

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: 48/ 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 Ch.Tirupathaiah
Retd. Sanitary Supervisor
D.No.3-29-107, Near Krishna Nagar
Ramanujakutam Village & Post,
Guntur,
Guntur-Dist-522006

Complainant

And

1. Assistant Accounts Officer/ERO/Narasaraopet
 2. Assistant Engineer/Operation/D-1/Narasaraopet
 3. Assistant Divisional Engineer/Operation/Town/Narasaraopet
 4. Divisional Engineer/Operation/Narasaraopet
 5. Superintending Engineer/Operation/Guntur
- Respondents

Sri Ch.Tirupathaiah , Retd. Sanitary Supervisor, DNo.3-29-107, Near Krishna Nagar Ramanujakutam Village & Post, Guntur, Guntur-Dist-522006 herein called the complainant, in his complaint dt:27-05-2014 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 purchased a three storied building bearing D.No:3-6-32/35A, Pathuru, Nagarjuna Rice Mill Road, Narasaraopet, Guntur-Dist from 1) Sri Manchala Ramesh Kumar @ Ravi S/o Subba Rao and 2) Sri Manchala Ashok Kumar S/o Subba Rao under a registered sale deed dt:22-01-2011

vide document No.777 of 2011 along with electrical wiring , deposit and service connections bearing Nos:1311100021737, 1311100017753 and 1311100039839. They delivered him the possession of the building . My name was incorporated in the property tax register and water tax register of Narasaraopet municipality by means of mutation. He is the absolute owner of the said house, during the month of August, 2011 the aforesaid persons and their own brother Sri. Manchala Kiran Kumar S/o Subba Rao unlawfully encroached into his said building by breaking the locks and thereby dispossessed him from the property by taking his absence by that time as advantage. He immediately questioned their illegal and wrongful acts and demanding them to deliver the vacant possession of the property to me. He was making efforts for the last 2 years, personally and through elders by demanding them to deliver the possession of the house. But, they paid deaf ear. Apart from that, about one year back i.e. during 2012, they inducted Sri Abbu Hari Krishna and Sri Pattu Prakasah, who are their close associates and they also refused to vacate the house. Hence, he filed a suit in O.S.No.41/2013 (by over site O.S.No.42/2013 was mentioned previously) in the court of the honorable XIII Additional Dist. Judge, Narasaraopet for recovery of possession of the said house. The said case is pending in the apex court.

2. He came to know that they are not paying electricity bills every month regularly and became defaulters and thereby the amounts of arrears for the said service connections by 27-08-2013 were Rs.9244/-, Rs.3023/- and Rs.8907/- respectively and total amounting to Rs.21,174/- and also by 12-11-2013, the sums of arrears for the said SC.No's were as Rs.9862/-, Rs.1400/- and Rs.9587/- respectively and the total amounting to

Rs.20,849/-. Unless and until he made and sent the representations dated:27-08-2013 and 15-11-2013 your departmental staff concerned did not disconnect the said service connections.

3. Further he has submitted a representation dt:24-03-2014 to the Superintending Engineers/ Operation circle/Guntur/A.P.S.P.D.C.Ltd., 4/7, Brodipet, Guntur in person on 24-03-2014 in which he sought for disconnection of the afore said SC.Nos as the sums of arrears by 24-03-2014 were Rs.2232/-, Rs.1939/- and Rs.8862/- respectively and total amount to Rs.13,032/- and the same was forwarded to Sri.Srinivasa Reddy, DE (Technical) for necessary action. So far the connected electricity officials have not disconnected the said service connections even though the dues are high.
4. Now, he came to know that as on 27-05-2014, the amount s of arrears for the said SC.Nos are as Rs.1260/-, Rs.1947/- and Rs.12,165/- respectively and total amounting to Rs.15,366/-. On perusal of the arrears for the said service connections, it is clearly apprehended that the amount of Rs.12,165/- meant for SC.No.1311100039839 would be the arrears for more than 6 months. It is arbitrary and unlawful to keep pending the dues in high for a long time, where as in the case of others for small amounts of Rs. 300/- or Rs.400/- the service connections are disconnected after billing the succeeding months.
5. He did not know what is happening for the said service connections in the premises. The aforesaid unauthorized occupants are trespassers. They are not lawful occupiers. They are likely to tamper the electrical lines or meters. Hence, he is requesting him to kindly arrange to disconnect all the 3 service connections in the premises immediately in order to prevent

the tempering if any and retain disconnection position until all electrical dues are paid.

6. He came to know that one Sri.Manchala Venkata Mouli Mohan Prasad, who is own brother of the executants of the registered sale deed dt:22-01-2011 is working as a Senior Assistant in the office of the ADE/Opn/APSPDCL/Barampet, Narasaraopet and as such, he presume that he may manage the concerned staff of the department to retain the said service connections without disconnection, even though the electricity charges of said connections are high in amounts.
7. In terms of sec 50.4 of Electricity Act 2003, as a purchaser of the property he would not be required to pay energy dues of erstwhile consumers.
8. In view of the above circumstances, he is requesting the Forum to kindly direct the departmental inspecting officers concerned to inspect the premises of his building and report regarding tampering if any, and arrange to disconnect the power supply of SC.No.1311100021737, 1311100017753 and 1311100039839 immediately, as the occupants have become defaulters.
9. The complainant in his further representation dt:06-06-2014 received in the Forum on 09-06-2014 stated that the sentence in para -2 of page -2 “the said case is pending in the **apex** court” was erroneously by oversight and has to be read as “the said case is pending in the **above** court”

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

The respondent-2 i.e. the Assistant Engineer/Operation/D-1/Narasaraopet in his written submission dt:NIL, received in this office on dt:11-06-2014 stated that:

1. SC.No.39839 in D-1 section/Narasaraopet is in the name of Sri Manchala Ramesh, SC.No.17753 in D-1 Section/Narasaraopet is in the name of Sri.C.Tirupataiah and the SC.No.21737 in D-1 section/Narasaraopet is in the name of Sri.Chattu Tirupataiah. The above said 3No services located behind Srinivasa Theater at location No.SS-174/A/8 for a three stored building. The consumers are paying CC.bills and when ever they have failed to pay CC.bills in time and as per the D-list received from ERO. Office is being served to the concerned line men for operation of the D-list and the line men has disconnected the SC.No.39839 in the month of 09/2013 with final reading 9471 same was displayed in the consumer account copy enclosed. The SCNo.21737 is disconnected by the line men in the month of 11/2013 and it is under disconnection with final reading 1826. The consumer of SC.No.17753 is paying CC.bill regularly.
2. Sri. Ch.Tirupataiah, Retd. Sanitary Inspector, Guntur has complained that Sri. Manchala Ramesh Kumar, Ravi and Sri. Manchala Ashok Kumar jointly sold a three storied building to him and they have unlawfully encroached into his said building by breaking locks. It clearly indicates that the case will comes under civil case as it is a property disputed case. Sri.Ch.Tirupataiah has approached previously to the section office as well as sub-divisional office/Narasaraopet and represented to disconnect the power supply to the services. At that time he had explained if the services are having no out standing arrears they are unable to disconnect the services as per the departmental procedure and the complainant had dispute regarding ownership of property and he had to approach to civil court for solving his problem. The consumer of SCNo.39839 of D-1 section/Narasaraopet has paid total CC.bill of Rs.7065

+75 and obtained RC order vide PRNo.4636337/dt:06-06-2014, the above said 3No services are not having arrears up 05/2014 when ever the services appears in D-list the will disconnected as well as other services.

Findings of the Forum:

1. The grievance of the complainant is that he had purchased a three storied building at Narasaraopet of Guntur-Dist and got registered from two of the owners on 22-01-2011 along with wiring and electricity connection services 3 numbers and the billing was delivered to his possession. Later one namely Kiran Kumar S/o the said Subba Rao Father of the two who registered the said property in his absence duly breaking the locks unlawfully. The matter was filed through a civil suit in the honourable Additional District Judge- XIII Narasaraopet for recovery of the possession of said property and the case is pending in the above court. He further alleged that one Sri Manchala Venkata Mouli Mohan Prasad working as Senior Assistant in APSPDCL, Narasaraopet is also own brother of the two executenants of the registered sale deed dt:22-01-2011 and managing to avoid disconnection of the service even fell defaulter. He is also need not pay the electricity charges of the erstwhile consumers, but did not mention whether the service number or the period. Requested the interference of the Forum to direct the departmental staff to inspect the premises of the said building and report regarding tampering if any and arrange for disconnection of the power supply for the three numbers services immediately as they fell defaulters.
2. The respondent-2 i.e. the AE/Opn/D-1/Narasaraopet in his reply stated that the services were disconnected as per the d-list as follows: -

Service No.	Date of disconnection	Final reading
39839	09/2013	9471
21737	11/2013	1826
17753	Live	Paying CC.Charges regularly

The services above were reconnected and payment of CC.Charges as follows:

Service No.	Date of payment	Date of reconnection
39839	06-06-2014	06-06-2014

3. And there are no arrears upto 05/2014.
4. As could be seen from the depositions of both the parties i.e. the complainant as well as the respondents the said house is having 3 numbers electrical service connections. But the complainant says that the department is not taking action for disconnection of the service even though there are arrears pending because of the support of one of the brothers of the executenants of the sale deed of the said property working in the department in the cadre of Senior Assistant. But the respondents expressed that they are disconnecting the services as per the D-list
5. As could be seen from the account copy of the services in respect of Service No:39839 and SCNo.21737 the payments are not regular and arrears accumulated to a maximum of Rs.9,221/- and in the case of the third service 17753 the payments are regular almost and the service was never under disconnection.
6. However as stated by the complainant since the matter of ownership dispute of the said property is pending in the honourable XIII Additional District Judge, Narasaraopet, the Forum cannot interfere

right now and the complainant had to wait for the out come of the honourable court in the matter.

7. Regarding disconnection of the services for non payment of CC.Charges there is clear lapse on the part of the respondents for not disconnecting the service though felt defaulter even for 6 months in some instances and the reasons for such inaction had not been explained by the respondents gives support to the argument of the complainant that the respondents were influenced by the own brother of the other parties working in the department.
8. The respondents shall avoid such recurrences in future.
9. It is also opined that the complainant out of his vengeance had raised the issue of suspicion of tampering in the premises and disconnection of the services immediately.
10. His request above cannot be considered as far as there is no default in payment of CC.Charges and he cannot direct to inspect the premises and report the matter for any tampering.
11. Finally the Forum is of the opinion that the main essence of the case is about the ownership of the said three storied house, but not the interest in pending arrears against the services of the premises which is to be decided by the honourable court wherein the case is pending.

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

ORDER

The complainant is directed that he shall wait for the out come of the Honourable XIII Additional District Judge, Narasaraopet in the pending case No.OS.41/2013.

Accordingly the case is allowed in full 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.