

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

On this the 26th day of February 2019

C.G.No:273/2018-19/Tirupati Circle

Present

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

Chairperson
Member (Finance)
Independent Member

Between

Sri.L. Ramakrishnama Naidu,
C/o. R.K. Navyasri ladies Hostel,
21-1-9/B,
Subhash Nagar,
Tirupati.

Complainant

AND

1.Assistant Engineer/O/Korlagunta
2.Assistant Divisional Engineer/O/Tirupati OSD 2
3.Divisional Engineer/DPE/Circle Office/Tirupati
4.Divisional Engineer/O/Tirupati

Respondents

ORDER

1. The case of the complainant is that a demand notice was issued to pay Rs.19,957/- for 6 months though he has taken possession of the premises on 07.3.2018 . The notice to pay Rs.19,957/- may be withdrawn.
2. DE/DPE i.e Respondent No.3 filed written submission stating that the team of DPE conducted inspection in the premises of M/s. R.K. Navyasri Ladies Hostel and detected that 5 domestic services are being used for commercial purpose and 1 commercial service is also in existence in the premises. On local enquiry it was found that hostel was established 6 months prior to the date of inspection. Hence a notice was issued under Sec.126 of the Electricity Act for unauthorized use of supply for 5 domestic services.
3. Respondent No.1 filed written submission on similar lines.
4. A personal hearing was conducted on 28.01.2019 at Court Hall, Tirupati wherein both the complainant and respondents were present and reiterated their versions. Complainant filed an unregistered lease deed dt : 07.03.2018 for a period of 11 months to show that the lease was commenced for running women's hostel from 07.3.2018 only. So respondents are not empowered to levy as for unauthorized usage of electricity under Sec. 126 of the Electricity Act, 2003 for 6 months.

DESPATCHED
DATE 6/3/19

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5. The point for determination is whether the assessment notice issued by the officers of the Licensee is valid?

In this case complainant is intended to rely on the unregistered lease deed for a period of 11 months. Lease of immovable property shall be registered in Andhra Pradesh as per Sec.17 (d) of Registration Act (Vide AP Amendment Act 04 of 1999 w.e.f. 01.04.1999). It is a self serving document, so the same cannot be taken into consideration to come to conclusion that complainant was inducted into possession of the premises only in the month of March'2018 and from that date only he started ladies hostel. Complainant had not placed any other valid documentary evidence to show that the 5 domestic services were not used for commercial purpose prior to 07.03.2018. The written submission of DPE i.e. Respondent No.3 shows that on their inspection of the premises on 06.06.2018 they found that one service connection was obtained in the premises for commercial purpose and five domestic services. The five domestic services in the premises are being used for commercial purpose and on enquiry they came to know that ladies hostel was established six months prior to the date of inspection and those five domestic service connections are being utilized for running the ladies hostel. Neither the lessee nor the lessor of the premises had intimated to the respondents that the premises are leased out for running ladies hostel from 07.03.2018 only. It is the bounden duty of the occupier and owner of the premises to intimate the respondents that the domestic service in the premises is being utilized for commercial purpose, so that respondents can convert their category of the services to non domestic/commercial. Merely because the occupier of the premises says that he is using the domestic service connection for running ladies hostel from 07.3.2018 and is liable to pay from that date, the same cannot be taken into consideration without any documentary evidence to prove that fact.

6. In view of the above reasons there are no valid reasons to interfere the assessment notice issued by the inspecting authority. As a sequel the complaint is liable to be dismissed.
7. Since five cases including this one were booked against the complainant and it may not be possible for him to pay the same in lumpsum, complainant can be given an opportunity to pay the amount in 4 equal monthly installments.
8. In the result the complaint is dismissed. Complainant is permitted to pay the levied amount in 4 equal monthly installments.

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.

This order is passed on this, the day of 26th February 2019.

Sd/-
Member (Finance)

Sd/-
Independent Member

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.

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

Copy Submitted to the Vidyut Ombudsman, Andhra Pradesh ,Flat No:401 ,4th Floor, Ashoka Chambers, Opposite to MLA Quarters , Adarsh Nagar,Hyderabad-500063.

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