

**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 June 2014**

**In C.G.No:04/ 2014-15/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. Shaik Sulthan  
Cheemalamarry Village & Post,  
Nakarikallu Mandal,  
Guntur-Dist.

Complainant

***And***

1. Assistant Accounts Officer/ERO/Narasaraopet  
2. Assistant Engineer/Operation/Nakarikallu  
3. Assistant Divisional Engineer/Operation/Rurals/Narasaraopet  
4. Assistant Engineer/DPE-I/Guntur  
5. Divisional Engineer/Assessments/Tirupati  
6. Divisional Engineer/Operation/Narasaraopet

Respondents

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Sri. Shaik Sulthan, resident of Cheemalamarri Village & Post, Nakarikallu Mandal Guntur-Dist. herein called the complainant, in his complaint dt:11-04-2014 filed in the Forum on dt:11-04-2014 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 a consumer with ScNo:328 at Cheemalamarri village of Nakarikallu mandal section in Guntur-Dist.
2. On 04-12-2012 his service above was inspected by one Sri. A.Siva Nagireddy of DPE/Guntur and he received a notice from the

ADE/Rural/Narasaopet dated: 07-05-2012 against which he raised his objections on 17-07-2012 and put an appeal to the DE/Opn.

3. But still his service was disconnected in January 2014 without any notice either from the ADE or DE.
4. In the first column of the assessment notice it was mentioned that a copy of the inspection was given to him, but it contains no date against column 2 it was mentioned that he was utilizing domestic supply for shop purpose un-authorisedly and categorized the same as malpractice. He had utilized only one number 60 watts bulb for his shop.
5. Against column-4 of the notice, it was mentioned that an amount of Rs.12,412/- was levied as penalty.
6. Against column-5, it was mentioned that an amount of Rs.6,256/- is to be paid by him and objections any from his side may be raised within 15 days. Accordingly he had raised his objections within 15 days.
7. In this context he further stated that in the calculation sheet supplied to him along with the notice it was mentioned that he had utilized one number 100 watts TV one 60 watts fan, one 60 watts bulb and Fridge of 180 watts for the purpose of shop and the load misused was mentioned as 185 watts and in the bottom the units assessed was shown as 1718 and as per the record it was 4799 units.
8. The units misused were finally mentioned as 1518 and the amount of penalty Rs.12,412/-. Considering the period of assessment as 04-04-2011 to 04-05-2012, but during the above said period he had utilized 1040 units where as it was mentioned as 4799 units and the

consumption corresponding to 180 watts was shown as 1518 units and the penalty amount was on high side.

9. More to this the said inspection took place in the year 2012 where as his service was disconnected in January 2014.
10. Requested to render justice by conducting an enquiry in his village in view of his poverty.

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

**The respondent-5 i.e. the Divisional Engineer/Assessments/Tirupati in his written submission dt:21-04-2014, received in this office on 21-04-2014 stated that:**

1. The service connection number:1313206000328 of Nakarikallu section of service category LT-I (A) domestic is running in the name of Shaik Sulthan was inspected on 04-04-2012 (Date) at 12:30 (time) by A.Siva Nagi reddy (name of inspecting officer), AAE (Designation).
2. The consumer utilized supply un-authorisedly extended the domestic supply to the shop. Thus the consumer involved in malpractice.
3. Provisional Assessment order for recovery of electricity charges was communicated to the consumer by the ADE/Opn/Rurals/Narasaraopet in his letter No.122 dt:07-05-12 for Rs.12562.0 and the consumer was asked to pay Rs.6206.0 towards 50% of the provisional assessment + Supervision Charges of Rs.1000, if the consumer desired continuance of supply and also to make a representation to the Assessing Officer in case the consumer has any objection to the provisional assessment order.
4. Based on the above initial assessment notice the DE/Assessment, Tirupati has issued the show cause notice for an amount of Rs.12,789/- in all vide Lr.No.471/12 dt:18-07-12 by intimating that if he has any objections he

may send his written representation within 15 days from the date of receipt of the notice.

5. In response to the above show cause notice the consumer did not preferred any appeal to the DE/Assessments/Tirupati and as such based on the available record on hand the DE/Assessments/Tirupati has confirmed the show cause notice and issued the final order vide order No.1685/12 dt:23-08-12.

**The respondent-1 i.e. the Assistant Accounts Officer/ERO/Narasaraopet in his written submission dt: NIL, received in this office on 26-04-2014 stated that:**

1. ADE/DPE/Guntur malpractice and back billing cases were booked on 04-04-2012 against this service number. The malpractice case No.DPE/NRPT/NRPT1/249/12.
2. The provisional assessment order issued for an amount of Rs.12,562/- vide LrNo.ADE/O/R/NRT/DNo.122/12, Dt:07-05-2012 and the final assessment order issued for an amount of Rs.12,789/- vide memo No.DE/A/TPT/F.No.59-12/NRT/DNo.1658/12 dt:23-08-2012.
3. Further, the demand was raised against this service No.328 of Chemalamarry (V), Nakarikallu section and amount of Rs.12,789/- vide Dr.RJ.No.32/09-2012. But the consumer was paid only malpractice amount Rs.12,789/- vide PR.No.0414-390495 dt:03-04-2014.
4. The back billing case No.DPE/NRPTNRPT1/250/12 orders issued for an amount of Rs.16837/- vide LrNo.ADE/O/R/NRT/DNo.123/12, dt:07-05-2012. The demand was raised against the service No.328 of Chemalamarry (village, Nakarikallu section an amount of Rs.16,837/- vide

Dr.R.J.No.36/05-2012. But the consumer was not paid the back billing assessment amount till to date.

**Findings of the Forum:**

1. The complainant states that he was running a shop utilizing supply from his house for only one bulb of 60watts capacity, but where as it was alleged by the departmental inspecting officer that he was utilizing one fan, one fridge and one TV in addition to the bulb already in use by him and levied an amount of Rs.12,412/- as penalty which is contra to the prevailing conditions and the units misused was also taken on high side disproportionately. He made an appeal to the DE/Opn/concerned, but his service was disconnected without any notice and any reply to his appeal. Requested the Forum to render Justice by probing into the matter.
2. The respondent-5 i.e. the DE/Assessments/Tirupati in his reply stated that the service connection: 328 of the complainant was inspected by the AE/DPE on 04-04-2012 at 12:30 hrs and at the time of inspection it was noticed that domestic supply was extended to the shop and thus committed malpractice by the consumer and the amount initially assessed was Rs.12,562/-. Further he has issued a notice on 18-07-2012 to the consumer to show cause, but the consumer did not prefer any appeal and the case was disposed by him on 23-08-2012 based on the available records duly confirming the initial assessment. The complainant did not prefer any appeal before the SE/Assessments/Tirupati.
3. The respondent-1 i.e. the AAO/ERO/Narasaraopet in his reply stated that the amount of assessment was included in the consumer's bill

through RJ.No.32/09-2012 on receipt of final assessment order dt:23-08-2012 for Rs.12,789/-. The consumer paid the malpractice amount of Rs.12,789/- on 03-04-2014.

4. It was also mentioned that there was a back billing case for an amount of Rs.16,837/- against the same service as per the notice of the ADE/Opn/Rural/Narasaropet dt:07-05-2012 and the demand was raised for Rs.16,837/-, but the reason for the said back billing is not mentioned any where.
5. However, as could be seen from the inspection notes dated 04-04-2014 of the inspecting officer, the reading in the meter was 12299 at the time of inspection, whereas the reading last billed was 8540 and the difference consumption of 3759 units was left un billed due to suppression of consumption by the meter reader and hence back billing was proposed. The value of such back billing was Rs.16,837/-.
6. As stated by the AE/Nakarikallu, the service is now live. The consumer by paying the malpractice amount only had got reconnection of the service leaving the back billing amount.
7. At the time of inspection of the service on 14-04-2012 Sri Shaik Chinnavalli claimed himself the son of the complainant and the registered consumer of the said service Sri. Shaik Sulthan and attested the inspection notes at item-2 and also item-10 of the inspection notes duly accepting the points noted and hence there shall not be any dispute regarding the reading, the loads and other conditions at the time of inspection and as such the units left unbilled in the meter shall be billed and the consumer is bound to pay for the shortfall units 3759.

8. Since the consumption is accumulated over a period, the respondents shall revise the bills by apportioning the consumption over a period suitably and the shortfall levied also shall be billed accordingly.
9. Though the consumer contested that he is having only one 60 watts bulb for his shop, the inspecting officer's report says that the consumer was utilizing supply for a cooling box used for preserving drinks etc. apart from the domestic loads and hence the said malpractice is quite appropriately adjudged by the inspecting officer. The contention of the complainant that there is variance in the assessed consumption and the recorded consumption and the usage was shown as 4799 units while the actual used units were 1040 only.
10. The consumer herein the complainant had considered only the consumption billed as on the date of inspection where as the inspecting officer considered the consumption recorded in the meter as on the same date and hence the variance and the consumer cannot dispute the same.
11. As such both the cases of malpractice and short billing are quite in order and the consumer is supposed to pay the amount towards short billing as the malpractice amount was already paid by him.

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

**ORDER**

The respondents are directed that they shall

1. revise the consumer bills duly apportioning the consumption over the period suitably depending upon the consumption already billed and that recorded by the meter upto the final reading as on the date of inspection

and issue revised notice to the consumer demanding payment duly mentioning specific periodicity and allowing installments as fit.

2. Take check readings as per the norms at random, compare with the billed consumption, raise demand for any short billing noticed besides initiating criminal proceedings against the erring meter readers under the provisions of Section 138 of Electricity Act 2003.

The consumer is advised that he shall pay the amount levied towards cost of short billed units.

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 25<sup>th</sup> 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.