

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

**On this the 22<sup>nd</sup> day of March' 2021**

**C.G.No:77/2020-21/Tirupati Circle**

**Present**

Sri. R.M.M. Baig  
Sri Y. Sanjay Kumar  
Sri. Dr. R. Surendra Kumar

Member (Finance)  
Member (Technical)  
Independent Member

***Between***

Smt M.Joshna & M. Madhusudana Raju,  
Korrapati Layout,  
T.N.Palem,  
Tirupati,  
Chittoor -Dist

Complainant

***AND***

1.Assistant Accounts Officer/ ERO/Tirupati Town  
2.Deputy Executive Engineer/O/Tirupati Opn-2  
3.Executive Engineer/O/ Tirupati Town

Respondents

\* \* \*

**ORDER**

1. Complainants namely Smt. M.Joshna and M. Madhusudana Raju presented a complaint stating that their building is situated at D.No.22-17-63 A K.R. Nagar Karakambadi Road, Tirupati and they have let out their building to rent to M/s. Pratyaksha Charitable Trust which is providing free education to the poor students as per their trust policy. The building is having 6 No's services in 3 floors, out of which one service is being utilized for water supply from bore well. On 01.01.2021 all of a sudden surprisingly notices were served on them stating that the power supply is being utilized for non- domestic/ commercial category, which is not true and far away from reality as such no commercial activity is involved. Only imparting free education to very poor students who are leading their life with poverty.
2. Complainant also filed an application for restraining the respondents from disconnecting 16 No's vide service No's 5534301016075, 5534301016076,

DESPATCHED  
DATE: 23/3

OK



5534301016077; 5534301016078, 5534301016079 and 5534301015146 during the pendency of the complaint before the Forum. Accordingly orders were passed in I.A. No.12/2020-21dt: 20.01.2021 directing the Respondents not to disconnect the above said 6 No's service connections during the pendency of the complaint before the Forum for non-payment of the disputed amount subject to payment of Rs. 33,110/- i.e 1/4<sup>th</sup> of the disputed amount of Rs, 1,32,395/- .

3. Respondents submitted their written submission on 20.01.2021 stating that there are 6 No's services under domestic category were released in favour of M. Joshna. Dy.EE/O/Sub Division -II/Tirupati on 14.12.2020 inspected the premises and found that the consumer is utilizing the power supply for other than the sanctioned purpose causing revenue loss to the DISCOM and hence liable for penalty under Section. 126 (5) of the Electricity Act, 2003, Clause No.9.3.2.9 of GTCS and notices were served on consumer. Respondents further stated that there is no prior representation with relevant records for change of category from LT Cat-I to LT Cat-IV (B) i.e. educational trust with relevant documents. It is also stated that notice was served on to Sri. Gangadharam, cook since there are no teachers /lecturers and also students.
4. A Personal hearing through video conferencing was conducted on 09.02.2021. Dy. Executive Engineer/O/Sub Division/Tirupati present. He stated that he has not verified all the floors at the time of inspection.
5. Point for determination is whether the conversion of services from domestic to commercial and imposing penalty when there is no activity in the premises as on the date of inspection is valid?

Additional information along with some photographs submitted by the Dy.EE/O/Sub Division -II/Tirupati on 12.02.2021. On observation of the same, the photos not containing dates and the utensils and stove etc..., shown in the photograph could not catering to the needs of the hostel. In fact due to Covid-19 lock down there are no such activities in any floor of the premises. As per the written submission, inspection report and version of Dy.EE/O/ Sub Division/Tirupati during personal



hearing, there was no activity of hostel on the date of inspection. On observation of 6 inspection reports, it is noticed that the 5 services out of six service connections are being used for one year for running of school and hostel and one service connection is being used for three months in the same premises is contradictory and which service connection is located in which floor is also not mentioned.

As per the strict rules of lock down throughout the country in view of Covid-19 pandemic, it is known fact that no schools and hostels allowed to run from March'2020. Mere displacement of name board of the school and from oral inquiry the usage of the service could not be determined. Simply basing on the lease agreement and without activity in the premises it is not justifiable to come to conclusion that service is un-authorizedly used for the purpose other than the sanctioned purpose.

The Dy.EE/O/Sub-Division-II/TPT did not mention any rule or provision which empowers him to book a case for un-authorized use of service when there is no activity at all in the premises at the time of inspection. As such registering of the case by him for un-authorized use of service is not correct and valid. So Clause 9.3.2.9 of GTCS is not applicable in this case. Since the inspection report is itself not valid, the provisional assessment made basing on the said report is also not valid as such it is liable to be withdrawn. The point answered accordingly.

6. In the result, Respondents are directed to withdraw the provisional assessment notice. Since, as per the lease agreement and version of the owners of the building and in view of lock down the service shall be categorized under LT Cat-IV B from the date of inspection duly observing all rules in this regard and duly obtaining required documents. Complainants are also advised to submit all the relevant documents required to categorize the services under LT Cat-IV B. The amount paid if any by the complainant as per orders in I.A.No.12/2020-21 shall be adjusted towards future bills of the above said services within 15 days from the date of receipt of this order and submit compliance report within 15 days thereon.



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.

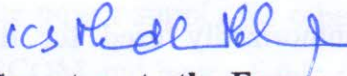
This order is passed on this, the day of 22<sup>nd</sup> March'2021.

Sd/-  
Member (Finance

Sd/-  
Member (Technical)

Sd/-  
Independent Member

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.