

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 31st day of May' 2021
Inward No.2705 Dt: 12.03.2021/ 2020-21/Anantapur Circle

Present

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

Chairperson
Member (Technical)
Independent Member

Between

Ogety Venugopal.
H.No.15/1056,
C.B. Road,
Tadipatri ,
Anantapur Dt.

Complainant

ORDER

1. The case of the complainant is that he is having a domestic service connection to his room for his personal correspondence with his friends since 6 years. He is paying monthly CC bills regularly up to 29.01.2021. He has approached the department to change the above service into Category-2 for commercial purpose but the officials have issued Provisional Assessment order dt :09.02.2021 without inspection under Section. 126 of the Electricity Act,2003 on the ground that he is using the service other than sanctioned domestic purpose since one year. But he is not using the service for commercial purpose.
2. Since complainant filed this complaint questioning the provisional assessment order issued under Section. 126 of the Electricity Act, 2003 this forum entertained a doubt in respect of maintainability of the complaint and called for report from Executive Engineer/O/Gooty.
3. Personal hearing through video conferencing was conducted on 23.04.2021. Complainant and Executive Engineer/O/Gooty present. Heard both sides.
4. Subsequently complainant presented another representation stating that respondents failed to file proof to show that the inspection was made on 02.02.2021 and requested the forum to verify the proof of the service. Complainant stated that he approached

department personnel on 29.01.2021 for change of Category- 2 from Category- 1. He is not using the service for commercial purpose till 18.02.2021.

5. Executive Engineer in his report stated that the present complaint is filed after receipt of Provisional assessment Order Notice Dt: 11.02.2021. Complainant has not approached section office and did not give any letter for change of category of service 7231204011707 from Category – 1 to Category- 2. Category of service can be changed only by booking an application by the consumer in mee-seva or entering into MATS after inspection. Service was inspected by AEE/D-1 Section/Tadipatri on 15.04.2021 at 10.30 A.M. and found that consumer has been utilizing the supply for commercial purpose for the service connection in a name board of K. Md. Akram, Stamp Writer, Cell No.9848113515. The same was noticed by D. Khajha Vali AE/DPE-1 on 02.02.2021 and found that during the field inspection this consumer sanctioned category is for domestic purpose only i.e. for Category- 1. But the consumer utilizing the power supply for commercial purpose un- authorizedly i.e. for stamp writing. The photo copy of premises inspected on 15.04.2021 is enclosed. K.Md. Akram, tenant is utilizing the supply for purely commercial purpose for stamp writing. The acknowledgement copy of PAO notice was issued is enclosed for consideration. In case consumer has any objection to the PAO notice, consumer has to pay 50 % of total charges under Sec.127(2) of Electricity (Amendment)Act,2007 and make a representation to EE/Assessments/Tirupati within 10 days from the date of service of this order. But consumer has not applied to Executive Engineer/Assessments/Tirupati. Final assessments order was issued and the same is enclosed for consideration. As per clause No. 10.2 (b) of Reg. 03/2016 the forum may reject the complaint at any stage in case which falls under Sections. 126,127,135 to 139 and 152 of the Act.
6. The point for determination is whether the complaint is maintainable before the Forum ?

According to respondents, inspection was made by D. Khaja Vali, AEE/ DPE-1 on 02.02.2021 at 10.45 A.M and found that consumer is utilizing the supply for stamp writing shop i.e. for commercial purpose unauthorizedly. The copy of inspection notes shows that one Mastan beneficiary was present and he refused to sign in the inspection report. Provisional Assessment notice was served on the complainant on 11.02.2021.Final Assessment orders issued by Executive Engineer

/Assessments/Tirupati was served on the complainant on 21.04.2021. The photocopy filed by the respondents depicts the name board of K.MD. Akram, stamp writer on a closed shutter. Complainant stated that he did not know who is Mastan and simply service cannot be converted from domestic to commercial basing on the alleged name board on a closed shutter of a shop and he is using the service for his room for his personal correspondence with his friends since last 6 years.

According to the complainant he had approached the department personnel for conversion of the service on 29.01.2021 i.e. just 3 days prior to the date of inspection. No documentary evidence is filed to show that he has applied for conversion of service from Category- 1 to Category- 2. The purpose for which he is intending to use the said room is not mentioned in his complaint. Complainant did not state as to why he suddenly intended to convert the service from domestic to commercial when he is said to have using the same premises for the last six years for personal use. He also did not give any explanation as to why name board of another person is written on the shutter of the premises wherein he said to have using it for personal purpose. In the absence of any explanation on the above points it can be safely presumed that this complaint is filed only to get over the notice of provisional assessment. The complainant sent his grievance letter to the forum dt: 11.02.2021 i.e. on the date he received PAO notice. Complainant did not choose to prefer an appeal as mentioned in the provisional assessment notice. According to Executive Engineer /O/Gooty report the premises was again inspected by AE on 15.04.2021 and found that service is being utilized for commercial purpose. Complainant did not give any reasonable explanation as to why he has not preferred an appeal after receipt of PAO notice as mentioned in PAO notice. Complainant is questioning the inspection itself. There is an alternative remedy available to the complainant. Since the allegations are that the consumer is utilizing the service un-authorisedly for commercial purpose, this forum is not inclined to entertain the complaint. There are no merits in the complaint and the complaint is rejected.

7. In the result 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.

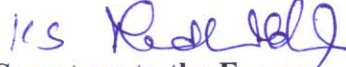
This order is passed on this, the day of 31st May'2021.

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 (Chief General Manager (O&M)/ 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.