

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

On this 30th day of November 2020

ID No. 4732020/2020-21/ Anantapur Circle

Present

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

Chairperson
Member (Technical)
Independent Member

Between

Manohar Motupally,
Rayalacheruvu(P) & (V),
Yadiki (M),
Anantapur (Dt)

Complainant

AND

1. Deputy Executive Engineer/O/Tadipatri
2. Executive Engineer/O/Gooty

Respondents

ORDER

1. The case of the complainant is that he is having HSC No. 7231430002793 under domestic category to his house and that service was taken long back and he is paying regularly without any interruption. But recently he received a Provisional Assessment Order stating that service was inspected on 05.10.2019 at 10.20 Hrs by V.M Shankar, ADE. A copy of the inspection report was handed over to consumer representative and found that the service is being utilized for construction purpose and he took a written statement from the building Manager that the building is under construction during the past one year and he was directed to make representation to EE/ Assessments/Tirupati against the said assessment order if he had any objection.

He had sent representation dt :13.12.2019 to withdraw the un-authorized Provisional Assessment Order issued against domestic service as the service was not used

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for non-domestic purpose. But EE /Assessments/Tirupati did not respond even till today. AAO has raised the bill for Rs.53,947/- in CC bill of Jan'2020 even though he made an appeal to EE/ Assessments/Tirupati. Hence requested to revise the Provisional assessment order and with draw the amount from the CC bill.

2. Since complainant is questioning the Provisional assessment order issued under Sec. 126 of the Electricity Act, complainant was heard through video conferencing on 15.06.2020. Respondents were directed to submit inspection report. Again the matter was heard on 26.08.2020. Complainant was directed to file additional submissions. ADE/Gooty filed copy of inspection report along with his report.
3. Complainant also sent another letter dt: 29.08.2020 stating that after the inquiry made by this forum on 25.8.2020 in respect the representation of the complainant Dt: 13.12.2019 to EE/ Assessments/ Tirupati and after the matter was posted to 09.09.2020, on the next day he received the order of the EE/ Assessments dt : 17.01.2020 through whats App. The EE/ Assessments/TPT passed the order on 30.11.2019 without giving opportunity to him to file his representation and the orders are against the natural justice. The order was delivered with 7 months delay. Hence requested to set aside the order of the EE/Assessments/TPT.

Complainant also sent 2 letters dt 18.09.2020 with same contents requesting to grant stay for disconnection of the service till the disposal of the case before this forum.

4. AEE /O/APSPDCL in his report stated that complainant is having two service connections bearing No's 7231430002837 on front side and 7231430002793 on back side. The building consisting of houses which are newly constructed and completed in front side and back side houses are not fully constructed and the works are in progress.

The back side houses are fully in commercial activity which comes under non-domestic (Construction of houses). Cat-II service No.7231430002837 is extended to Harika fertilizers shop which is in front side of the building. The service No.7231430002793 is in back side of the building where the supply was extended for construction purpose. The malpractice case is genuine. AEE also filed photos showing that the building is under construction in back side and the front side is completed and service No.2837 is given to Harika fertilizers.

5. Personal hearing through video conferencing was conducted again on 09.11.2020. Both parties reiterated their contentions.
6. The point for determination is whether the complaint is maintainable before this forum when the case was registered against the complainant under Sec. 126 of the Electricity Act, 2003?

According to field officers, V. Ravi Shankar DEE/ DPE/Aanantapur inspected the premises on 05.10.2019 and found consumer is utilizing the power for construction of the building. Manager of the construction in the building has given written statement that building is under construction during past one year. The inspection said to have been conducted by the officer in the presence of Y. Krishna, lineman/Rayalacheruvu, Yadiki (M) . One K. Sai Krishna, Manager was present and signed in the inspection report and also made an endorsement in the inspection report stating that the building is under construction from one year.

Complainant during personal hearing stated that there was no manager by name Sai Krishna for construction of the building and he has no acquaintance with the said Sai Krishna. Complainant also admitted about the construction under progress on the rear side of the building.

But According to complainant he is using service No. No.7231430002837 for construction purpose. According to complainant, Harika fertilizers started business in the premises recently. But complainant failed to state which service number is given to Harika fertilizers.

Complainant did not state in his complaint that he is having 2 service numbers and out of them he is using the service no.7231430002793 for domestic purpose and service No. 7231430002837 is on the front side and he is utilizing the same for construction purpose. Complainant only admitted about the construction of the premises after AEE filed report along with photos depicting the building under construction. Field officers specifically stated that service No. 2837 is being utilized for Harika fertilizers shop. Complainant did not file any documentary evidence to show that service No.2837 is not being used for Harika fertilizers and it is used only for construction purpose. Complainant now disputing that he has no manager by name Sai Krishna and the said Sai Krishna is not his representative. Admittedly as per the version mentioned by the complainant in the complaint he received PAO dt : 21.10.2019 . Complainant did not state in the complaint that he has not appointed any manager by name Sai Krishna and the contents of inspection report are not correct. Simply complainant preferred an appeal to EE/ Assessments stating that he has not utilized the service for non-domestic purpose. Complainant also simply filed complaint stating that he is not utilizing the domestic service for non-domestic purpose. He did not state that he is having 2 service connections and out of them one is domestic and another one is non -domestic and he is utilizing the non -domestic service for construction of the building . When AEE filed detailed report, complainant came with the explanation that service No. 7231430002837 is being utilized for construction purpose and he has no manager by name Sai Krishna. The explanation given by the complainant that he is using service No. 7231430002837 for construction purpose after detailed report of AEE about the facts in this case cannot be taken into consideration. The statement of AEE clearly shows that

complainant is using the domestic service for construction of the building and the inspecting authorities have found that complainant is using the domestic service for the purpose other than for which the usage of electricity was authorized.

In this connection it is appropriate to refer Clause. 10.2 of Reg. 03/2016 which is as follows.

Clause No. 10.2:” The forum may reject the complaint at any stage under the following circumstances:

a).....

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”.

Since, the case against the complainant is registered under Sec. 126 of the Act and as there is a provision for the complainant to prefer an appeal against the assessment as per Sec. 127 of the Electricity Act, 2003. There are no grounds to interfere with the orders passed by DE/ Assessments and there are no merits in the complaint. The point is answered accordingly.

7. In view of the above reasons the complaint is rejected.

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.

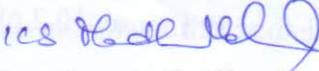
This order is passed on this, the day of 30th November'2020.

Sd/-
Member (Technical)

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, 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.