

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

**On this 11<sup>th</sup> day of November' 2021**

**Inward No.3022 Dt:11.10.2021/2021-22/Nellore Circle**

*Present*

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

**Chairperson**  
**Member (Technical)**  
**Member (Finance)**  
**Independent Member**

*Between*

K.Venkata Ramaiah,  
25/1/838/A,  
Netaji Nagar,  
Podalakur Road,  
Rice Mill Street,  
Nellore Dt.

Complainant

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**ORDER**

1. The case of the complainant is that he is having service No.3311208217619 under LT Category -I (C) domestic of industrial estate section for L&T construction water& effluent treatment IC Nellore, UGDS project and he is utilizing supply for domestic purpose for accommodation of workmen. On 22.8.2019 Mr. Jaya Krishna Reddy EE/APSPDCL/ DPE-II/ Nellore came with a contract labor without any ID proof, inspected the premises but did not obtain signature of the complainant.

On 06.09.2019 a provisional Assessment order was sent through a person without having any ID proof. After receipt of Provisional Assessment

Inward No.3022 dt: 11.10.2021/2021-22/Nellore Circle

Page 1

**DESPATCHED**

**DATE** 12/11

order dt :24.08.2019, he submitted objections. He also sent a legal notice but Respondents 1 and 2 disconnected the service. Respondent No.3 intentionally without inspection notes, report, and acknowledgement and without considering the objections and the legal notice, passed final assessment order without his signature and designation stamp. Sub-Engineer of Respondent No. 2 served Final Assessment order dt : 13.09.2019 without signature and designation stamp of concerned authority on 28.12.2019. The said sub engineer had taken 2 acknowledgments for Final Assessment order. After receipt of Final Assessment order, he met Respondent No. 1 on 13.1.2020 and Respondent No. 1 endorsed to respondent No. 5 to collect 50% of the amount. Though he met respondent No. 5 several times but there was no response. Respondent No. 5 took acknowledgment of Final assessment order on 28.12.2019 and issued pay slip to collect 50% of the amount. Complainant paid 50% of the amount of Rs.21,243/- on 18.01.2020. The payment was noted in the respondent No. 2 office reconnection register for reconnection of electricity supply. But Respondents No. 1 and 2 intentionally ignored from providing reconnection. Complainant addressed a letter to Respondent No. 4 dt:25.5.2020 with a request to reconnect the service connection but there was no response. The inspecting officer has not followed the rules and regulations. The inspection report is fabricated with frivolous allegations. So also the provisional assessment order is also issued with frivolous allegations. Hence the complaint is filed for reconnection of the service, to return 50% of the paid amount with interest at 18% and pay compensation of Rs.1,38,000/- for loss of rent.

2. Since the complainant is questioning the final assessment order issued under Sec.126 of Electricity Act 2003, the complaint was posted for hearing in

respect of the maintainability of complaint before this forum. A report was also called for from EE/O/Nellore.

3. Dy. Executive Engineer/O/Town-1/Nellore filed report stating that on 22.8.2019 Mr. A. Jaya Krishna Reddy EE/DPE inspected the service No.3311208137158 and found that consumer is utilizing the supply for both domestic and non domestic purposes for the service released for domestic purpose only. Consumer was utilizing supply for pumping water treatment plant in the same premises, hence a malpractice case was booked. Provisional Assessment order was served on 06.09.2019 and obtained acknowledgement. The Final Assessment Order was passed by EE/Assessments /SPDCL/Tirupati on 13.9.2019 and the same was served on consumer on 28.12.2019 and obtained acknowledgment. After passing of Final assessment order, consumer has to pay full amount. But consumer has not paid the amount, so the service was disconnected. The consumer paid 50% of the amount on 10.02.2020. Once final order is issued, the consumer has to pay total amount. Therefore the service was kept under disconnection.
4. Complainant was heard through videoconferencing on 22.10.2021. Complainant also sent written arguments.
5. The contention of the complainant is that a person without furnishing ID proof visited the premises and that person is not competent authority to inspect the premises, his signature was not obtained in the inspection report and so also the copy of the report was not furnished. There is no water plant of K. Venkata Ramaiah in that premises. No calculations are enclosed to the provisional assessment order. Provisional Assessment Order without signature of the concerned authority was served. The procedure for registering the case under Sec. 126 of Electricity Act, 2003 is not followed.

The Final Assessment Order was not passed in accordance with rules. Though he has paid 50% of the amount the service connection was not restored. Complainant mentioned several points in respect of omissions and commissions committed by inspecting authority and in respect of issuing of Provisional Assessment Order and thereafter Final Assessment Order.

6. Complainant did not mention in the complaint whether he has preferred statutory appeal as per Sec.127 of Electricity Act, 2003 before competent authority and if filed the result of the appeal?
7. The case was registered against Complainant under Sec.126 of Electricity Act, 2003. The forum is entitled to reject the complaint at any stage in cases which fall under Sec.126, 127, 135 to 139 and 152 of the Electricity Act, 2003 as per Clause.10.2(b) of Reg. 03/2016.

The grievance of the complainant is that a false inspection report was prepared and the procedure was not followed while issuing provisional assessment order as well as final assessment order. The alleged omissions and commissions committed by the officers of licensee while inspecting and disposing of the cases registered against the complainant will not come under the purview of this forum

8. Since a case was registered against the complainant under Sec.126 of Electricity Act, 2003 for un- authorized use of electricity and as there is a prescribed procedure for appeals under Sec.127 of the Electricity Act, 2003, this forum is not inclined to interfere and pass any orders against final assessment order passed by EE/ Assessments/Tirupati. This forum is also could not direct the respondents to restore service connection without paying the entire assessed amount with interest as per the prescribed procedure.

