

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

On this the 24th day of July 2015

In C.G.No:131/ 2015-16/Guntur Circle

Present

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

Chairperson
Member (Accounts)
Member (Legal)

Between

Sri MD Saleem
C/o Jameer
10th Ward
D.No:10-14-61
Repalle – Post Office
Repalle
Guntur-Dist
522265

Complainant

AND

1.Assistant Accounts Officer/Repalle
2.Assistant Engineer/Repalle Rurals
3.Assistant Divisional Engineer/Repalle
4.Divisional Engineer/Tenali

Respondents

Sri MD Saleem C/o Jameer is a resident of D.No:10-14-61 ,10th Ward Repalle-Post Office, Repalle, Guntur –Dist, herein called the complainant, In his complaint dt:11.06.2015 filed in the Forum on dt: 11.06.2015 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 resident of D.No:10-14-61 ,10th Ward Repalle-Post Office, Repalle, Guntur –Dist.

C.G.No:131/2015-16/Guntur Circle

2. He was utilizing the supply for Non domestic in a thatched rented house by preparing Biryani & Kichidi and supply the same from his house and leading his family.
3. Kindly change his service from category II to category I.

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

The respondent-2 i.e. the Assistant Engineer / Operation /Repalle in his written submission dt:19.06.2015, received in this office on dt:24.06.2015 stated that:

1. The premises was inspected and the consumer was utilizing the supply for Non domestic i.e for Hotel(Madeena Dum Biryani Point) other than sanction purpose as per the inspection report of Sri M.Sri Lakshmi Narayana AE/O/D3/TENALI at the time of pole to pole inspection conducted in Repalle town on 05.03.2015.
2. A malpractice case was booked for an amount of 12579/-vide GNT/TENL/REPL/2346/15 and the consumer received the provisional assessment order. it is submit that DEE/Assesement/Tirupati was also issued Final assessment order on 12.06.2015 vide D.No:858/15.

The respondent-I i.e. the Assistant Accounts Officer / ERO /Repalle in his written submission dt:22.06.2015, received in this office on dt:27.06.2015 stated that:

1. It is submit that the SC No.1245433008517 of Repalle was utilized the supply other than sanction purpose (i.e) commercial purpose as per the inspection report of Sri M.Lakshmi Narayana, Assisstant Engineer/Operation/D3/Tenali at the time of pole to pole inspection conducted by the Assistant Engineer/Operation/Town/Repalle on 05.03.2015.

2. It is to submit that the Assistant Divisional Engineer/Operation/Repalle was booked a Malpractice case and provisionally assessed of Rs 12,579/- and issue notice to the consumer vide Lr.No.ADE/OSD/RPL/Sr.Asst/F/D.No.375/15,Dt .18.03.2015.However a copy of the letter is here with enclosed for ready reference.
3. It is to submit that the consumer was received the Provisional Assessment Order and the consumer was not come forward to pay the Malpractice amount so far.
4. It is to submit that Divisional Electrical Engineer/ASMT/Tirupati was also issued Final Assessment Order on 12.06.2015 vide D.No.858/15 a copy of the Final Assessment Order is here with enclosed for ready reference.

Findings of the Forum:

1. During the Vidyuth Adalath conducted at Repalle on 11.06.2015, Sri MD Salim of Repalle has filed a petition before the Forum stating that utilizing the supply for Non domestic i.e for Hotel(Madeena Dum Biryani Point) and hence requested to change the category of his service from II to I.
2. The Respondent No.1 in his submission dated 17.06.2015 received in this office on 20.06.2015 has stated that the service under question was inspected by the AE/D3/Tenali on 05.03.2015 and the AE has booked a malpractice case against the service since the complainant has extended supply to other than the sanctioned purpose i.e commercial purpose.
3. Further as could be seen from the enclosures submitted by the Respondent No 1, it is observed that the DE/Assessment/Tirupati has already issued Final Assessment Orders on 12.06.2015 with an opportunity to the complainant to appeal further to the SE/Assessment /Tirupati.
4. Since Malpractice case was booked under section 126 of the Indian Electricity Act 2003, the complaint does not fall under the Jurisdiction of the Forum.

ORDER

The Complainant is advised to appeal to the SE/Assessment/Tirupati being the Appellate Authority on Malpractice cases and the case is disallowed since the same does not fall under the jurisdiction of the Forum.

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 day of 24th July 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.

