

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

On this the day of 28th February 2022

C.G.No.55/2021-22/Tirupati Circle

Present

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| Sri. Dr. A. Jagadeesh Chandra Rao | Chairperson |
| Sri. Y. Sanjay Kumar | Member (Technical) |
| Sri. K. Ramamohan Rao | Member (Finance) |
| Sri. Dr. R. Surendra Kumar | Independent Member |

Between

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| Mr.T.Rajesh, S/o.T.Mohan Reddy, Nadavalur, Ramachandrapuram Chittoor Dt. | Complainant |
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AND

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| 1.Asst.Executive Engineer/O/Rayalacheruvu 2.Deputy Executive Engineer/O/Puttur | Respondents |
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ORDER

1. The complainant filed a complaint before this forum stating that, the domestic service SC.No. 534110000148 in the name of his Maternal grandfather late Sri.A.Gangi Reddy, they have not applied transfer of the name of the service after his death, and stated that, his mother is only legal heir to his Maternal grandfather late Sri.A.Gangi Reddy, now he and his mother are residing in that premises. The complainant further stated that as a beneficiary of the service, he is presenting the complaint. The department disconnected the said domestic service on 03.12.2021 stating that, the complainant using supply for other than sanctioned purpose i.e., (installed signals booster in the terrace of the said house on 1.12.2021). Hence approached the Forum to re-connect the said service to

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their signal booster as he was not able to work from home without proper signal strength while he visited the home town. There are no dues for the service.

2. The case was registered as CGNo.55/2021-2022/Tirupati circle and sent to Respondents for written submissions.
3. Interim directions were issued on 4.11.2021 to the Respondents by directing them to restore the Service SCNo.5324110000148 forthwith and shall not be disconnected till disposal of the complaint before this forum without any notice and also Petitioner is also advised to pay the CC bill regularly to the said service.
4. Respondent No.2 has submitted the written submissions stating that, the said service was disconnected by the concerned Lineman on 03.12.2021 as the Complainant utilizing supply for both domestic and commercial purpose by extending the wires from meter to mini Cell Tower which was installed on top of his house terrace. On receipt of objection letter (letter enclosed) by the villagers of Nadavalur, the concerned Lineman inspected the premises and found that the Complainant utilizing supply by extending cable wire to the Cell tower. Hence the Lineman disconnected the cable wire only which was extended to the Cell tower without interrupting the domestic supply on 03.12.2021 as per the departmental rules and also stated that there is no personal rivalry in this case. Hence requested to close the grievance.
5. On 16.2.2022 @ 11.30A.M. Video conferencing through Jio meet was conducted the EE/O/Puttur and Complainant present. Heard both parties.

On behalf of the Respondents the EE/O/Puttur has attended for the Video conference and he stated that the department disconnected the service on 03.12.2021 and on same day the department re-connected the power supply to the domestic service duly disconnecting the wire extended to the Cell tower as

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per the directions of the forum. The EE/O/Puttur also shown the Picture of the Cell tower in the Video conference and stated that the Cell tower is about 15” feet height and that the Complainant is utilizing the Booster to Cell tower for commercial activities only i.e., signal strengthening to the surrounding users and also further stated that the villagers of Nadavalur had given objection letter for the supply extended to Cell tower which causes harm to the health of the villagers. Hence requested to close the grievance.

6. When Complainant replied that he is using the said Booster only for his use. Then he was directed to furnish evidence to substantiate his claim that 15” feet height Booster is necessary for his personal use and how he is empowered to use the said Booster from his domestic service. But, he was not able to answer the said queries, hence, 7 days time was given for his additional submissions and he was also informed that in case he failed to submit the additional written submissions on the above queries raised in the hearing, orders will be passed basing on the available material on the record. But, Complainant did not submit the additional submissions till 24.2.2022. Hence it is treated that he has no further written submissions to be submitted.

The point for determination whether complainant is entitled to use the domestic service SC No. 534110000148 for extending the signal to the Booster having height of 15”feet.?

According to the Respondents Complainant is utilizing the Booster with a height of 15”for extending signals to surrounding consumers and using the domestic service for commercial purpose. Hence the Lineman disconnected the service and on the same day service was restored for domestic purpose as per the orders of the forum and disconnected the wire extending supply to the Booster, Villagers also objecting for extending the domestic service for the purpose of

Cell tower. Complainant though stated that he is using the Booster for his personal use did not furnish any material to substantiate his claim that a Booster having 15" feet height is necessary for his personal use and he is not utilizing it for extending signal to the neighboring consumers and not using it for cell tower. Once Respondents took a specific plea that Complainant is using supply to the Booster for commercial purpose, the burden lies on the Complainant to prove that he is using the service for domestic purpose only. Since, the Complainant failed to prove that he is not using the Booster for commercial purpose, It has to be presumed that the Complainant using the Booster for commercial purpose and not for his personal use.

As per the specific conditions for Domestic LT category - I in the Terms and conditions in Retail supply Tariffs FY 2021-22 issued by the Hon'ble APERC is as follows :-

“(i). if electricity supplied to the domestic premises is required to be used for non-Domestic or commercial purposes a separate connection should be taken for such loads under Category –II : Commercial and other-LT, failing which the entire supply shall be charged under Category-II : Commercial and others – LT, Tariff, apart from liability for penal charges as per the General Terms and Conditions of Supply ”

7. In view of the above provisions, if the Complainant intended to use the Domestic service connection for the Booster available in his house, he has to obtain a separate connection for that load or he has to convert the Domestic service connection to Commercial service under Category-II. Otherwise he is liable to pay penal charges.

The written submissions filed by Respondent No.2 shows that the service connection was initially disconnected by the Lineman on the ground that the service is being utilized for commercial purpose. Lineman is not empowered to disconnect the service connection. When he found the service is being used for commercial purpose, it is his duty to report the matter to his superior officers and the Designated Officers are alone competent to initiate action against the service for un-authorized use of electricity. Un-fortunately the procedure contemplated GTCS is not followed in this case. EE/O/Puttur is advised to direct the field officers to follow the GTCS and Regulations issued by the Hon'ble APERC from time to time.

In this case already the domestic connection was restored. So, no further order of restoration of domestic service is necessary. Complainant is not entitled to use the domestic service for commercial purpose. Hence no directions can be issued for extending the supply to the Booster. If Complainant is intended to use the Booster, he is at liberty either to convert the Domestic service to Commercial / Category-II service or he can apply a service under Category -II for extending the supply to Booster. If Complainant files an Application for release of Category-II service in the same premises or Change of category, Respondents are directed to consider the Application in accordance with existing rules.

Accordingly the Complaint is disposed of.

Sd/-

Member (Technical)

SD/-

Member (Finance)

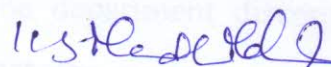
Sd/-

Independent Member

Sd/-

Chairperson

Forwarded By Order


Secretary of the Forum

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

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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/ 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, SingareniBhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.