

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

On this the 25th day of May, 2015

In C.G.No:229/ 2014-15/Tirupati Circle

Present

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

Chairperson
Member (Accounts)
Member (Legal)

Between

Sri S.Ahamed Basha
C/o S.maqbul Saheb
D.No:4-20-F2
Krishna Nagar
Madanapalli – Post Office
Madanapalli
Chittoor - Dist
517325

Complainant

And

1.Assistant Accounts Officer/Madanapalle
2..Assistant Engineer / Town Madanapalle
3. Assistant Divisional Engineer/Town Madanapalle
4. Divisional Engineer/ Madanapalle

Respondents

Sri S.Ahamed Basha C/o S.Maqbul Saheb is a resident of D.No:4-20-F2, Krishna Nagar, Madanapalle –Post Office,Madanapalle , Chittoor – Dist . herein called the complainant, in his complaint dt:12.03.2015 filed in the Forum on dt:12.03.2015 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E. Act 2003 has stated that:

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1. He is a resident of D.No:4-20-F2, Krishna Nagar, Madanapalle –Post Office, Madanapalle, Chittoor – Dist .
2. He had agricultural land at B.K.Palli, Ammacheruvu mitta in survey no.529-1 in his land Mango plantations is done.
3. He applied for Agricultural service connection for his borewell and service connection is sanctioned in 1997 and service no is 20120 and bills paid regularly.
4. The Agricultural service connection number is attached to the domestic service number, the domestic service no is 015052 and paid bills regularly.
5. In the 4th Month of 2011 the bill is received of Rs 5415/- and then in May month the bills received of Rs 5323/-.
6. He has given a requested letter to concerned A.E on 10.05.2011. in duly stating that the Revenue Officials acquired his land of 0.30 cents Roc.No.Dt/984/2007, dt .31.03.2010 for bypass road. After that the service was not utilized.
7. He also requested the ADE on 10.05.2011 about the matter he responded positively and said not to pay the amount of Rs.5415/- and Rs 5323/- and said that the service connection is will be recommended for dis – connection to Divisional Engineer on 10.05.2011. He paid an amount of Rs 20/-, 30/- upto 27.09.2012 in E-Seva . After that he changed to another house.
8. He received a notice from the Divisional Electrical Engineer. Xerox copies of Land acquiring by Revenue officials, bills payment receipts, and requested letter which is given to ADE and consulted the DEE. After that he received a notice to pay Rs 16888/- from DE's Office.
9. The Officials warned that if the bills are not paid the other service connections will be disconnected given warning so kindly do Justice .

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

The respondent-2 & 3 i.e., The Additional Assistant Engineer/Town Section/Madanapalle and the Assistant Divisional Engineer/Operation/Madanapalle in their written submission dt:23.03.2015, which are similar received in this office on dt:26.03.2015 stated that:

1. The notice is issued regarding wivel of arrears to ASC.No:20120 Madanapalle Town.
2. After verification of records in ERO,Madanapalle a debit RJ revised for Rs 5461/- vide RJ .No.32-11/08.The above amount due from the consumer to APSPDCL.
3. In the Lr dated 20.03.2015 addressed to the consumer for payment of arrears up to hon'ble court orders and balance which is to be withdrawn after payment upto 11/08.The acknowledgement is here with enclosed for proof.
4. Hence it is humbly requested for examine of this case and pass suitable order please.

The respondent-1 The Assistant Accounts Officer/ERO/Madanapalle in his written submission dt:23.03.2015, received in this office on dt:26.03.2015 stated that:

1. The complainant in respect of ASC No.20120 of Madanapalle town section Sri.S.Ahmed Basha stated that his land acquired including his bore well vide ROC No.DT/984/2007 Dt 31.03.2010 towards bypass Road by Mandal Revenue Officer W.P.17987/1996 DT 24.01.2006 of the A.P.High Court,Hyderabad.
2. In this context as per the honorable Court orders as per the Account Copy of the said ASC.No.20120 of the Madanapalle Town Section to be paid upto 31.03.2010 of Rs.6,956/- (Rupees six thousand nine hundred and fifty six only). Account copy is herewith enclosed for ready reference and for favour of information please.

The respondent-4 The Divisional Engineer/Operation/Madanapalle in his written submission dt:23.03.2015, received in this office on dt:26.03.2015 stated that:

1. The Asst.Divisional Engineer/Operation has stated that as per available records in ERO, Madanapalle a debit R.J was raised in respect of tariff difference amounts against Agrl., services existing in town feeder under 24 hours supply for an amount of Rs.5461/- vide R.j.No.32-11/2008 in respect of Asc.No.20120 of town section,Madanapalle.The consumer has not yet paid above said amount please.
2. The Asst.Accounts Officer/ERO/Madanapalle has stated vide Lr dated 23.03.2015 that the consumer has to pay an amount of Rs 6956/- upto the date of land acquisition by the Tahsildar,Madanapalle i.e., 31.03.2010.
3. He also stated that the balance amount billed after the date of 31.03.2010 will be withdrawn after receipt of arrear amount pending as on 31.3.2010.

Findings of the Forum

1. Sri S.Ahamad basha of Ammacheruvumitta,Madanapalle has filed a complaint during the Vidyuth Adalath held at Madanapalle on 12.03.2015 stating that the Government Revenue Officials have taken over his agricultural land along with bore to the extent of 0.30 cents vide ROC No.DT/984/2007 dt 31.03.2010 and since then he has not been availing the supply for his Agricultural service and requested to withdraw the entire amount outstanding against his ASC.No:20120.
2. Respondents in their submission have stated that the complainant is liable to pay the bills up to 31.03.2010 i.e up to the date of taken over by the Revenue Officials and hence dues of Rs 6956/- are payable by the Complainant.

3. As could be seen from the Account copy the records made available to the Forum, it is evident that Rs 5461/- has been raised as demand during 11/08 against the service of the Complainant and the total dues up to 31.03.2010 has been accumulated to the time of Rs 6956/-.The arrears are further accumulated and it works out to Rs 16978/- to the end of 3/2015 after taking into account the belated payment surcharges and further demands.
4. It is not prudent to add on the demands and surcharges month by month when the Complainant has arranged documentary evidences as to take over his land by the Government Revenue Officials and hence it is not justified.

ORDER

The Respondents are directed to withdraw the demands and surcharges levied against the service under question from 01.04.2010 onwards and are entitled to collect the dues upto 31.03.2010 only by explaining the reasons for raising of demand of Rs 5461/- during 11/08 to the Complainant. The Complainant is advised to arrange payment of dues upto 31.03.2010 only. No interest/Surcharge need to be levied on the balance outstanding as on 31.03.2010.

Accordingly the case is disposed off.

If aggrieved by this order, the complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh ,Flat No:401 ,4th Floor, Ashoka Chambers, Opposite to MLA Quarters ,Adarsh Nagar,Hyderabad-500063**, within 30 days from the date of receipt of this order.

Signed on this, the 25th day of May 2015.

Sd/-
Member(Legal)

Sd/-
Member(Accounts)

Sd/-
Chairperson

True Copy

Chairperson

To
The Complainant

The Respondents

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