

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

**On this the 4<sup>th</sup> day of February 2020**  
**C.G. No: 159/2019-20/Anantapur Circle**

**Present**

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

Chairperson  
Independent Member

***Between***

A. Venkata Adi Narayana Reddy ,  
13-3-464,  
Gowri talkies Road,  
Mylavaram,  
Anantapur .

Complainant

***AND***

- |  |             |
|--|-------------|
| 1. Assistant Accounts officer/Anantapur Town   | Respondents |
| 2. Assistant Executive Engineer/O/Anantapur D6 |             |
| 3. Deputy Executive Engineer/Anantapur Town-II |             |
| 4. Executive Engineer/O/Anantapur              |             |

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**ORDER**

1. The case of the complainant is he obtained service connection bearing No.7111301166292 under domestic category on 16.05.2018. The building was inaugurated on 16.06.2018 and he is residing in the house from the date of inauguration. He is using the supply for domestic use only. The inspecting officer booked a malpractice case without verifying the facts. Hence the case may be withdrawn.
2. Respondents No.2 and 3 filed written submission stating that service connection No.7111301166292 Cat-I with contacted load of 15 KW was released on 14.05.2018. The building was completed in full shape and house opening ceremony was held on 16.06.2018. The building is having 4 floors ground, 1<sup>st</sup> floor and 2<sup>nd</sup> floor are being used for running lodge and service under Category-2 was released on 14.05.2018 and 3<sup>rd</sup> and 4<sup>th</sup> floors is a duplex house. A malpractice case was registered on 05.03.2019 on service No.7111301166292 as the consumer was utilizing supply for lodge purpose and

**DESPATCHED**  
DATE 07/02



house construction purpose. The consumer is doing interim modification works due to Vastu problem in the 3<sup>rd</sup> and 4<sup>th</sup> floor at the time of inspection.

3. Respondent No.1 filed written submission similar to the version given by respondents No. 2 and 3. He also further stated that Deputy Executive Engineer/O/Anantapur-II issued Provisional Assessment order for Rs.2,57,723/- on 07.03.2019 and final assessment was issued by Executive Engineer/Assessments /Tirupati on 25.03.2019 for Rs. 2,68,605/-.

The Superintending Engineer /Assessments/Tirupati issued appeal order based on consumer appeal on 22.04.2019. After inclusion of assessment amount of Rs.2,68,605/- consumer paid an amount of Rs. 28,672/- and same amount was posted in MATS against the case No. DPE/ATP/ATP-2/6311/19 and CC balance amount of Rs. 2,74,549/-. The category was changed from non-domestic to domestic based on Regd. No.71113C005252019SEP25 as on 26.09.2019.

4. Personal hearing through video conferencing was held on 16.10.2019. Complainant absent. Again personal hearing was held at Court Hall on 14.11.2019, Complainant's son and respondents No.2 and 3 were present. The copy of inspection report was called for. Again personal hearing through video conferencing was conducted on 17.12.2019. Complainant reiterated the version that the service connection is used only for domestic purpose. At the time of inspection modification work is going on in the premises due to Vastu problem. Respondents No. 2 and 3 also stated the same version.
5. The inspection report shows that son of consumer was present and said to have made a statement stating that **"Electrical power supply is being utilized for Sree '7' Lodge air to water heat pump"** in Column No. X . The observations made by the inspecting officer is that the power supply is being utilized for non domestic purpose. The consumer is having 3 commercial services in same premises vide SC. No's .166294, 166293 and 166291. Hence the premises was thoroughly inspected by him after removing the electric supply to confirm that the above service is utilized for non domestic purpose.

So the above observation of the inspecting officer shows that the service No.166292 though obtained for duplex house in 3<sup>rd</sup> and 4<sup>th</sup> floor for domestic purpose is being used for non domestic purpose. The inspecting officer not only inspected the



premises in the presence of son of the complainant but also obtained his statement in original inspection notes.

The contention of the complainant's son in the personal hearing that he had endorsed that electric supply used for 3<sup>rd</sup> and 4<sup>th</sup> floor for water heater purpose only and he has not gone through the observations made by the inspecting officer in the inspection notes is not tenable.

The written submission of respondent No. 1 shows that complainant also preferred an appeal to DE/Assessments/Tirupati and on its dismissal preferred appeal to SE/Assessments/Tirupati and the same was also dismissed. There is no evidence on the record to disbelieve the version of the inspecting officer that he found the consumer is using domestic service for non -domestic use. There are no merits in the complaint. More over the forum may reject the complaint at any stage as per Clause No. 10.2 of Reg.03/2016.

**Clause 10.2 of Reg. 03/2016 is as follows:**

*"The forum may reject the complaint at any stage under the following circumstances:*

- a) *In cases where proceeding in respect of the same matter and between the same complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority:*
  - b) *In cases which fall under Sections 126,127, 135 to 139 and 152 of the Act.*
  - c) .....
  - d) ....."
6. In view of the above reasons the complaint is not maintainable before the Forum. The point is answered accordingly.
7. In the result the complaint is dismissed.

If aggrieved by this order, the Complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh**, 3<sup>rd</sup> Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin

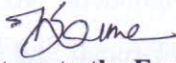
Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008 within 30 days from the date of receipt of this order.

This order is passed on this, the day of 4<sup>th</sup> February' 2020.

Sd/-  
Independent Member

Sd/-  
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 3<sup>rd</sup> 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

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