

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

**On this the 20th day of April, 2015**

**In C.G.No:144/ 2014-15/Kurnool Circle**

*Present*

*Sri P.Venkateswara Prasad*  
*Sri A.Sreenivasula Reddy*  
*Sri T. Rajeswara Rao*

*Chairperson*  
*Member (Accounts)*  
*Member (Legal)*

*Between*

Sri B.Pedda Mallikarjuna  
M/S Raghavendra Wines  
Kurnool  
Kurnool- Post Office  
Kurnool  
Kurnool – Dist

Complainant

**AND**

1.Assistant Engineer/Operation/B-Road  
2.Assistant Divisional Engineer/SubDivison/Kurnool  
3.Assistant Divisional Engineer/DPE-1/Kurnool 1  
4.Divisional Engineer/Assessments/Tirupati

Respondents

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Sri B.Pedda Mallikarjuna M/S Raghavendra Wines ,Kurnool,Kurnool – Post Office  
Kurnool ,Kurnool –Dist herein called the complainant. In his complaint dt:19-09-2014  
filed in the Forum on dt: 19-09-2014 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 a resident of Kurnool,Kurnool – Dist ,with a service connection  
0401133744 which is domestic service under Category LTI(B).
2. He has given his place to Wine Shop namely Raghavendra wines.
3. The case is booked for malpractice,he appeal to SE/AssessmentTpt  
consider him on humanitarian grounds.

CG.NO144/2014-15/KURNOOL CIRCLE

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

**The respondent-IV i.e. the Divisional Engineer/ Assessments/ Tirupati in his written submission dt:30.09.2014, received in this office on dt:30.09.2014 stated that:**

1. He submits that the Sc.No:0401133744 of B.Road Section Kurnool was inspected by the AE/DPE-1, Kurnool on 09.04.2014 and noted the incriminating point as below “During the inspecting it is observed that the consumer unauthorizedly utilizing the supply for wine shop i.e. non – domestic purpose even though the consumer having sanction under domestic purpose”.
2. The inspecting officer has proposed the assessment period for one prior to the date of inspection.
3. Accordingly the ADE,Operation,Kurnool has issued the provisional assessment order in Lr.No.ADE/DI/KNL/SBE/D.No.53/14 dt :09.04.14 and served to all the concerned.
4. The owner of the above premises has submitted an appeal before the DE/Assessments/Tirupati with the following contentions.

The Appellant says that:

- A. He is the owner of the building consisting of D.No.51-12-12F and which has the SC.No.33744 in B.Road section Kurnool .
- B. The above service was inspected on 09.04.14 by the departmental officials and booked a malpractice case for a period of one year with the incriminating point that above service utilized for M/S Raghavendra wine shop purpose.

- C. Actually M/S Raghavendra wines has shifted from D.No.51/916-B71 to D.No.51-12-12F duly obtaining the permission from prohibition and excise department wide in orders RC.No.B1/195/2013 duly paying the shifting fee of Rs 46000/- in challan No 216 dt:19-12-13.
- D. After that they have concluded a rental agreement with him on 24.02.2014 and occupied the premises as the delay is due to the neighbor families and the then tenant were agitated for giving above premises for wine shop in the domestic locality and settled the situation after one and half month.He enclosed all the necessary documents for kind revision of the assessment . He also enclosed the payment receipt of I.A amount for Rs.42343/-.
5. The Contentions of the appellant are carefully examined by the undersigned and it is noticed that on verification of proceedings of the prohibition and excise department Kurnool in RC No.B1/195/2013 wherein the permission accorded for shifting of M/s Raghavendra wines from D.No.51/916-B71 to D.No. 51-12-12F with effect from 19.12.13 as the party has paid the necessary shifting fee of Rs 46000/- vide challan No.213 dt;19.12.13. Later they concluded the rental agreement on 24.02.14 and appellant has submitted a copy of the same. On enquiry of the it is noticed that the above service is being utilized for M/s Raghavendra wines from the second week of January – 2014 and hence the assessment is revised accordingly and issued the final orders in No.DE/ASMT/TPT F..No 10-14/KNL/D.no. 259/14 dt:30.09.14.
6. A copy of the final assessment order is herewith enclosed for kind perusal.

**the respondent-II i.e. the Assistant Divisional Engineer/ D I/ Kurnool in his written submission dt:29.09.2014, received in this office on dt:01.10.2014 stated that:**

1. The complaint by Sri B. Pedda Mallikarjuna, M/s Raghavendra Wines ,Kurnool bearing Sc.No.0401133744(old) 8311301133744(New) in B.Road section.
2. As per our office records the service connection bearing 0401133744 category LT 1 (B) – domestic, in B.Road section, Kurnool was inspected on 09.04.2014 by Sri K.Peddaiah, Asst.Engineer DPE -1,Kurnool.
3. During the inspection , it is observed that the consumer un authorisedly utilizing the supply for wine shop i.e Non – domestic purpose even though the consumer having sanction under domestic purpose .Hence it is unauthorized usage case.
4. Based on this inspection report issued provisional assessment order for an amount of Rs 105420/- vide dt 9.04.2014 and the consumer paid an amount of Rs.42343/- vide PR.No.66091, Dt:09.05.2014.
5. On observation of the consumption pattern of the service abnormal change in consumption in the month of August 2013 onwards.

**Further The respondent-III i.e. the Assistant Divisional Engineer/ DPE-I/ Kurnool in his written submission dt:29.09.2014, received in this office on dt:01.10.2014 stated that:**

1. He submit that the service was inspected by Sri.K.Peddaiah, Assistant Engineer/DPE-I/Kurnool Circle on 09.04.2014 during inspection it was found that the sevice was released under domestic category. But the consumer is utilizing the supply for non-domestic purpose i.e., for Wine Shop.On enquiry the person named Sri S.Raghunath Reddy working as

cashier has told that the wine shop is running from 4/2013.Hence the unauthorized usage of supply case was booked for a period of 12 months back from date of inspection 09.04.2041 i.e from 09.04.2013 as per section 126 of IE act 2003.

**Further Complainant's appeal to the Forum in his written submission letter dt :30.09.2014 as follows:**

1. He want to withdraw his case which is filed in Forum on 19.09.2014 as he has received final assessment orders from the Divisional Engineer/Assessment/Tirupati.
2. He agreed for the contents issued by the Divisional Engineer/Assessment/Tirupati.
3. He had Justified with his appeal and agree for the Orders issued by the Divisional Engineer/Assessment/Tirupati dt:30.09.2014.

**Findings of the Forum**

1. The complainant in his written submission to the Forum requested to withdraw his case since he is satisfied with the orders issued by the DE/ASSESSMENT.TPT dt.30.09.2014.

**ORDER**

Under the circumstances explained by the complainant in his written submission dated 30.09.2014 to withdraw the case, the case is disposed off accordingly.

Accordingly the case is allowed and disposed off

If aggrieved by this order, the complainant may represent to the **Vidyut Ombudsman, 1<sup>st</sup> 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 20<sup>th</sup> day of April 2015,

Sd/-

Sd/-

Sd/-

**Member(Legal)**

**Member(Accounts)**

**Chairperson**

**True Copy**

**Chairperson**

To

The Complainant

The Respondents

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