

**BEFORE THE FORUM**  
**FOR REDRESSAL OF CONSUMER GRIEVANCES**  
**IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI**  
**On this the 25<sup>th</sup> day of September 2020**  
**C.G.No:284/2019-20/Tirupati Circle**

**Present**

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

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

***Between***

P. Nirmala,  
W/o. Late. P. Ramaiah.  
H.No.13-3-12,  
Srinivasapuram,  
Old Renigunta Road,  
Tirupati,  
Chittoor-Dist

Complainant

***AND***

1. Assisatn Accounts Officer/ERO/Tirupati Town-2  
2. Deputy Executive Engineer/O/Tirupati Town-2  
3. Executive Engineer/O/Tirupati Town

Respondents

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**ORDER**

1. The case of the complainant is that she is having service connection No. 5534402087178. The service was converted from LT Cat- II (C) to LT Cat - II (D) and collecting hoarding charges. Hence requested to revise the bill and return the amount.
2. Respondents No. 1 to 3 filed joint written submission stating that the SC No. 5534402087178 was under LT category -II ( C) from the year 2016 as per the newly introduced tariff during F.Y. 2016-17 for advertisement hoardings. Complainant had represented on 10.01.2020 that the building is used purely for the purpose of Kalyana Mandapam and not for advertisement hoardings. DEE /OSD-2/Tirupati had inspected the service on 18.10.2019 and reported that he had recommended for change of category from LT Category –II ( C ) to LT Category-II (D) duly submitting the revised/inspection report. Accordingly the above service category was changed from LT Category- II (C) to LT Category- II (D) from 31.10.2019. The complainant has requested to adjust/refund the excess amount paid for the service due to change of category

**DESPATCHED**

**DATE**

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from LT Category- II (C) to LT Category- II (D) with effect from 2016. There is no representation from the complainant during 2016 and no officer had inspected the service connection for change of category from LT Category- II (C) to LT Category- II (D). The change of category was effected from 31.10.2019 and the request of the complainant is not considered

3. Personal hearing was conducted at Court Hall, Tirupati on 17.03.2020. Heard both sides. Complainant requested time to file additional documents. Subsequently complainant filed Photostat copy of receipt in the letter pad with name of Sri Sai Nirmala Ramaiah Kalyana Mandapam issued in favour of Electricity Retired Employees Association, Central Unit, Tirupati and another document with regard to the affairs of EREWA -Central Unit, Tirupati.
4. Again personal hearing through video conferencing was conducted on 18.08.2020. Complainant was absent. Respondent No.2 present.
5. Points for determination are:
  1. Whether the category of the service of the complainant was wrongly changed from LT Cat- II (C) to LT Cat- II (D) and entitled for conversion of her service to LT Cat- II (C) with effect from 2016 ?
  2. Whether the complainant is entitled for adjustment of the difference of amount collected between LT Category- II (C) and Category- II (D) from 01.04.2016 to till 31.10.2019?

**Points No.1 & 2:**

The service was released on 20.03.2002 under Sub Category of - Category -II and the service was continued under same category till 31.03.2016. There is a change in subcategories of LT Cat -II in the Tariff order for the F.Y. 2016-17 and basing on the above tariff order it appears that the sub category of the service was changed to 'C'. Respondents admitted in their written submission that no officer had inspected the service in connection, with change of category from LT Cat- II (C) to LT Cat-II (D). So it clearly shows that no inspection has taken place before changing the sub - category of this service. Respondents also did not state that complainant was intimated about the change of sub - category of the service at the time of changing of sub category. Respondents did not state in written submission how and for what reason the sub- category was changed in the year 2016.

It is also an admitted fact that after representation of the complainant, DEE inspected the premises and on his report the sub -category was changed from LT Cat-II (C) LT Cat-II (D) from 31.10.2019.

According to the complainant the service is being utilized for running Kalyana Mandapam from the date of supply. The master of the service shows that the Distribution transformer location is at Sri Sai Nirmala Ramaiah Kalyana Mandapam at Lakshmipuram, Tirupati. Complainant filed a copy of the printed receipt Dt : 04.03.2016 said to have given to Electricity Retired Employees Welfare Association Central Unit, Tirupati showing that receipt was given by Sri Sai Nirmala Ramaiah Kalyana Mandapam to prove that the premises in which this present service is existing is being utilized for running Kalyana Mandapam and not for erecting hoardings. It is not the case of the respondents that the complainant has changed the activity in the premises. Generally the name board of the business/ activity carried on in the premises will be displayed on all the business houses. Merely displaying name / sign board of the business in the premises will not come under the purview of advertisement hoardings. The definition of hoarding is "***A large board in a public place, used to display advertisements***". It is not the case of the respondents that the premises is not being used for Kalyana Mandapam and used for only hoarding purpose. Natural justice requires that a notice has to be issued to the consumer who will be affected on account of raising of tariff due to change of the category of the service. In this connection it is relevant to refer Clause No.3.4.1 of GTCS which is as follows:

***3.4.1: "Where a consumer has been classified under a particular category and is billed accordingly and it is subsequently found that the classification is not correct (subject to the condition that the consumer does not alter the category/ purpose of usage of the premises without prior intimation to the Designated Officer of the Company), the consumer will be informed through a notice, of the proposed reclassification, duly giving him an opportunity to file any objection within a period of 15 days. The Company after due consideration of the consumer's reply if any, may alter the classification and suitably revise the bills if necessary, even with retrospective effect, the assessment shall be made for the entire period during which such reclassification is needed, however, the period during which such reclassification is needed cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection."***

In this case respondents without following the above prescribed procedure unilaterally changed the sub - category of the service of the complainant without any evidence that the line of activity of the service is changed in the year 2016.

There is no separate sub category for running Kalyana Mandapams in Tariff Order 2015-16 whereas advertisement hoardings are sub categorized under Cat- II (C) . Function halls /auditoriums are sub categorized under Cat- II (D) whereas sub category of advertisement hoardings are continued in Category –II (C).

The definition of hoardings is given in Tariff-Order 2016-17 which is as follows:

**1.2.2 L.T. Category-II (C) Advertisement Hoardings:**

*“Electricity supply availed through separate (independent) connections for the purpose of advertisements, hoardings and other conspicuous consumption such as external flood light, displays neon signs at public places (roads, railway stations, airports etc..) departmental stores, commercial establishments, malls, multiplexes , theatres, clubs, hotels and other such entertainments/leisure establishments”.*

The definition given by the Hon’ble Commission for advertisement hoardings shows that the hoardings shall be displayed in public places etc., In this case according to the complainant there is only sign board in their Kalyana Mandapam. Having sign board in the premises will not come under the purview of advertisement hoardings. The tariff order for the F.Y. 2016-17 shows that sub category -II (D) is applicable to function halls, auditoriums and marriage halls. So the service of the complainant which is being used for Kalyana Mandapam i.e. for convening functions, meetings and marriages will come under sub –Cat-II (D) only. It appears by inadvertent mistake unilaterally without inspection and informing to the complainant about the change of sub-category, simply respondents had sub categorized this service in category-II (C) while raising bill instead of sub categorizing the service under LT Cat- II (D). The mistake continued till the complainant came to know about this fact and raising objection and questioning about issuance of bills under wrong category. Immediately on the application of the complainant respondent No.2 inspected the premises and recommended for change of sub category and accordingly the sub category of the service is changed to LT Cat-II (D) from Cat-II (C) with effect from 31.10.2019.

The facts of the case clearly shows that respondents inadvertently raised the bill under wrong sub category of LT Cat –II (D). The contention of respondents that as there is no representation from the complainant during the year 2016 and as no officer conducted

