

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 25th day of June' 2021
Inward No.2801 Dt: 29.05.2021/2021-22/Kadapa Circle

Present

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

Chairperson
Member (Technical)
Independent Member

Between

K. Balachandra Reddy,
D.No:18/453,
Gowrammakatta Street,
Proddatur,
Kadapa Dt.

Complainant

ORDER

1. The case of the Complainant is that he is running super market in Konetikaluva Street at Proddatur having SC No.90112. He used to pay CC charges regularly without any default. A notice was issued by AEE/Operation on 12.5.2021 to the effect that Municipal Commissioner, Proddatur issued written direction to disconnect service connection for D.Nos.10/227,10/228 and 229 to one Guram Chinna Venkata Subbarayudu giving a time of seven days for disconnecting the service. But on the same day without considering the fact that time of seven days was granted, the service was disconnected without any prior intimation. When the super market was opened on 13.05.2021, it came to light that power supply was disconnected resulting loss of perishable commodities. The loss occurred for that day was Rs 55,000/- . He is sustaining loss of Rs.15,000/- per day. The sales were also reduced from lakhs to Rs.30,000/- to Rs.35,000/-.

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The site belongs to Gurram.Chinna Venkata Subbarayudu. Complainant took lease of the site for 5 years to run a super market by raising asbestos sheets shed with own expenditure. He has paid Rs.10,000 on 02.09.2020 ,Rs. 30,979/- in between 15.10 2020 and 21.10.2020 to Municipal Corporation for obtaining necessary permissions.

Since field officers illegally disconnected the service though he is having all necessary permissions, action may be initiated against them and restore power supply to them.

2. Since the averments of the complaint discloses notice for disconnection was issued as per the written instructions given by Municipal Commissioner, Proddatur, this forum entertained a doubt in respect of maintainability of the complaint before this forum. Hence a report was called for from EE/O/Proddatur.
3. EE/O/Proddatur submitted a report stating that service No.2223101090112 has been released in the name of Sri. Gurram C.V. Subbaiah on 29.05.2016 under Category-II in operation section, East Proddatur and consumer is paying CC charges regularly till to date.

Commissioner, Proddatur Municipality vide letter ROC No.10/2020- G2 Dt: 11.05.2021 requested to disconnect the power supply to the service existing at D.No. 10/227, 10/228 and 10/229, Koneti Kalva Street, Proddatur stating that the building was un authorizedly constructed without having plan approval and non compliance to the notice issued under Sec. 228 (1) , (2) and (3) of Andhra Pradesh Municipal Act, 1965.

Based on the above, enclosing a copy of letter from Municipal Commissioner, Proddatur Municipality Vide letter Dt : 12.05.2021, a notice

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was issued by AEE /O/ East Proddatur to the consumer of the service No.2223101090112 Sri. Gurram Chinna Venkata Subbaiah asking him to file his objections within 7 days if any, otherwise the service will be disconnected without further notice. In response to the above letter, consumer has given reply that he is not having any explanation/ reason to submit on the contents of the notice of Commissioner and voluntarily requested to disconnect the power supply to the service connected to the building on that date itself i.e. 12.05.2021 and he had also given assurance that he will pay monthly minimum bills from the date of disconnection.

Since the consumer G. Chinna. Venkata Subbaiah has not raised objection for disconnection of power supply the supply was disconnected on 12.05.2021.

The issue of lease agreement between the complainant and the consumer G. Chinna Venkata Subbaiah for construction of building and running super market and payment made to Municipal authorities for plan approval are the internal issues between them and they are out of the purview of the department. Hence the complaint may be dismissed.

4. Personal hearing was conducted through video conferencing on 15.06.2021. Complainant and Executive Engineer/O/Proddatur present and heard both sides.

Executive Engineer reiterated the version mentioned in his report and further stated that notice was issued to the manager of the super market as well as the consumer.

Complainant further stated that the signature of the land owner Sri. Venkata Subba Rayudu was obtained on two white papers and prepared 2 different letters, in one letter, the date is altered as 12.05.2021 and also shown them, but the copies were not filed by him. According to

complainant, all the officers know that the super market is in existence in that premises. Any person who received notice granting a time of seven days for disconnection will submit a letter of no objection on the same day ? So the letter was created subsequently to substantiate their version for disconnecting the service on the same day, though a notice was given with seven days' time. Since the service was disconnected against the stipulated period mentioned in the notice the service may be restored.

5. The point for determination is whether this forum is empowered to issue directions to Executive Engineer/Operation/Proddatur to restore service connection No.2223101090112 in view of peculiar facts of the case?

The admissions made by the Executive Engineer/O/Proddatur during personal hearing clearly shows that there is a super market in the premises, otherwise there is no need to serve notice to the manager of the super market apart from serving notice to the registered consumer G. Chinna Venkata Subbaiah . Is it possible to believe that any prudent person who receives a notice of disconnection with a grant of seven days' time to submit his objections on disconnection will voluntarily come on the same day to submit 'no objection letter' that too when the service is being utilized by the super market. The contents of no objection letter given by the registered consumer further shows that the registered consumer is willing to pay subsequent CC bills and arrears after disconnection. Is it possible to believe that any consumer will come forward to pay CC charges even after the service is disconnected by the department that too basing on the letter issued by Municipal Corporation.

Sometimes, registered consumers who have leased out the premises with service connections when intended to get the tenant evicted from the

premises without following due process of Law will approach the electricity department with a letter of disconnection and if the field officers fell into the trap and disconnect the service connection without conducting field inquiry to ascertain who is the occupier of the premises and whether he was registered consumer or the premises is in the occupation of lessee. Otherwise the field officers will be dragged on to un necessary litigation.

They should also not become a tool in the hands of unscrupulous land lords who had intended to evict his tenant without following due process of Law.

So, the officer who received no objection letter from the registered consumer on the date of receipt of notice itself ought to have alerted and inquired for what reason the so called no objection letter was given on the same day. But surprisingly the letter was accepted and service was disconnected on the same day though they themselves granted seven days' time in a hurried manner. It appears the field officers have shown more enthusiasm in disconnecting the service to accommodate and oblige the officers of the Municipal Corporation. Though this forum is of the opinion that disconnecting the service on the date of issuing of notice itself, after giving clear seven days time to submit objections under the guise of so called voluntary 'no objection letter' by the registered consumer is not correct. But this forum is not empowered to grant any executable relief to the complainant for the following reasons:

1. The service is not released in the name of the complainant and it is released in the name of Gurram Chinna. Venkata Subbaiah. So the complainant is not a consumer as defined under Sub - Section (15) of Section.2 of the Electricity Act, 2003. So complaint is not maintainable before this Forum.

2. The service connection was disconnected after notice basing on the requisition issued by Municipal Commissioner, Proddatur Municipality that the building was constructed without approved plan. So filed officers have no alternative except disconnecting the service after issuing of notice of disconnection. In this case respondents have issued notice before disconnection basing on the requisition of Municipal Corporation, Proddatur and respondents have not violated any provisions of GTCS or regulations issued by the Hon'ble Commission from time to time.
3. This forum is not competent to restore the service connection as the service was disconnected in pursuance of the request of the Municipal Commissioner, Proddatur Municipality. The point answered accordingly.
6. In view of the above reasons the complaint is rejected.

Sd/-
Member (Technical)

Sd/-
Independent Member

Sd/-
Chairperson

Forwarded By Order

K.S. Reddy
Secretary to the Forum

This order is passed on this, the day of 25th June'2021

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.

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 , 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.