum it was addressed to the Assistant Accounts Officer / ERO / Madanapalli vide Lr. No. AE/Opn./ KBK/ F/D.No 919/12 Dt. 26.07.2012 for changing the **Cat-II** Service (Sc. No 620, Horsley Hills Distribution) of the complainant in to **Cat-V (A) II**. Then the Assistant Accounts Officer, ERO, Madanpalle has effected the same i n 8/12 and also revised the C C charges bills, paid by the complainant under Cat-V (A) II from the date of release of service through R . J . No. 71/07-2012 and RJ.No. 72/7-2012 and was effected on 04-08-2012.

Further with regard to the total deposits paid by the complainant for Cat-II service, it is submitted the details as follows.

- a.** Initially for a contracted load of 260 Watts to a Cat-I service an amount of Rs.425/- (ie., LT application fee Rs. 25/-, Development charges of Rs. 300/- and S.D. charges Rs.100/-) was paid vide P.R. No. 339764 dt. 24.10.2011 which was rejected as the service is purely for Nursery activity and the contracted load is more than 260 Watts. Then for a 3 KW Cat-II service an amount of Rs. 9250/- (ie., Development charges Rs. 5700/-, S.D. charges Rs. 3500/- and LT Application fee Rs. 50/-) paid which in - t u r n totaling a Development charges. Rs. 6000/-, S.D. Charges 3600/- and remaining is a LTA Fee which is sufficient for releasing a Cat-II, 3 KW service as per the rules of the company. Since the SD Charges of Rs. 3600/- is only the available consumption deposit of the complainant against the service and hence the same is displaying in the service account.
- b.** On the other hand the complainant also filed a Writ Petition No. 23879 of 2012 and W.P. MP No.30501 of 2012 Dated 03-08-2012 at the Hon'ble High Court of A.P. requesting to direct the respondents to release 12.5 HP agricultural service to the bore well at S.F. No.382 of Kotavooru revenue village as against the LT application registered by the complainant on 03.10.2011.
- c.** But having a effective remedy of making representation by the complainant to the Vidyuth Ombudsman, O/o. the APERC, Hyderabad, if aggrieved by the order of the Consumer Grievances Redressal Forum, SPDCL, Tirupati, the Hon'ble High Court of A.P. was dismissed the above Writ Petition.

- d.** Later on the complainant made a complaint before the Hon'ble Vidyuth Ombudsman, O/o. the APERC, Hyderabad on 21.12.2012 which was assigned as appeal No. 98 of 2012, as against the order of the Consumer Grievances Redressal Forum, SPDCL, Tirupati vide C.G. No. 510/2011-2012 of Tirupati Circle dated 28.06.2012. Then the Hon'ble Vidyuth Ombudsman, Hyderabad directed the respondents to attend to the hearing on the above appeal in person along with advocate on 09.01.2013 by 11.00AM at Hyderabad.
- e.** Accordingly the Assistant Engineer, Operation, Kurabalakota along with advocate Sri A. Jayaraj were attended on behalf of the respondents before the Hon'ble Ombudsman, Hyderabad and they were stated that the service connection to a bore well was rejected as it is already having one service for Nursery activity of the complainant and there is no other bore wells there to consider the complainant request.
- f.** On this the Hon'ble Vidyuth Ombudsman on 17.01.2013 directed the appellant / complainant to submit application for conversion of existing service connection under LT Cat-II to LT Cat-V (A) II instead of releasing fresh service connection, as the appellant wants to convert the same for agricultural purpose duly directing the respondents to convert the same as requested by the appellant and further directed the appellant that after conversion if he uses the service for any other purpose other than for which it is meant, action can be taken by the department under the Electricity Act, 2003.
- g.** Based on the orders of the Hon'ble Vidyuth Ombudsman, Hyderabad, it is verified the service history of Cat-II service of the complainant ie., Sc. No. 620 of Horsley Hills Distribution existing under 24 hours supply feeder, it was noticed that the LT Cat-II service was already converted

into agricultural service LT Cat-V(A)II in July, 2012 and the same was intimated to the complainant through Lr. No. A D E /R2/ MPL/ D.No.267/2013 dated 22.03.2013.

- h.** There after the complainant is making pressures on the respondents by different ways to get agricultural service to his bore well by deviating the procedures ie., in out of turn priority, of the company in vogue and making completely false allegations on the respondents.
- i.** Further it is to submit that, there is clear instructions to the Customer Service Centre Operator / Rurals-II Sub Division / Madanapalli to register all types of complaints from the consumers without rejecting and should get clarifications over phone itself immediately, in case if there is any doubt aroused, from the Assistant Divisional Engineer / Rurals - II / Madanapalli. Like that the Customer Service Centre, Rurals-II, Sub Division is functioning, on 16.04.2013 the complainant sent his representative ie., a person of a Dhaba (Road side Hotel) leased from him for registering a LT application for getting LT Cat-II service on complainants name to the Customer Service Centre, Rurals-II, Sub Division, Madanapalli. Due to absence of the person on whose name the service is actually required, as per the rules the Customer Service Centre operator has refused to register a LT application to a new LT Cat-II service. It is what happened factually at the Customer Service Centre of Rurals-II, Sub division, Madanapalli, but the complainant is making allegation on functioning of Customer Service Centre and on the respondents, which is also completely false and not correct.
- j.** Then again on 22.04.2013, the complainant was came to the office with some other departmental retired officers and alleged on the Customer Service Centre operator and on respondents regarding rejection of LT



application to a new Cat-II service. Immediately it was replied to the complainant, that, in the Customer Service Centre all types of complaints / applications received with relevant records can be accepted for registration, when the concerned consumer / Applicant to whose favour the complaint / application is to be registered to be present in person. Then the complainant made allegation mentioning the country names to which it was also replied immediately that there is no possibility of deviation of departmental Rules & Procedures in vogue.

- k.** Later on the complainant himself attended to the Customer Service Centre, Rurals-II sub-division, Madanapalle **under** registered a LT application for 1KW Cat-II service on 23.04.2013 and the service was released on 24.04.2013 according to the Rules of the Company.
- l.** In light of the above, it is to submit that the complainant is making severe efforts to get agricultural service to his bore well at S.F. No. 382 of Kotavooru for already deleted LT Application registered on 03-10-2011, in out of turn priority deviating the procedures of the company.

### **Findings of the Forum**

1. The grievance of the complainant is that he had applied for an agl service and paid the amounts, but the service is not released in his favour even in spite of the interference of the Ombudsman APERC and requested to order the respondents to release 3 phase 10HP service as he applied for instead of a single phase 3 HP service now existing and being in use by him for the purpose of agriculture.
2. The respondents 1, 2 and 3 in their reply stated that his LT application for the said service registered on 03-10-2011 was deleted and the service could not be released deviating the priority list, but however in obedience to the orders of the Honourable Ombudsman, the LT category-II service number

:620 of the complainant which is under 24hrs supply feeder, the same was already converted to the agriculture LT-V (A) II category in July 2012 and the same was intimated to the complainant on 22-03-2013.

3. The complainant did not pay any amount towards the said agl. service as alleged by him.
4. Contra to the above the complainant again approached the Forum for release of agl. service based on the application already filed by him on 03-10-2011 for a load of 12.5 HP which was already deleted.
5. The complainant earlier filed a case in this Forum which was registered as 510/2011-12 wherein **on 28-06-2012** it was ordered that *the service already existing in the premises shall be billed under LT-V (A) II from the date of its release it self and revise the bills already issued accordingly and adjust the amounts to the future bills of the service duly changing the category of the service from LT-II to LT-V (A) II with in 15 days from the date of the order and the consumer was also advised that he may represent the matter if aggrieved by the said order to the Vidyuth Ombudsman APERC within 30 days from the date of receipt of the order*
6. The petitioner instead of approaching the Honourable Ombudsman APERC approached the Hon'ble High Court of Andhra Pradesh, in WP.No.23879 of 2012, on hearing the prayer of the complainant for release of the agl service in his favour, **on 03-08-2012** it was ordered that the petitioner herein the complainant shall avail the remedy of making a representation to the Vidyuth Ombudsman.
7. The complainant approached the Honourable Ombudsman on 21-12-2012 upon which a final hearing was held with both the parties **on 09-01-2013** and order delivered **on 17-01-2013** directing the respondents *to convert the*

*service into agriculture upon submission of an application by the petitioner and the petitioner if uses the service at a later date for any other purpose action will be taken by the department under electricity act 2003.*

8. Since the matter was already dealt with by the Forum earlier and also finalized by the honourable Ombudsman, APERC the appellate authority, the Forum is of no jurisdiction in this matter.

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

**ORDER**

The complainant is informed that the Forum has got no jurisdiction in this matter.

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.