

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

On this the 2nd day of June' 2021
C.G.No:87/2020-21/ Tirupati Circle

Present

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

Chairperson
Member (Technical)
Independent Member

Between

M. Rupavathi,
D.No.4-2175/3,
Greampet
Vellore Road,
Chittoor.

Complainant

AND

1. Assistant Accounts Officer/O/Chittoor Town
2. Dy. Executive Engineer/O/Chittoor CCO
3. Executive Engineer/O/Chittoor Town

Respondents

ORDER

1. The case of the complainant is that she is resident of Greampet, Chittoor Town. The house bearing No. 4-2175/3 belongs to her. She has leased out her house to one Late Venugopal Naidu and N.V. Ramesh Kumar for running dish cable. The tenants utilized her HSC service connection No.5112302001862 for running their dish cable and paying CC charges every month. On 27.09.2017 AE/ O/ Greampet issued a notice stating that there is outstanding pole tax and surcharge interest amount due on the service connection number for an amount of Rs.1,60,532/-. When she has gone through the notice, it came to light that pole tax amount is due from 2007. Generally the service connection will be disconnected, even for default for payment of one month CC charges. But due

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to understanding between her tenant and department personnel, the service was not disconnected. She has no information about the amount due by the tenant. When she approached M.V. Ramesh Kumar, he had not responded. Her service was disconnected. When they again approached the said Ramesh Kumar, he had given the letter to Electricity ADE to transfer the due amount to another service connection No.5112302001091, but ADE insisted for no objection certificate from the owner of the said service. But her tenant did not produce no objection certificate. He had paid only Rs.27,000/- out of Rs.1,60,532/-. Ramesh Kumar without their information and knowledge, shifted dish cable connection to another location and he is not responding. When CC bills are pursued it came to light that they paid more than the amount mentioned in CC bill. Even after disconnection of the service, they are imposing minimum charges of Rs.176/-, pole tax amount of Rs.1,720/- and interest. Since the service connection was disconnected and house was damaged, she was not able to lease out the premises. When she approached Ramesh Kumar to clear electricity dues he is acting high handedly. Hence requested to withdraw the amount and restore the service connection.

2. Respondent No. 3 filed written submission stating that service connection No.5112302001862 was released in the name of G. Narasimhulu Reddy on 30.10.1999. The complainant (Relative of G. Narasimhulu Reddy) had given the room on rental basis to M.V. Ramesh Kumar C/o. Vijaya Durga Cable Network to establish dish cable network during 2004. Accordingly the category was changed by the then SPDCL authorities and pole rental charges were included in CC bill as in report submitted by Dy.EE/ OSD/CTR vide ref (6). In 2009 M.V. Ramesh Kumar has filed a writ petition in the Hon'ble High Court of Hyderabad duly attributing some remarks against APSPDCL authorities vide WPMP No.13399 of 2009 in W.P No.10423 of 2009. The Hon'ble High Court passed an interim direction to the petitioner to deposit 50% of the demand amount within four (4) weeks of time. The outstanding amount was Rs.28,117/- as on

05/2009. But the tenant has not paid the amount even after the lapse of time given to him. Respondents not attempted to disconnect the service connection and CC bills were issued as usual. As the subject was pending before the Hon'ble High Court respondents continuously pursuing the matter and reminded M.V. Ramesh Kumar to clear the balance of the arrears many times. Meanwhile the Hon'ble High Court Legal services committee issued an order to the then DE/O/ Chittoor to settle the subject matter in Lok Adalat to be held on 26.11.2014 at Hyderabad. But the petitioner not attended on that date and the matter was left un-disposed. Tenant has not paid the amount till April' 2018. The outstanding arrears up to the bill stop month (12/2017) was Rs.1,63,777/-. Consumer paid total amount of Rs.52,000/- i.e. (Rs.10,000/- during May'2018, Rs. 10,000/- during 06/2018 Rs.7,000/- during 05/2019 and Rs.25,000/- on 10.02.2021). Tenant has absconded and he vacated the premises without intimating the same to the owner. When the SPDCL authorities approached the complainant for arrears, she replied that the amount shall be collected from M.V. Ramesh Kumar only and she is no way concerned. Owner had not presented any proof about unauthorized vacating of her house without clearing electricity bill arrears. The same has been submitted by her, then the category change would have been effected and pole tax will be excluded from CC bill from the date of vacating the house and there could be a possibility to revise the bill.

3. Respondent No.2 submitted written submission in para wise remarks separately. But the contents are similar in nature with that of respondent No.3.
4. Personal hearing through video conferencing was conducted on 19.04.2021. Complainant, respondent No.2 and respondent No. 3 were present. Both parties reiterated their versions. No oral or documentary evidence is adduced. Complainant further stated that her tenant not vacated the premises, not paid the rent till today and shifted the cable operation to another premises.

5. Point for determination is whether this forum is competent to withdraw pole tax and surcharge levied against the service No. 5112302001862 and order for reconnection of service No. 5112302001862 ?

According to respondents M.V Ramesh Kumar is the tenant of the premises in which service No. 5112302001862 is existing. The said Ramesh Kumar filed writ petition No. 10423 of 2009 before the Hon'ble High Court of A.P at Hyderabad and also filed W.P. M.P.No.13399 of 2009 and the Hon'ble High Court was pleased to pass interim directions in favour of Ramesh Kumar to deposit 50% of the demand amount within 4 weeks of time. The outstanding amount was Rs.28,117/- as on 05/2009. Ramesh Kumar did not comply with the order. Again as per the directions of Hon'ble High Court of A.P Legal Services Committee, the matter was called before Lok Adalat held on 26.11.2014 at Hyderabad. But the said Ramesh Kumar did not attend the Lok Adalat and the case was left un- disposed. The said Ramesh Kumar has not paid the amount till 04/2018. The outstanding arrears upto the bill stop month i.e. 12/2017 was Rs.1,63,777/-. The consumer said to have paid an amount of Rs.52,000/- in 4 installments and is liable to pay Rs.1,16,938/-.

The above written submission shows that even though the tenant Ramesh Kumar did not comply with the interim orders passed by Hon'ble High Court, no action was taken by the field officers. They have not reported the matter to Corporate Office and also to SLA to submit before the Hon'ble High Court in respect of non-compliance of order from May' 2009 onwards. So also they did not pursue the matter when the tenant failed to attend Lok Adalat at Hyderabad. No reasonable explanation was given by the respondents as to why they have not brought the facts of this case to the Hon'ble High Court and see that interim orders are vacated. Respondents just simply including the amount with surcharge in the CC bills. The outstanding amount of Rs.28,117/- is swelled to Rs.1,16,938/- (after payment of Rs.52,000/- in four installments).

According to the complainant, they came to know about this fact only after disconnection of the service. When they met Ramesh Kumar, the said Ramesh Kumar submitted a letter to transfer the arrears to service No. 5112302001091, but the same was not considered on the ground that no objection from the owner of the service connection was obtained.

6. During the personal hearing, the complainant stated that tenant did not vacate the premises, not paid the rent. But in the complaint it is stated the tenant shifted the cable operation to other place. She did give any explanation as to why she did not take any action against the tenant when he did not vacate the premises, not paid the rent and shifted the cable operations to another premises.

According to respondents, the service was released in the name of G. Narasimhulu Reddy on 30.10.1999 and complainant is relative of registered consumer. Complainant stated in her complaint that she is the wife of Late. M. N. Ravindranath Reddy. She did not state how she is related to the registered owner of the service No. 5112302001862 and in what capacity she filed this complaint on behalf of the registered owner. Admittedly complainant is not the registered consumer of the service

Hence complainant is not a consumer within the definition of Clause (15) of Section. 2 of the Electricity Act, 2003 which is as follows:

“Consumer” means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;

So also complainant is not a consumer as defined under Clause. 2.4 of Reg. 03/2016 which is as follows :

”Complainant means and includes the following who have a grievance as defined in the Regulation:

- a) A consumer as defined under Clause (15) of Section 2 of the Act;*
- b) An applicant for a new electricity connection;*
- c) Any registered consumer association;*
- d) Any unregistered association or group of consumers, where the consumers have common or similar interests; and*
- e) An occupier of a premises to which electricity is or has been supplied by a Licensee;*
- f) In the case of death of a consumer, his/her legal heir(s) or representative(s)”.*

7. Admittedly writ petition is pending before the Hon’ble High Court in respect of the payment of pole tax by the tenant. The contention of the complainant is that she is not liable to pay pole tax included in the CC bills of service No. 5112302001862 in the name of G. Narasimhulu Reddy. This forum is not competent to decide the disputes between the complainant and M.V. Ramesh Kumar alleged tenant of the premises in respect of the issue who is liable to pay pole tax.

This forum can reject the complaint at any stage as per Clause 10.2 (a) of Reg. 03/2016 which is as follows :

10.2 : " *The Forum may reject the complaint at any stage under the following circumstances :*

- a) In cases where proceedings in respect of the same matter and between the same complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority.*
- b)*

c)

d)

Provided that no complaint shall be rejected unless the complainant has been given an opportunity of being heard".

Since the matter is pending before the Hon'ble High Court in respect of payment of pole tax included in CC bills and as complainant do not fall within the definition of consumer as per Sub-Section(15) of Section. 2 of the Electricity Act,2003 and within the purview of Clause 2.4 of Reg. No. 03/2016. There are no merits in the complaint. Hence the complaint is liable to be dismissed.

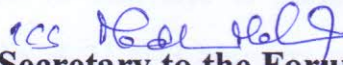
8. Respondents are directed to submit a detailed report about the facts of the case to Corporate Office so that they will be able to take appropriate further action in this regard.
9. Accordingly the complaint is dismissed.

Sd/-
Member (Technical)

Sd/-
Independent Member

Sd/-
Chairperson

Forwarded By Order


Secretary to the Forum

This order is passed on this, 2nd the day of 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)/ CGRF/ APSPDCL/ Tirupati.

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.