

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

On this the 12th day of March' 2021
C.G.No:63/2020-21/ Tirupati 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

D.Prasanna Kumar,
M/s. Chakravarthy Agro Food Pvt Ltd,
10-73/6,
Royal Nagar,
R.C. Road,
Tirupati,
Chittoor -Dist

Complainant

AND

1. Assistant Accounts Officer/Chandragiri
2. Deputy Executive Engineer/O/Chandragiri
3. Executive Engineer/O/Tirupati Rural

Respondents

ORDER

1. The case of the complainant is that he is the Managing Director of "Chakravarthy Agro Foods Pvt Ltd" Mittapalem (V) (P) on Tirupati to Madanapalli highway near Spartek, Chandragiri (M) and it is having Service No.5424103001274 and that it is in live till May '19. His service was under bill stop from May '19 onwards on account of closure of their firm in May '19 due to national highway expansion. Subsequently after completion of National Highway work, they requested to resume the service but it was denied stating that another company is liable to pay dues and they are in no way connected with that company. Respondents have also disconnected their domestic service connection No. 5424103000996.
2. Respondents No. 3 filed written submission stating that service No. 5424103001274 in LT Cat-III is in the name of M/s. Chakravarthy Agro Foods Pvt. Ltd., Proprietor D. Prasanna Kumar Mittapalem (V) Chandragiri (M). The service was disconnected and bill

DESPATCHED

DATE

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stopped due to road widening works by National Highways. Service No.5424103000996 LT-I service is in the name of D. Prasanna Kumar N.S. Puram Distribution of Chandragiri Operation section was bill stopped on 08.12.2020 vide Letter of AE/O/ Chandragiri/F.No./D.No.468/2020 dt: 08.12.2020. There is another HT service No. TPT-976 in the same land in the name of M/s. Akhil Bio Mass Agro Briquetters . Clause No. 4.8.1 of Reg. No. 05 of 2004 issued by Hon'ble APERC says that, where a consumer neglects to pay any consumption charge for electricity or any other sum due from him to a licensee by the due date mentioned in the bill in respect of supply of energy to him the licensee may, after giving not less than 15 (clear) days' notice in writing to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off supply of electricity and for that purpose disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity has been supplied and may discontinue the supply until such, charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply are paid. In this context dismantlement orders issued by SE/Operation/Tirupati vide Lr. No.SE/O/TPT/HT.NP. No. 06/16-17 Dt: 07.04.2017 due to pending arrears of CC charges for an amount of Rs. 1,45,100/-. Consumer has requested to restore the supply to service No.5424103001274 by shifting to another nearer building wherein already existing HT No.TPT-976 which is under disconnection due to nonpayment of CC charges.

In this connection AAO/ERO/Chandragiri has reported that the land owner for Service No.5424103001274 and HT Service No. TPT-976 is one and the same. Consumer is requested to pay arrear CC charges to HT SC No. TPT-976 for an amount of Rs.1,45,100/- before taking service Connection No. 5424103001274 .

3. Personal hearing through video conferencing was conducted on 17.11.2020. Complainant was present and informed that copy of written submission filed by Respondent No. 3 was not furnished to him. Hence the matter was passed over and called at 11.45 A.M. EE/O/ Rural represented that copy was given to complainant and informed that Complainant went away stating that he had work. Heard respondents. Again the matter was called for personal hearing through video conferencing on

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22.12.2020. Complainant represented that dues are from lessee and lease was expired and he will file additional documents but not filed any documents. Again personal hearing was conducted on 09.02.2021 through video – conferencing but complainant absent-No document filed. Heard Respondents.

4. Point for determination is whether complainant is entitled for restoration of Service Connection No. 5424103001274 after shifting it to another location where another service No. HT. Service No. TPT- 976 which was disconnected for non -payment of dues to the licensee?

When contacted by the secretary of the Forum, complainant sent copies of lease deed, cancellation of lease deed and copy of the notice issued by AAO to M/s. Akhil Bio Mass Agro Briquetters, Narasingapuram for HT SC No.TPT-976. Dt 13.03.2020.

The terms of the copy of the registered lease deed dt: 16.02.2013 shows that lease was entered for 7 years from 16.02.2013 to 15.02.2020 between D. Prasanna Kumar (Complainant herein) and one S. Mastan S/o. Sab Jan Saheb Proprietor of M/s. Akhil Bio Mass Agro Briquetters India. The copy of the cancellation of registered lease deed dt: 17.05.2014 between the above said parties shows that the lease entered by them on 16.02.2013 vide document No.595 was cancelled.

Complainant did not file any additional submissions or rejoinder for the written submission filed by respondent. The lease said to have been entered by complainant herein in 16.02.2013 was cancelled on 17.05.2014. Complainant also did not explain as to why these documents were sent by mail and what is his contention for the written submission filed by respondent No. 3 stating that there is outstanding balance on HT service TPT-976 and those arrears have to be cleared before shifting of service No.5424103001274 as both properties belongs to one and the same person?

The procedure that has to be adopted where there is a change of occupancy / vacancy of premises is provided in Clause No. 4.1.5 of Reg. 05/2004 which is as follows:

4.1.5 Change of occupancy/vacancy of premises:

- i. *“ It shall be the responsibility of the owner of the connection to get a special reading done by the licensee at the time of change of occupancy or on the premises falling vacant.*
- ii. *The owner/user of the connection may request in writing to the licensee for special reading at least 15 days in advance of the said vacancy of the premises by the existing user or change of the occupancy, as the case may be.*
- iii. *The Licensee shall arrange a special reading to be done and deliver the final bill, including all arrears till the date of billing, at least 7 days before the vacancy of the premises. The final bill shall also include payment for the period between the date of special reading and date of vacancy of premises on prorata basis.*
- iv. *Once the final bill is raised, the licensee shall not have any right to; recover any charge(s), other than those in the final bill, for any period prior to the date of such bill.*
- v. *The licensee may charge reasonable fee for the above service”.*

So the duty is cast on the owner of the premises to get the special reading done by the licensee whenever there is a change of occupancy of the premises falling vacant as per the above said clause of Reg. No. 05/2004.

Clause 4.8 of Reg. 05/2004 (as amended upto 1.11.2015) provides procedure for disconnection of service which is as follows:

4.8.1: Disconnection due to non-payment:

“Where a consumer neglects to pay any consumption charge for electricity or any other sum due from him to a Licensee, by the due date mentioned in the bill, in respect of supply of energy to him, the licensee may, after giving not less than fifteen (15) clear days’ notice in writing to such person and without prejudice to his rights to recover such charge, cut off supply of electricity and for that purpose disconnect any electric supply line or other works being the property of such licensee or the generating

company through which electricity has been supplied, and may discontinue the supply until such, charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply are paid.

In cases of all supply connections, where disconnection date for non-payment of electricity charges is mentioned in the bill, a separate disconnection notice is not required.

Where any consumer defaults in payments of Charges for the supply of electricity, and / or any other sums payable to the Company under the contract of supply agreement, the Company, may, without prejudice to its other rights cause to disconnect all or any of the other services of the consumer within the area of supply of the Licensee, though such services be distinct and are governed by separate agreements and though no default occurred in respect thereof.

In case of default on customer charges payable by agricultural consumers, other category of services of such agricultural consumers shall not be disconnected”.

The above said provision empowers the licensee to disconnect any other service of the consumer within the area of its supply though such service is distinct and governed by separate agreement and even though no default is occurred in respect of the other services.

So respondents rightly refused to shift the service No.5424103001274 to the place where another HT service No. TPT- 976 is located which was disconnected for non-payment of electricity charges unless the dues are cleared by the complainant .There are no grounds to interfere with the contention of the respondents. There are no merits in the complaint.

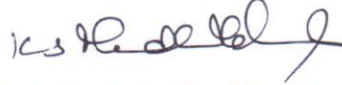
5. In the result the complaint is dismissed.

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 12th 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 , 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.