

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

On this the day of 4th June 2019

In C.G.No:307/ 2018-19/Ongole 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

Sri. G. Samba Siva Rao,
C/o. Akila Bharatha Srisailam Kanipaka Temple
Arya Vysya Nithya Annapurna Satram,
Cumbum,
Prakasham-Dist

Complainant

AND

1. Assistant Executive Engineer/O/Cumbum
2. Deputy Executive Engineer/O/Cumbum
3. Superintending Engineer/ Assessments/Tirupati
4. Executive Engineer/O/Markapur

Respondents

ORDER

1. G. Sambasiva Rao president of Akilabharata Srisailam Kshetra , Kanipakam Aryavysya Nithya Annapoorna Satram presented a complaint before this Forum. The complainant has informed that on 07.05.2018 DE/DPE has inspected the service No. 2116. When he went to respondent No.2 to have discussion on some other issues the respondent has handed over notice dt : ADE/OSD/Cumbum/D.No.288/18 Dt: 14.05.2018 wherein his service connection was changed to Category -II from the existing LT Cat - 7 (B) with an assessment of Rs.49,500/- On the same day he preferred an appeal before the DE/Assessments/TPT along with documentary evidences depicting donations collected and registration documents pertaining to the Satrams including developmental activities taking up for better facilities to the pilgrims. The complainant further informed that in order to avoid unnecessary

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expenditure and further the executive committee member of the Chowtries for Srisailam and Kanipakam are available at Cumbum only, they used to conduct executive committee meetings at Cumbum only and the facts have been brought to the notice of DE/Assessments, but the assessing officer has not taken any steps but final assessment order issued for Rs.49,500/-. He has preferred an appeal before the appellate authority but the appellate authority has also not taken their submissions into consideration and issued proceedings to pay the assessment amount as per the orders already issued by the DE/Assessments/TPT. He has informed that the executive body has constructed their administrative building at Cumbum with donations collected and took service connection No.2116. The said building is being used to look after the affairs and activities of Charitable trust pertaining to Kanipakam and Srisailam. They are not utilizing the service connection for any other purpose but utilizing the donations for the legal activities only. Whatever the amount saved through their activities is being used for the trust works only. Hence requested to consider their request and arrange to re-categorize their service connection under Cat-7 only. He has also enclosed income tax returns for the year 2017-18 in Form No. ITR 5 together with Form 10, receipts and payments for the period ended 31.03.2017 along with balance sheet as at 31.03.2017. He has also enclosed memorandum of rules and regulations of the association.

2. Respondents No.1,2 and 3 filed joint written submission wherein they have submitted that the service connection under question is located in Cumbum and supply is being availed for officer purpose of Sri Akhila Bharata Srisaila Kshetra Arya Vysya Nitya Annapurna Sathrams and Sri Akhila Bharata Kanipaka Kshetra Arya Vysya Nithya Annapurna Satram . These two satrams are located one in Kurnool district and another in Chittor Dt. The administrative office of the above Satrams is located in Cumbum . This office mainly used for office work only and free food to public not provided in Cumbum. As per the Tariff Order , LT Categories-II(A) and (B) applicability to the following:

1. *“Consumers who undertake Non-domestic activity*
2. *Consumers who undertake commercial activity.*
3. *Consumers who do not fall in any other LT category i.e. LT-1, LT-II(C), LT-II(D), LT-II(E), LT-II(F), LT-III to LT-VII categories.*
4. *Consumers who avail supply of energy for lighting , fans, heating, air conditioning and power appliances in commercial or non domestic premises such as shops, business houses, offices , public buildings, hospitals, hostels, hotels,*

choultryes, restaurants, clubs, theatres, cinema halls, bus stations, railway stations, timber depots, photo studios, printing presses. etc.,

5. *Educational institutions run by individuals, Non Government Organizations or private Trusts and their student hostels are also classified under this category.*
6. *LT-II (A) is utilizing consumption less than or equal to 50 units per month. LT-II (B) is utilizing consumption more than 50 units per month.”*

As per the above tariff order the service No.2116 will come under LT Category- II only.

As per Tariff Order, LT Category-VII (A) general purpose applicable to the following:

Applicable for supply of energy to places of Crematoriums, Government Educational Institutions and student Hostels run by Government agencies, charitable institutions i.e. Public Charitable Trusts and Societies registered under the Societies Registration Act running educational and medical institutions rendering totally free service to the general public, recognized service institutions and registered old age homes.

As per the above tariff order the service No.2116 will not come under LT Category VII

Since the inspecting officer has booked un-authorized case as per the tariff order only the complainant has to pay final assessment amount of Rs.49,251/- and the service is liable to be billed under Cat' -II only .

3. A personal hearing was conducted at the office of AE/Darsi town on 13.03.2019. The complainant along with other executive members attended to the hearing. The respondents No.1 and 2 have also attended to the hearing and reiterated their earlier versions only. The complainant has apprised that they are having one service connection at Srisailam bearing Service Connection No. 8331303000434 and one more service connection in Kanipakam bearing No.5633308000960 and both the service connections are under Cat - VII only, since the present service connection is being used for the administrative purpose to manage and to cater to the needs of the services of Srisailam and Kanipakam, this service shall also be considered under LT Cat -7 only. He further reiterated that the premises is not being used for any other commercial activity but being used only as administrative office to collect donations, to arrange to supply commodities to both the Chowltries situated at Srisailam and Kanipakam, booking un-authorized case is illegal arbitrary and against the principles of natural justice. In view of the above he has requested the Forum to set aside the assessment order issued by the SE/Assessments and order to restore the category to Cat –V.
4. Point for determination is whether the disputed service connection will fall under Category-II?

Admittedly Licensee has released the service connection to the complainant under Cat – VII. It is also admitted fact that the service connections released in the name of Sri Akhila Bharata Srisaila Annapurna Satrams and Sri Akhila Bharata Kanipaka Kshetra Arya Vysya Nithya Annapurna Satram are released under Cat-VII. The inspecting authority converted the service connection which was released under Cat –VII to Cat-II only on the ground that the premises is used for administrative office and no free food was provided to the public in that premises at Cumbum. It is not the case of the respondents that any other activity was carried out in that premises. The letter pad on which the complaint was drafted clearly shows that the complainant is having its head office at Cumbum and two branch offices i.e. one at Srisailam and another is at Kanipakam. The complainant company is registered as a society. The version of the complainant is that they are running the society from the year 1961. They used to collect commodities apart from donations in cash and kind and storing the commodities in the head office and they were transporting to both the Annadana satrams located at Srisailam and Kanipakam. Except the trust activities no other activity is carried out in these premises and treating the activities in the head office as commercial, when the same department treating the activities carried out at branch office as activities of charitable trust is not correct. Respondents have not placed any material that complainant is carrying out any other activity other than the trust activity in the head office premises. No authority is placed before this Forum that merely on the ground that free food to public was not supplied in the premises, it has to be treated that the service connection released in that premises has to be treated as used for commercial purpose. In the absence of any material to show that any other activity other than the trust activity was carried out in the premises which were used as head office converting the service connection which was released under Cat-II is not legal. The facts of this case does not show that the observations made by the inspecting officers that consumer has used the service connection un-authorizedly and such unauthorized use will fall under the purview of Sec. 126 of Electricity Act, 2003 is also not correct as no material was collected by the inspecting officers to show that consumer used the service connection un-authorizedly for the purpose other than the purpose for which the service connection was obtained.


5. In view of the above reasons the order of converting the service connection to Cat-II is set aside and as a sequel the penalties imposed by the officers of the Licensee is hereby set aside.

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 Orders


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(Chief General Manager/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.

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