

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

On this the 25th day of June 2014

In C.G.No: 01/ 2014-15/ Nellore 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 V.Sai Prasad Rao
C/o Satyanarayana
Devaravemuru Village & Post,
Sydapuram Mandal
Nellore-Dist-524409

Complainant

And

1. Assistant Engineer/Operation/Sydapuram
2. Assistant Divisional Engineer/Operation/Rurals/Gudur
3. Divisional Engineer/Operation/Gudur
4. Superintending Engineer/Operation/Nellore

Respondents

Sri V.Sai Prasad Rao , C/o Satyanarayana, resident of Devaravemuru Village & Post, Sydapuram Mandal, Nellore-Dist-524409. herein called the complainant, in his complaint dt:01-04-2014 filed in the Forum on dt:01-04-2014 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 an agl. consumer since 1993 with a load of 5HP. In the year 2007 he had applied for an additional load of 3HP due to inadequacy of water and the load was regularized for 8H.
2. In the year 2009 again he had applied for a further additional load of 2HP and paid the required amounts on 14-09-2009 and the payments are Rs.2000/- to DE/Opn/Gudur and Rs.400/- to AAO/ERO/Gudur through

DDs and obtained receipt from the AE/Opn/Sydapuram on 16-09-2009.

3. But the 10HP load is not sanctioned so far. The matter was reported twice to the SE/Opn/Nellore. But there was no result.
4. Requested the Forum to examine the case suitably and order that the 10HP load is sanctioned.

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

The respondent-1 Assistant Engineer/Operation/Sydapuram in his written submission dt:24-04-2013, received in this office on 30-04-2013 stated that:

1. For releasing of 2HP additional load to the existing ASC.No.83 of Devara Vemuru distribution in Sydapuram mandal is not informed by the Ex.AE/Opn/Sydapuram (or) the consumer regarding pending, and also the same was not mentioned in the handing over notes given by the Ex.AE/Opn/Sydapuram.
2. Soon after receipt of the memo from the SE/opn/Nellore, the payment particulars paid by the consumer are verified and confirmed then the additional load of 2 HP was released on 24-04-2014 and intimated to Assistant Accounts Officer/ERO/Gudur vide LR.No.AE/O/Sydapuram/ F.No./DNo./135/14 dt:24-04-2014.

Findings of the Forum:

1. The complainant claims himself as the owner of the agl. service number 83 at Devara Vemuru village of Sydapuram mandal in Nellore-Dist since 1993 and he had applied and paid for an additional load of 3HP over the 5HP existing and the load was released to him in the year 2007 totaling to 8HP. Again in 2009 he had paid for an additional load of 2HP on 16-09-2009 and got a receipt to that effect, but the said load was not released so far as on the date of complaint even inspite of bringing to the knowledge of SE/Opn/Nellore.

Requested the Forum to pass such orders that the said additional load is released.

2. The respondent-1 i.e. the AE/Opn/APSPDCL/Sydapuram in his reply to the above stated that he was not informed about the said pendency and also the same was not mentioned even in the handing over notes of his predecessor. But soon on receipt of orders from his superiors, he had verified the records and after due confirmation he had released the additional load of 2HP on 24-04-2014 and the same was informed to the AAO/ERO/Gudur on the same day.
3. Though the complainant mentioned that he had earlier reported the matter to the respondents, he could not produce any proof to that effect and hence the complaint made in the Forum on 01-04-2014 is taken as the first information.
4. In accordance with the Guaranteed Standards of Performance, additional load shall be released within 30 days from the date of the receipt of payment from the consumer where there is no need of system enhancement. Here, in this case, the payment was made on 16-09-2009 and hence the additional load should have been released by 15-10-2009 itself. Where as it was not done so and was kept in dark for a considerable period of about 4 ½ years. The reason explained by the respondent is that he was not informed of the matter by his predecessor by any means which is acceptable. But his predecessor shall own he responsibility for such lapse.
5. The consumer also kept silent in the matter, but had continued to utilize the power to that extent of 10HP as required by him as there will not be any motor of 8 HP as said and the need as expressed by him.
6. As such, though the respondents mentioned that the said additional load was released on 24-04-2014 notionally, it shall be presumed that it was practically released from the date of payment itself and hence the respondents

can bill the service at 10HP right from 10/2009 till the date on which the release was shown on paper.

7. The matter was come to light on 01-04-2014, and was resolved by 24-04-2014, i.e. within 24 days as against the stipulated period of 7 days and the delay was 17 days for which the complainant is to be compensated @ Rs.100 for each day of default and the total amount shall be Rs. 100 X 17 days = Rs.1700/-.
8. *The Forum is of the opinion that there is lapse on either side of the parties i.e. the both petitioner and the respondents and since there is no suffering reported by the complainant on account of the said delay it is felt that there is no need of allowing compensation.*

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

ORDER

The respondents are directed that they shall

1. bill the service at 10HP contracted load instead of 8HP from 11/2009 billing month onwards.
2. maintain a clear and transparent records during any change of incumbency between officers of any office to avoid such discrepancy and the related consumer sufferings in future.
3. remit the amount of compensation, Rs.1700/- to the complainant's service, within 90 days from the date of this order.
4. report compliance within further 7 days on items 1 and 3 of the order above to the Forum.

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 25th 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.