

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

On this the 26th day of June 2014

In C.G.No: 196/2013-14/ 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. Tota Koteswara Rao
S/o Venkatarathaiah
2nd Line, Telagapalem Village,
Ponnur Post & Mandal
Guntur-Dist-522124

Complainant

And

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

Respondents

* * *

Sri. Tota Koteswara Rao, S/o Venkatarathaiah, 2nd Line, Telagapalem Village, Ponnur Post & Mandal, Guntur-Dist-522124 herein called the complainant, in his complaint dt:28-01-2014 filed in the Forum on dt:28-01-2014 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. He is an agl. Consumer at Ponnur of Guntur-Dist having his service in SF.No.169-1 wet land to an extent of 72 cents and his service connection No. was 10306.

1. In the earlier days of release of the service, the bill amount was only Rs.122, but till then and till to date there is no demand notice issued to him against the service in the month of December 2013 the department issued demand notice for an amount of Rs.4000/- all at once and demanded for its payment.
2. In view of little quantity of agl. land 72 cents requested the Forum to direct the officers concerned to convert the service from paid category to free category and cancel the demand issued for Rs.4000/-.

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

The respondent-1 i.e. the Assistant Accounts Officer/ERO/Ponnur in his written submission dt:04-02-2014, received in the Forum on 07-02-2014 stated that:

1. The ScNo.10306, Ponnur Town, Category-5, is paid agricultural service under the Sub-category-14 (DSM measures with wet land >2.5 Acre. With 50 paise per unit metered service) from the date of supply i.e. 20-07-2009. The service was billed under 08 i.e. RNF, 09 Nil and status 05 Door Lock with monthly minimum charges from August 2009 to December 2012, later from January 2013 to January 2014 the service billed as per the readings, and the consumer has paid the only bill amount of Rs.122.00. In February 2010, after that no amount has been paid till to date. As per the January 2014 BBA the present reading is 604 under "02" MS status with average units 167 and the CB is 4000.00.
2. It is to submit that the change of Sub-category from paid agricultural to free agricultural in respect of Sc.No.10306, Ponnur town, is to be effected, after receiving the sanction orders from competent authority.

The respondent-6 i.e. the Superintending Engineer/Operation/Guntur in his written submission dt: 27-03-2014, received in the Forum on 28-03-2014 stated that:

1. On 13-03-2014 the DE/Opn/Bapatla has submitted the proposal to convert from non-free to free category in respect of agl. Service bearing No.10306, category-V, Ponnur.
2. On 26-03-2014 proceedings were issued to convert from non-free to free-category in respect of agl. Sc No.10306, category-V, Ponnur and instructed all the officers concerned to effect the proceedings immediately.

Findings of the Forum:

1. The grievance of the complainant is that the department released a service in his favour for agl. purpose for a little quantity of wet land 72 cents at Ponnur and was kept in paid category. Requested the interference of the Forum in ordering the department to withdraw the demand for Rs.4000/- and to change the category of the service from paid to free.
2. The respondent-1 i.e. the AAO/ERO/Ponnur in his reply dt:04-02-2014 stated that the said service No:10306 of the complainant is under Ponnur town and in LT-V category and Sub-category-14 (DSM measures with wet land >2.5 Acre. With 50 paise per unit metered service) from the date of supply i.e. 20-07-2009. The service was billed under '08' status i.e. RNF, '09' Nil consumption and status '05' Door Lock with monthly minimum charges from August 2009 to December 2012, later from January 2013 to January 2014 the service billed as per the readings, and the consumer has paid the only bill amount of Rs.122.00. In February 2010, after that no amount has been paid till

to date. As per the January 2014 BBA the present reading is 604 under "02" MS status with average units 167 and the CB is Rs.4,000.00. The change of Sub-category from paid agricultural to free agricultural in respect of Sc.No.10306, Ponnur town, is to be effected, after receiving the sanction orders from competent authority.

3. The SE/ Opn/ Guntur herein the 6th respondent who is the competent authority for according the change of Sub-category in respect of agl. services had accorded the approval for change of category on 26-03-2014.
4. The complaint was made on 27-01-2014 and the change of category was ordered on 26-03-2014 i.e. after 2 months and also there was no mention of the date from which the change of category shall be effected. As could be seen from the documents submitted by the complainant there was a certificate issued by the Thasildhar in respect of the complainant on 05-01-2014.
5. As such the respondents shall have to effect the change of category with effect from 18-01-2014 the date on which the complainant approached the Forum as well as the respondents through his letter.
6. It appears that the complainant approached the respondents never before 18-01-2014 the date on which he made the representation to the Forum simultaneously to the respondents.
7. In accordance with revised Guaranteed Standards of Performance, change of category of a service shall be done within 7 days from the date of receipt of the relevant documents and the prescribed fee from the consumer failing which the respondents shall compensate the complainant @ Rs.100/- for each day delayed.

8. Herein this case the respondents took 52 days for effecting the change of category as against the 7 days allowable. As such there is a delay of 45 days in this case which is to be compensated by the complainant @ Rs.100/- for each day and the amount of compensation is Rs.100.00X45 = Rs.4,500/-.
9. It is not clear whether the respondents effected the change of category duly collecting arrears from the complainant or not.
10. In accordance with clause 4.8.2 of Electricity Supply Code Regulation 5/2004 , any amount not displayed in the bills for a period of more than two years shall not be recovered from the consumer.
11. Herein this case also the complainant mentioned that he was not given any bill from 2010 onwards till 13-12-2013 and the respondents also had not denied the above statement of the consumer and hence they are restrained from collecting the said amount of Rs.4000/- from the consumer.
12. The complainant since had not approached earlier he had to clear all the arrears pending as on date and till 17-01-2014.

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

ORDER

The respondents are directed that they

1. shall effect the change of category of the service from LT-V paid category to free category with effect from 18-01-2014.
2. shall report compliance on the item-1 above of the order within 15 days from the date of this order.

The complainant is directed that he shall pay all the arrears amounts as on 18-01-2014.

Accordingly the case is allowed and disposed off

If aggrieved by this order, the complainant may represent to the **Vidyut Ombudsman, 1st Floor, 33/11KV Sub-Station, Hyderabad Boat Club Lane, Lumbini Park, Hyderabad-500063**, within 30 days from the date of receipt of this order.

Signed on this, the 26th day of June 2014.

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