

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

On this the day of 24th August' 2020
In C.G.No:174 2019-20/Guntur Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao

Chairperson

Sri. A. Sreenivasulu Reddy

Member (Finance)

Sri. V. Venkateswarlu

Member (Technical)

Sri. Dr. R. Surendra Kumar

Independent Member

Between

P. Samba Siva Rao
D.No2-50/1,
Vaddeswaram,
Tadepalli,
Guntur Dist

Complainant

1. Assistant Accounts Officer/ERO/Mangalagiri
2. Assistant Executive Engineer/Kunchanapalli
3. Deputy Executive Engineer/O/Mangalagiri
4. Executive Engineer/Amaravathi
5. AEE/DPE-I/Guntur

Respondents

ORDER

1. The case of the complainant is that he is residing in a small asbestos sheet shed in Vaddeswaram having Sc.No:9211415000535. He received a notice that A.Siva Nagireddy AAE/DPE-1 said to have inspected his premises on 26.08.2018 and found that he is using the premises for running "Sri Durga boys Hostel " and converted service into Cat-2 and further imposed a penalty Rs.10,555/-. According to the complainant, no electricity official inspected his premises. They are only residing in the house it appears notice was issued wrongly on their service number and requested to re-inspect the premises and to do justice.
2. Respondent.No:4 has filed a written submission stating that the Sc.No 9211415000535 under LT -I(a) domestic service existing in Vaddeswaram village of Kunchanapalli section was inspected by A. Siva Nagireddy and found the consumer utilizing the electrical supply for office purpose. Hence a malpractice case was booked vide DPE

DESPATCHED
DATE 26/08
No:174/2019-20/Guntur Circle

/AMVT /MNGR/286/18 under section 126 of Electricity Act. DE/Assessment issued provisional assessment order for an assessment amount of Rs.10,455/- and subsequently confirmed for an amount of Rs.9,778/- on 13.11.2018 . Consumer was directed to prefer an appeal to SE/Assessments within 30 days as per the provision of Section 127 of the Electricity Act.

3. A Personal hearing was conducted on 12.02.2020 and 12.06.2020. Complainant filed photos of the premises showing only asbestos sheets shed utilized for his residence only. He also filed a certificate signed by 11 consumers with service numbers attested by Gram Panchayat Secretary that the complainant is residing in Dr.No:2-50/1 for the last 20 yrs in two room asbestos sheets shed having sc.No:9211415000535.
4. Subsequently AE./DPE, A.Siva Nagireddy who is Respondent No:5 filed a written submission stating that he presently working AE/DPE-2/GNT and he inspected Sc.No:535 (SC.104 and Sc.No:1908) Vaddeswaram on 26.09.2018 and J.Srinivasulu Reddy EE/DPE-1/Guntur has inspected Sc.No:1907 of Vaddeswaram on the same day and at the time of inspection K. Subba Reddy was present and signed on 3 no's inspection notes i.e., Sc.No:535(104), 1907 and 1908. But one Sc.No:535 of Vaddeswaram was intimated wrongly by oversight instead of 104 of Vaddeswaram . The meter S.No is 33262135 available is also matching with 'know your bill' to Sc.No: 104 of Vaddeswaram and Sc.No:104 is already billing under Cat-II. He further stated that on the intimation of Sc.No given wrongly by the person who was present namely K.Subba Reddy the Sc,No is noted as 535 instead of 104 by oversight . More over the consumer has paid other two no's Mal Practice cases amount for Sc.No:1907 and 1908 for Rs 1,12,161/- dt:27.11.2018 and Rs.2,13,453/- dt:01.11.2018 . He also requested to drop the Malpractice case which was booked by oversight against Sc.No:535 and he also enclosed inspection notes for Sc.No's:535,1907,1908.
5. The point for determination is whether the penalty imposed against the Sc.No:535 under Sec 126 of the Electricity Act is liable to be withdrawn?.

The contention of the complainant is that he is residing in a small asbestos sheet shed and utilizing supply for domestic purpose only. He also filed certificate issued by neighbors attested by panchayat secretary stating that the complainant is residing in that house for the last 20 years and utilizing the service for domestic purpose only. AAE/DPE -I/ GNT, on whose inspection the case registered and penalty imposed and which was confirmed by DE/Assessment, himself admitted by wrong intimation of the person by name K.Subba Reddy who was present at time of inspection of other two Sc.No's:1907,1908

has wrongly given the Sc.No535 instead of 104 and already the Sc.No:104 is billing under Cat -II. The admission by Respondent No.5 clearly shows on wrong information furnished by another person at the time of inspection of other premises, a case was registered against the Sc.N:535 in the name of complainant. When the inspecting officer himself admitted that it is a mistake of fact a case was wrongly registered against the complainant and he himself requested to withdraw the case, hence same has been taken into consideration.

Clause No.10.2 of Regulation. 3 of 2016 is as follows:

a). In cases where proceedings 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). -----

Provided that no complaint shall be rejected unless the Complainant has been given an opportunity of being heard.

The above provision empowers the forum to interfere in the case where the mistake is apparent on face of the record and registering the case under Sec. 126 of the Electricity Act is itself erroneous. In this case Inspecting Officer clearly admitted that by oversight and on wrong information given by the person who was present at time of inspection of other service connection number has registered a case erroneously on this service connection number. Since the case is registered against the Sc. No of the complainant is erroneous and without inspection of premises as it is being utilized for domestic purpose only, we are of the opinion in the interest of justice that the forum may interfere with the Final Assessment Order issued by DE/Assessment and it is liable to be set aside . The point is answered accordingly.

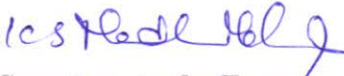
6. In the result the Final Assessment Order of DE/Assessment for an amount of Rs.9,778/- together with surcharge imposed if any on the above said amount shall be withdrawn within 15 days from the date of receipt of this order and submit compliance report within 15 days thereon.

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 24th August 2020.

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.