

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

**On this the 12<sup>th</sup> day of March' 2021**

**C.G.No:08/2020-21/ Anantapur Circle**

**Present**

**Sri. Dr. A. Jagadeesh Chandra Rao**  
**Sri. R.M.M. Baig**  
**Sri Y.Sanjay Kumar**  
**Sri. Dr. R. Surendra Kumar**

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

***Between***

K.Andra Babu,  
Kuraba Veedi,  
Anjuman Circle,  
Dharmavaram,  
Anantapur -Dist

Complainant

***AND***

1.Assistant Accounts Officer/Dharmavaram  
2.Deputy Executive Engineer/O/Dharmavaram  
3.Executive Engineer/O/Anantapur

Respondents

\*\*\*\*\*

**ORDER**

1. The case of the complainant is that he received a message in the cell that an amount of Rs.9,212/- is to be paid to the service Number 7141101047077. It was also transferred to Cat -2. But there is no information to them in respect of change of category of the above said service. They have also applied for a service under Cat -2 vide application No.NC 012004540256 in the month of February and transaction No. TANC 012004540256. Again they received excess bill for service No. 7141101047077. Hence he is requesting to change the category of service No. 7141101047077 from Cat- 2 to Cat - 1 and withdraw the excess bill. They have not yet received CC bills for the service released under Cat -2 in the month of February.
- 2/ Complainant also filed an application for restoration of his domestic service No. 7141101047077 during the pendency of the complaint before the forum. Accordingly orders were passed in IA. No. 6/2020-21 for restoration of service

**DESPATCHED**

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connection and not to disconnect the service connection during the pendency of the complaint before the forum for non-payment of the disputed amount as the complainant represented that he had already paid Rs.2,500/- on 27.8.2020 at ERO/Dharmavaram.

3. Respondents No.1 to 3 filed joint written submission stating that in the routine inspection of services by ERO staff /Dharmavaram, the category -1 service bearing No.7141101047077 was inspected and noticed that the domestic service was being utilized for commercial purpose. Hence as per norms, back billing amount assessed and added to HSC No. 7141101047077 duly changing the category from Cat-1 to Category-2. Complainant had applied for new service connection under Cat -2 on 26.02.2020 and service was released on 28.2.2020 under Cat-II/ Commercial purpose and new service with HSC Number was released vide No.7141010057512. Since services of same category were being utilized by the complainant AEE/D-1/Dharmavaram has proposed recommendation for change of category of HSC No.7141101047077 duly changing the category of service from Cat-2 to Cat-1 for a period of 9 months i.e. from 03/2020 to 11/2020 as category-2 the service was released on 28.02.2020. On the recommendation of AE/ D-1/Dharmavaram, AAO/ ERO/Dharmavaram has revised the category and submitted recommendation for withdrawal of amount of Rs.6,964/- that was added due to the bill issued in Cat -2. On recommendation received from AAO/ ERO/Dharmavaram for the withdrawal of Rs.6,964/- was approved by EE/O/Anantapur on 07.12.2020. Back billing amount of Rs.9,121/- remains unaltered and has to be paid by the complainant.
4. Personal hearing through video conferencing was conducted on 10.02.2021.Narendra Babu S/o. Complainant and respondent No.2 present. Heard both parties.
5. Point for determination is whether the back billing proposed against service No.7141101047077 for the alleged un authorized use of service for an amount of Rs.9,121/- is sustainable?

According to the respondents, on routine inspection from ERO staff has found that the domestic service obtained by the complainant is being utilized for commercial purpose. Hence it is considered as malpractice and assessed for back

billing and added to the domestic service. The procedure for inspection and detection of un-authorized use of electricity is provided under Clause No. 9 of GTCS. The relevant provisions for this case are Clause No. 9.1.1 and 9.1.2 of GTCS which are as follows:

***Inspection & Detection:***

***9.1.1 “The officers authorised to inspect various services/ premises (referred to as ‘Inspecting Officer’) for this purpose shall be those who are authorised by the State Govt. u/s 126 of the Act.***

***9.1.2 The Inspecting Officer shall record the observations made at the time of inspection by preparing the Inspection Report as per the format prescribed in Appendix IV A for LT consumers or Appendix IV B for HT consumers, as the case may be and serve a copy of the same to the consumer at the end of the inspection. The Inspecting Officer shall send a copy of such Inspection Report by the next working day to the Assessing Officer for preparation of the Provisional Assessment order for cases of Unauthorised Use of Electricity”.***

So the above Clause No. 9.1.1 of GTCS provides only authorized officers are entitled to inspect services /premises. Clause No. 4 of G.T.C.S provides who are the designated officers of the company which is as follows:

**Designated officers of the Company:**

***“All officers and personnel authorized by the Company with regard to various tasks for conduct of business are notified by the Company in the Designated Officers’ Notification, issued with the approval of the Commission from time to time.***

***Provided that the officers authorised by the State Government only, shall discharge such of the functions which are required to be discharged by the officers authorised by the State Government under the relevant provisions of the Act”.***

Designated officers are as follows:

4.1: The officers authorized by the Govt. Of A.P. for the purposes u/s 126, Unauthorized Use of Electricity vide G.O. Ms. No. 145 (Energy) dt: 31-12-03 as amended in Go. Rt. No. 70 dt: 10-03-2004, are as follows: (9.1.1)

Category	Officers designated for			
	Conduct of inspections & Issue of Inspection Report (Inspecting Officer)	Issue of Provisional Assessment Order (Assessing Officer)	Issue of Final Assessment Order (Assessing Officer)	Appellate Authority
All LT categories (except for LT III and Cottage industries)	AAE/ AE	ADE in charge of Distribution	DE (Assessments)	SE (Assessments)
LT III and Cottage industries	All officers of the rank ADE (Operation) and above All officers of the rank AE (DPE) and above	ADE in charge of distribution	DE (Assessments)/ SE (Assessments)	SE (Assessments)/ CE (Opération)
All HT categories	All officers of the rank ADE and above  All officers of the rank ADE (DPE) and above	ADE in charge of distribution	SE (Assessments)	CE (Opération)

So, ERO staff are not competent to inspect and detect un -authorized use of services. If they found any un -authorized use of service, they should brought to the notice of the competent authority who can inspect the case and proceed further in accordance with stipulated procedure. But they are not empowered to raise back billing and simply add it to the service and serve the bill.

During the personal hearing through video conferencing, respondents admitted that complainant applied for Cat- 2 service on 26.02.2020 and whereas the date of alleged inspection of ERO staff is on 4.03.2020 i.e subsequent to application submitted by the complainant for Category -2 service. Respondents admitted that service has to be released in this case within 24 hours from the time of application. So respondents should

have provided category -2 service by 27.02.2020. Had they provided the service, there would be no question of finding of un-authorized use of service. Instead of providing service within the stipulated period, a back billing notice was served and both the services were billed under Cat-2 and only after complainant approached the Forum, the difference of tariff from Cat-2 to Cat-1 for an amount of Rs. 6,964/- was withdrawn. Now the contention of respondents is that complainant is still liable to pay back billing amount for un -authorized use of service for an amount of Rs.9,121/-. Respondent did not file any document to show that the alleged inspection was made on 04.03.2020. No material is placed to show that ERO staff is competent to conduct such inspections. When the ERO staff are not at all competent to conduct inspection for detection of un-authorized use of services, imposing back billing and including the amount in the bill without notice is not at all valid, sustainable and liable to be set aside. The point is answered accordingly.

Respondent No. 3 is advised to give suitable instructions to his staff not to resort such inspections without any authority.

In the result the back billing amount included in the bill for an amount of Rs.9,121/- and surcharge levied if any on that amount against their service connection No.7141101047077 shall be withdrawn within 15 days from the date of receipt of this order and continue the service under domestic category and submit compliance report within 15 days thereon.

Licensee is requested to give suitable direction to all the field officers not to allow their sub ordinate staff to resort un - authorized inspection of the services by them and only inspection should be conducted as per clause No.4 of GTCS, by the officers authorized by the Govt. Of A.P. for the purposes u/s 126, Un-authorized Use of Electricity vide G.O. Ms. No. 145 (Energy) dt: 31-12-03 as amended in Go.Rt. No. 70 dt: 10-03-2004.

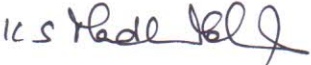
If aggrieved by this order, the Complainant may represent to the Vidyut Ombudsman, Andhra Pradesh, 3<sup>rd</sup> Floor, Sri Manjunatha Technical Services, Plot No:38,

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 12<sup>th</sup> March'2021.

Sd/-                      Sd/-                      Sd/-                      Sd/-  
**Member (Technical)    Member (Finance)    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 (Chief General Manager (O&M)/ Operation)/ CGRF/ APSPDCL/ Tiruati.

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.

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