

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:47/ 2014-15/Vijayawada 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. P.Rama Rao
S/o P.Kannaiah
Chatrai Village, Post & Mandal,
Krishna-Dist

Complainant

And

1. Assistant Accounts Officer/Sub-ERO/Vissannapeta
2. Assistant Engineer/Operation/Chatrai
3. Assistant Divisional Engineer/Operation/Vissannapeta
4. Divisional Engineer/Operation/Nuziveedu
5. Senior Accounts Officer/Operation/Vijayawada

Respondents

Sri. P.Rama Rao, S/o P.Kannaiah resident of Chatrai Village, Post & Mandal, Krishna-Dist herein called the complainant, in his complaint dt:31-05-2014 filed in the Forum on dt:31-05-2014 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 domestic consumer at Chatrai village and mandal of Krishna-Dist with SC.No.992.
2. The AE and ADE put a case on his service above and levied an amount of Rs.80,000/-.
3. He presented all his receipts towards bills paid already and finally they took Rs.12,000/- and left.
4. Again the line man came and took Rs.5000/- and the LI Rs.1000/- and after one month Rs.6000/- received the amount against bill receipt, but still he is penalized

with Rs.200/- for each bill. He sought clarification from the AE who in-turn denied to reply him carelessly.

5. The complainant in his further letter dt:NIL received in the Forum on 09-06-2014 further stated that the AE collected Rs.12,000/- and the line man Rs.4000/- and the LI Rs.1000/- from him and did not give any receipt to that effect.
6. Requested for refund of the above paid amounts.

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

The respondent-1 i.e. the Assistant Accounts Officer/Sub-ERO/Vissannapeta in his written submission dt:NIL, received in this office on 09-06-2014 stated that:

1. The SCNo.992 was released on 25-06-2000 in the name of Sri P.Rama Rao with connected/contracted load 260 watts under category-I, Single phase in Chatrai distribution of Chatrai section.
2. The Additional Assistant Engineer/Operation/Chatrai was inspected the service No.992, category-I on 01-07-2006 and malpractice case was booked for an amount of Rs.5619/- (along with supervision charges of Rs.150/-). It is also submitted that demand raised for an amount of Rs.5518/- as per malpractice assessment amount and included in the CC.bill of ScNo.992 of category-I of Chatrai distribution in Chatrai section in the month of 07/2007 vide RJ.No.33/07-2007 as per assessment notice vice Lr.No.ADE/O/VSP/TE/MP/D.NO.574/DT:07-08-2006. But category of the service No.992 of Chatrai distribution was not changed (from category-I to category-II). It is kindly submitted that the category of the service to be changed in the month of i.e. 06/2014, due to this Sc.No.992 was booked under malpractice case.
3. It is also submitted that the Sc.No.992, category-I was billed under "13" status from 07/2005 to 09/2006 (i.e. under disconnection status) the malpractice case was booked in the month of 07/2006.
4. It is kindly submitted that the consumer of ScNo.992, category-I of Chatrai distribution was paid an amount of Rs.6,000/- on 29-03-2013 vide PRNo.184996.

5. It is also submit that FSA amount of Rs.257/- included in the month of 07/2013, amount of Rs.249/- included in the 08/2013, amount of Rs.278/- included in the month of 09/2013, amount of Rs.257/- included in the month of 02/2014, amount of Rs.197/- included in the month of 03/2014, amount of Rs.192/- included in the month of 04/2014, amount of Rs.182/- included in the month of 05/2014, amount of Rs.149/- included in the month of 06/2014, as per rules. The FSA amount verified with consumption particulars which is used by the consumer. Account of the service is enclosed for favour of information and for ready reference please.
6. The account copy service No.992 of category-I of Chatrai distribution and the copy of the assessment notice from DEE/Assessment/Vijayawada and copy of the provisional assessment notice from ADE/Opn/Vissannapet are herewith submitted for favour of information and ready reference please. It is kindly submitted that this information is herewith submitted as per records for favour of information please.

Findings of the Forum:

1. The complainant is a domestic consumer with 260 watts load and he was penalized by the officers unlawfully and was made to pay huge amounts of the order of Rs.80,000/- towards a case and collected about Rs. 24,000/- with and another Rs.17,000/- without any receipt. Requested to order the respondents pay back the paid amounts.
2. The respondents 1 and 2 in their combined reply stated that the said service was inspected by the AE/Opn/Chatrai on 01-07-2006 and a malpractice case was booked for the supply from the service being utilized for “**mechanic shed**” purpose unauthorisedly thus committed malpractice. The amount of assessment was Rs.5,619/- including supervision charges. The said amount was included in the C.C.bill for the month of 07/2011 through RJ as per the assessment. But the category of the service was not changed from I to II and was subsequently effected in the month of 06/2014 also the service was under ‘03’ status from 07/2005 till 09/2006 while the case was booked in 07/2006 i.e. in the period of disconnection. The

consumer paid Rs.6,000/- on 29-03-2013 while the said amount was included in 07/2007 i.e. after 6 years.

3. As could be seen from the account copy of the service the consumer is not a regular payee of CC.Charges till 07/2007 during which month the amount of assessment was included in the C.C.bill. No where in the entire account statement of the service there was penalty of Rs.80,000/- as contended by the complainant indicates that he had wrongly projected the case since the assessed amount was Rs.5,519/- only. Moreover he had utilized the supply of domestic nature for the purpose of mechanic shop which comes under commercial category (LT-II) and utilization of supply unauthorisedly constitutes malpractice in accordance with section 126 of Electricity Act 2003.
4. Though the complainant mentioned several payments made to different staff members of the department, he could not produce any evidence to that effect excepting the payment of Rs.6,000/- in the month of 03/2013.
5. The service was inspected by the AE/Opn/Chatrai in the month of 07/2006 and the malpractice case was booked in the same month, but the category of the service was not changed to LT-II immediately, but has been delayed for about 8 years i.e. in 06/2014 causing loss to the licensee
6. As such it is felt by the Forum that the contentions of the complainant are far from truth and the respondents actions in every instant found to be in order and there is no reason in paying back the amounts said to have been paid by the consumer at different instances.
7. As such the request of the complainant for paying back the amounts is set aside.

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

ORDER

The respondents are directed that they shall avoid such delay in both realizing the assessed amounts by the expiry of reasonable period as per the GTCS and also changing the category of the services to the appropriate class immediately from the succeeding billing month.

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.