

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 28th day of March' 2022
C.G.No.74 /2021-22/Ananthapur Circle

Present

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

Chairperson
Member (Finance)
Member (Technical)
Independent Member

Between

M.Manohar,
Rayalacheruvu,
Yadiki,
Ananthapur Dt.

Complainant

1. Deputy Executive Engineer/O/Tadipatri
2. Executive Engineer/O/Gooty

Respondents.

ORDER

1. The case of the Complainant is that he has applied for release of new service connection to his house through Mee-seva and paid an amount of ~~RS.~~7095 on 10.12.2021 but the service was not released. He has also made a representation to DEE/O/Tadipatri but the same was not considered. Hence he is presenting the complaint for release of new service. The case was registered as CG. No 74/2021-22/Ananthapur Circle and sent to Respondents for written submissions.

DESPATCHED

o/c DATE

29/3

2. Respondent No.2 filed written statement stating that consumer is having LT Cat I SCNo.7231430002793. ADE/DPE/ATP has booked a Malpractice case against the service connection number 7231430002793 belongs to the Complainant vide case No.DPE/GTY/TDPO/8849/19 and PAO was served on the consumer. But the consumer has not paid the assessed amount and the service SC. No. 7231430002793 has kept under disconnection with an outstanding dues of ₹.79551 as on 11.3.2022. Consumer filed a case in CGRF vide Id No.473 of 2020/2020-2021. Consumer has applied for another service connection at the same premises with a connected load of 5K.W. But due amount was not paid so far, hence, the new connection registration has been deleted and rejected in login.
3. Complainant sent another letter dated: 6.3.2022 stating that his grievance was not resolved till that date and he requires new domestic service and it is difficult for him to reside in the house.
4. Personal hearing was conducted on 15.3.2022.Complainant and Respondent No.2 present. Heard both sides.
5. After Personal hearing, Respondent-No.2 sent a letter addressed by him to EE/Assessments/Tirupati dated: 3.8.2021 along with copy of the letter addressed to him by the Complainant dt 31.7.2021.

DEPARTED

6. Complainant also sent a letter dated 14.3.2022 along with the copy of the letter received by him, addressed by EE/O/Gooty to EE/Assessments /Tirupati dated 3.8.2021 along with copy of letter addressed by him to EE/O/Gooty dated 31.7.2021 and the copy of the order passed by the Hon'ble Ombudsman in Appeal No.27 of 2020-2021 dated 19.1.2021.

7. **Brief facts of the complaint in ID 473/2020-2021/Ananthapur Circle:-**

Complainant herein is having HSc No.7231430002793 under Domestic category. Mr.V.Ravi Shankar DEE/DPE/Ananthapur said to have inspected the premises on 5.10.2019 and found consumer utilizing the power for construction of the building. An Un-authorized use of Electricity case was booked against him. PAO was also served. According to the Complainant, he sent a representation dated: 13.12.2019 to EE/Assessments/Tirupati. But there was no response. Subsequently, after enquiry by this Forum on his application on 25.8.2020, On the next day he received order of EE/Assessment/ Tirupati dated: 7.1.2020 through Whatts App. On considering the material on the record, this Forum rejected the complaint stating that the case was registered under section 126 of Electricity Act and there is a provision to prefer an appeal under Section 127 of the Electricity Act to the Complainant vide order dated 30.11.2020.

Aggrieved by the order of this Forum, Complainant made a representation to the Hon'ble Ombudsman. The Hon'ble Ombudsman was pleased to set aside the order of this Forum as well as the order of the Final assessment and directed the second Respondent (EE/Gooty/APSPDCL) to pass a final order of assessment payable by the appellant (Complainant herein) after affording a reasonable opportunity of hearing to him as per section 126 of Electricity Act .

8. Complainant sent a letter dated: 23.1.2021 questioning the validity of PAO order. Secretary of the Forum informed to the Complainant through phone when she was contacted that this Forum already rejected the Complaint for the same relief and the Hon'ble Ombudsman set aside the orders of this Forum and again this Forum has no Jurisdiction to entertain the complaint for the same relief. But when Complainant continued to make calls, she sent a mail stating "sir this case not related to CGRF already informed the same to you".
9. Complainant sent another letter Dt: 18.5.2021 stating that he has sent a letter dated:25.1.2021(ref.no.4 of his letter) stating to verify the Invalidity of PAO and to set aside the same, but the same was rejected through the email sent by the secretary_cgrf @ southern powerap.co.in on 6.2.2021 without considering the grievance. He

has also made an appeal to Hon'ble Ombudsman vide appeal Dt:15.2.2021 but the same was also not considered since 85 days, hence, again he has made the representation .

10.The Hon'ble Ombudsman dismissed the above said representation vide representation No.14of 2021-2022 dated;9.8.2021.

11. The point for determination is whether the rejection of the application of the Complainant for release of new service connection in the same premises on the premise that Complainant did not pay the Final assessment amount for the un-authorized use of Electricity case registered against the SCNO.7231430002793 is valid and sustainable ?
12. The contention of the Complainant in the letter dated: 14.3.2021 is that the Hon'ble Ombudsman directed EE/Gooty/APSPDCL to pass Final assessment order after affording an opportunity to him as per Section 126 (3) of Electricity Act 2003 vide Appeal No.27 of 2020.2021 dated:19.1.2021 but EE/Gooty/APSPDCL did not comply with the said order and violated section 126 of (3) of Electricity Act, After long time, he filed a grievance letter to the Hon'ble Ombudsman in the same case and as per the instructions EE/Gooty/APSPDCL submitted a proposal to EE/Assessments/ TPT letter dt:3.8.2021 but the same is still pending with EE/Assessments/Tirupati till to date he is not liable to pay the assessment amount and he is entitled for release of new service connection.

13. The Hon'ble Ombudsman while dismissing the representation as in fructuous in the representation No.14 of 2021-2022 dated 9.8.2021 held that:-

“I am of the view that this authority cannot set aside the above Provisional assessment order cum notice dated 21.10.2019 as prayed by the Complainant in his complaint and that there is no need to keep this matter pending as submitted by this Complainant. The representation has become in fructuous”

So the provisional assessment order in this case is not yet set aside by any competent authority and it is still subsisting.

14. The above correspondence made by the Complainant shows that he is aware of the letter addressed by EE/O/Gooty to EE/Assessment/ Tirupati but he did not choose to file any document to show that he approached EE/Assessments/Tirupati to ascertain whether his application filed against PAO is re-opened and is still pending?


15. According to Respondent No.2, the service Number 7231430002793 in the same premises was under Disconnection for non-payment of Assessment amount. No authority is placed before this Forum that merely because the objections said to have been filed by the Complainant against PAO is not yet finalized, he is entitled to have another new Service connection in the same

premises that too when the service number which is provided to the same premises is under disconnection for non-payment of the PAO amount. In the absence of any authority to that effect, Respondents rightly refused to release new service for Domestic connection in the same premises and deleted the application. There are no merits in the complaint. The point answered accordingly.

16. In the result the complaint is dismissed.

Sd/- Sd/- Sd/- Sd/-
Member (Finance) Member (Technical) Independent Member Chairperson

Forwarded By Order


Secretary to the Forum

This order is passed on this, the day of 28th March 2022

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.