

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

On this the 4th day of June 2019

C.G.No:336/2018-19/Guntur Circle

Present

**Sri. A. Jagadeesh Chandra Rao
Sri. A. Sreenivasulu Reddy
Sri. D. Subba Rao
Sri. Dr. R. Surendra Kumar**

**Chairperson
Member (Finance)
Member (Technical)
Independent Member**

Between

**Ch. Janaki Rami Reddy,
C/o. M/s. Navabharathi High School,
Ikkuru Road,
Lingamguntla Cololy,
Narasaraopet,
Guntur -Dist**

Complainant

AND

1. Assistant Executive Engineer/O/Narasaraopet D-2
2. Deputy Executive Engineer/OSD/Narasaraopet
3. Executive Engineer/Assessments/Tirupati
4. Executive Engineer/O/Narasaraopet

Respondents

ORDER

1. The complainant presented a complaint wherein he has stated that an un- authorized use of electricity (Malpractice) notice was received by him for service No.1311200023647, 1311516001186, and 1311516000946 for an assessment amount of Rs.60,381/-, Rs. 1,00910/- and Rs.1,43,861/- respectively for utilizing the power to the boys hostel instead of domestic purpose. He has further submitted that previously his service was existing under Category- 1 from the date of release of supply and availed supply for domestic purpose only. The premises was given on lease to M/s. Navabharathi Educational society on 01.04.2018. From that date onwards the supply was being used for boy's hostel purpose. But assessment notice was issued for the last two years even though supply was availed for school purpose for the last seven months only. As per the provisions of GTCS Clause No.9.3.2.9 the assessment period shall not exceed six months but the officers imposed penalty for a period of two years. He has already paid 50% of the provisional assessment amount of Rs.30,206/-, Rs.51,744/- and Rs.72,778/- respectively on 27.10.2018. Hence requested to revise the malpractice notices as per the GTCS. He has also enclosed an unregistered agreement entered into on Rs. 20/- stamped paper.

DESPATCHED

DATE

11/6

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2. A) The respondent No.4 in his written submission has stated that service connection bearing No. 1311200023647 standing in the name of Janaki Rami Reddy under LT Cat- 1 (A) was inspected by AE/DPE-1/ Guntur on 14.09.2018 and registered un-authorized use of electricity under Sec. 126 of the Electricity Act, 2003 as the complainant utilizing supply to boy's hostel. Respondent No.2 issued provisional assessment order for Rs.60,281/- plus supervision charges Rs.100/- as per the provisional assessment order. Show cause notice was issued on 08.10.2018. As there is no representation from the complainant till 19.10.2018, concluding that the unauthorized use of supply has taken place, final assessment order was issued on 20.10.2018 for the period from 15.09.2017 to 14.09.2018 which is 12 months immediately preceding the date of inspection based on the period ascertained by inspecting officer.

For service No.1311516001186 standing in the name of Janakirami Reddy under LT Cat-1(A) was inspected by AE/DPE-1 /GNT on 14.09.2018 and registered un- authorized use of electricity under Sec.126 of the Electricity Act, 2003 as the complainant utilizing supply to high school purpose. Case was registered and assessment was made for an amount of Rs,1,00,910/-. The respondent No.2 issued provisional assessment order for that amount. A show cause notice was issued on 08.10.2018 and since there is no representation from the complainant till 19.10.2018 final assessment order was issued on 20.10.2018 for the period from 15.09.2016 to 14.09.2018 (two years)

For service No.1311516000946 standing in the name of Janaki Rami Reddy under LT Cat - 1 (A) was inspected by AE/DPE-1/ GNT on 14.9.2018 and registered un-authorized use of electricity under Sec.126 of the Electricity Act,2003 as the complainant utilizing supply to high school purpose. Case was registered and assessment was made for an amount of Rs,1,43,861/-. The respondent No.2 issued provisional assessment order for that amount. A show cause notice was issued on 08.10.2018 and since there is no representation from the complainant till 19.10.2018 final assessment order was issued on 20.10.2018 for the period from 15.09.2016 to 14.09.2018 (two years)

B) Respondent No.2 in his written submission has elucidated that 3 No's malpractice cases were booked by AE/DPE-1/ GNT and send the assessment reports to him on 15.09.2018. Based on the inspection reports he has issued provisional assessment notices and served them through respondent No.1 and obtained dated acknowledgments on 28.09.2018.

3. A personal hearing through video conferencing was conducted on 07.05.2019 for which both the complainant and respondent No.2 attended. Both the complainant and respondents reiterated their earlier versions only.
4. Point for determination is whether the respondents are entitled to collect the assessment amounts as per the assessment order or not?

The case of the complainant is that he has let out his premises having three domestic service connections to M/s. Navabharati Educational society and entered into a lease agreement on 01.4.2018 and hence the assessment shall be limited from 01.4.2018 only. Further the complainant has also submitted that the assessment shall be limited for a period of 6 months only in accordance with the provisions contained in clause No.9.3.2.9 of GTCS. The complainant has also enclosed un - registered lease deed entered on stamp paper worth Rs.20/- that the lease agreement is with effect from 01.04.2018 and hence requested to limit the assessment from 01.04.2018.only.

In accordance with Sec.17 of Registration Act, 1908 (as amended in A.P. as per Amendment Act 4 of 1999) registration of lease agreement is mandatory if the lease period exceeds 12 months. But the complainant has produced un-registered lease deed and hence the same cannot be taken into consideration.

The provisions contained in Clause No. 9.3.2.9, 9.3.2.10 and 9.3.2.11 are as follows:

9.3.2.9: *“If the assessing officer reaches to the conclusion that un-authorized use of Electricity has taken place, the assessment shall be made for the entire period during which such un authorized use of electricity has taken place and if, however, the period during which such unauthorized use of electricity has taken place cannot be ascertained, such period shall be limited to a period of 12 months immediately preceding the date of inspection in accordance with Section 126 (5) of the Act*

9.3.2.10: *In addition to the charges mentioned above, the consumer shall pay supervision charges fixed by the Commission in the Tariff Order from time to time and notified by the Company.*

9.3.2.11 : *In case of unauthorized extension of supply to higher Tariff category usage, the electricity charges would be estimated at the tariff rates of the higher category in proportion to its use in that category and charged at 2 times the tariff applicable for the relevant category of services as specified in Section 126 (6) of the Act”.*

In the instant case the assessing officer i.e. respondent No.3 has made assessment for 12 months in respect of service No. 1311200023647 in terms of Clause 9.3.2.9 of GTCS since the period during which un - authorized use of electricity cannot be ascertained. However in respect of service No. 1311516001186 and service

No.1311516000946 the assessing officer made assessment for 24 months based on the statement of the consumer/ representative in terms of para 10 of inspection report wherein the complainant has stated “ We are using this meter for Navabharati School purpose since 2 years only”. It seems that the assessing officer has rightly assessed the assessment for 2 years as the complainant himself has signed on the inspection report of both the services. Thus the point is answered accordingly.

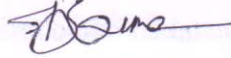
5. In result the complainant is advised to pay the assessment amount which was issued in accordance with the provisions contained in GTCS.

If aggrieved by this order, the Complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh**, 3rd Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008, within 30 days from the date of receipt of this order.

This order is passed on this, the day of 4th June 2019.

Sd/- Sd/- Sd/- Sd/-
Member (Finance) Member (Technical) Independent Member Chairperson

Forwarded By Order



Secretary to the Forum

To

The Complainant

The Respondents

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

Copy to the Nodal Officer (Executive Director/Operation)/CGRF/APSPDCL/TPT.

Copy Submitted to the Vidyut Ombudsman, Andhra Pradesh , 3rd Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008.

Copy Submitted to the Secretary, APERC,11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.