

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 5th day of December' 2022
C.G.No.67/2022-23/ Anantapur Circle

Present

Sri. K.Rama Mohan Rao
Sri.S.L.Anjani Kumar
Smt.G.Eswaramma

Chairperson (I/c) & Member (Finance)
Member (Technical)
Independent Member

Between

M.Anil Kumar,
C/o. M/s. SoumyaSree Industries and
M/s. Shirdi Sai Minerals now M/s. Harshith Minerals,
SY No.114-C and Sy.No.738-A/2,
Industrial area,
Thutrallapalli,
Rayalcheruvu (V)
Yadaki (M),
Ananthapur Dt.

Complainant

AND

1.Asst.Accounts Officer/ERO/Tadipatri
2.Deputy Executive Engineer/O/Tadipatri
3.Executive Engineer/O/Gooty

Respondents

ORDER

1. M. Anil Kumar, Proprietor of M/s. Soumya Sree Industries having ISC.No.7231435000440 and M/s. Shirdi Sai Minerals now M/s. Harshith Minerals vide ISC No.7231430002112 under LT Category-III presented a complaint stating that he is running the services without any controversy from the date of release of service connections. Suddenly on 26.09.2022 at 7.30A.M. Superintending Engineer/O/Anantapur, EE/O/Gooty staff AEE/O/Yadiki had disconnected the service without any prior notice to him. He also filed a representation to Superintending Engineer/O/Anantapur and EE/O/Gooty for reconnection of his services. There is no response. Hence he is requesting the forum to take necessary action for reconnection of his services.
2. The case was registered as C.G. No.67/2022-23/Ananthapur Circle and sent to Respondents for written submissions.

DESPATCHED
DATE 6/12

3. Respondents filed Joint written submission stating that the Andhra Pradesh Pollution Control Board, Zonal Office, Kurnool issued orders to the respondent's company vide Order No.Gen-17/PCB/ZO/KNL/2022, Dt: 22.09.2022 which is as follows:

"In exercise of power vested with A.P. Pollution Control Board under Section.31 (A) of Air (Prevention & Control of Pollution) Amendment Act, 1987, Southern Power Distribution Company of A.P. Ltd is hereby directed to disconnect the power supply to M/s. Sowmya Sree Industries Sy.No.114 C at Thutralla palli Village, Yadiki Mandal , Ananthapur Dt.,and M/s. Shirdi Sai Minerals now M/s. Harshith Minerals, Sy.No.738-A/2 Chandana (V), Yadiki (M), Anantapur Dt with immediate effect"

As per instructions of AP-Pollution Control Board Zonal Office, Kurnool the service connections of M/s. Sowmya Sree Industries and M/s. Shirdi Sai Minerals (M/s.Harsitha Minerals) have been disconnected on 25.09.2022 for operating their firms without obtaining CFE/CFO of the Board and without providing required dust control measures and letting out the emissions into the atmosphere.

4. When the Secretary of this forum contacted with the AAO/ERO/Tadipatri over phone @ 12.00P.M. on 25.11.2022 regarding the said case, he has stated that the said services were again re-connected on 23.10.2022 as per the orders of the Hon'ble High court of AP vide W.P.No.32127 of 2022 and W.P.No.32134 of 2022.

The Hon'ble High Court of A.P. accorded permission for a period of two (2) weeks to produce clearance certificate from Pollution Control Board. The permitted time given by the Hon'ble High Court of A.P. expired on 06.11.2022. If the complainant fails to produce the required documents within the stipulated time, the services will be liable for disconnection within 3 days from the date of receipt of the disconnection notice. The AAO/ERO/Tadipatri has stated that the said services were again disconnected on 15.11.2022 due to non-producing of the required documents duly serving the disconnection notice to the complainant on 5.11.2022 (submitted the notice served to the complainant by EE/O/Gooty and also AEE/O/Yadiki letter addressed to the EE/O/Gooty).

5. The Forum noticed that complainant already filed W.P. in W.P.No.32127&32134 of 2022 on 27.9.2022 and the Hon'ble High Court listed the case on 29.9.2022 and Disposed off the case on the same day as mentioned below:

“The writ petition is disposed of directing the respondent Nos.2 to 4 to furnish the complaint of M/s.Jayalakshmi Minerals, the inspection report and also supporting documents within a period of 10 days from today and after furnishing the same, within a period of one week thereafter, the petitioner herein shall submit explanation to the show-cause notice dated:28.7.2022 and thereafter, the respondent authorities shall inspect the petitioner industry and take appropriate action after issuing advance notice to the petitioner industry and appropriate orders shall be passed within a period of two(02) weeks after giving opportunity to the petitioner”

Complainant concealing the fact of filing of Writ Petition and issuance of orders against him by the Hon'ble High Court prior to filing of complaint before this forum, he is not entitled to file complaint for the same relief.

In obedience to the orders of Hon'ble High Court, respondents disconnected the service connections. This forum is not empowered to pass orders in favour of complainant.

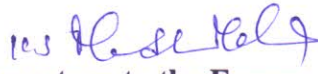
6. In the result the complaint is dismissed. Accordingly C.G.No.67/2022-23 is disposed off.

Sd/-
Member (Technical)

Sd/-
Independent Member

Sd/-
Chairperson (I/c)

Forwarded By Order


Secretary to the Forum

This order is passed on this, the day of 5th December '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 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, Singareni Bhavan, Red
Hills, Lakdikapool, Hyderabad- 500 004.