

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 4th day of August' 2022
C.G.No.10 /2022-23/ Anantapur Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao
Sri. K. Ramamohan Rao
Sri. S.L.Anjani Kumar
Sri. Dr. R. Surendra Kumar

Chairperson
Member (Finance)
Member (Technical)
Independent Member

Between

Mr.T.Sudhakar Gupta,
D.No.8/533 Main Bazaar,
C/o. M/s. Aswartham Vasavi Arya Vysya Anna Satram,
Tadipatri,
Anantapur Dt.

Complainant

AND

1.Assistant Accounts Officer/ERO/Tadipatri
2. Dy. Executive Engineer/O/Tadipatri CCO
3.Executive Engineer/O/Gooty

Respondents

ORDER

1. The present complaint is filed by president of the complainant against issuing of bills from the month of Sep'2021 to April'2022. The case of the complainant is that in Peddapappur Village complainant is running free meals choultry and obtained a service.No. 7241106000193 and utilising the same since several years. They received abnormal bills from September'2021 to April'2022. When they approached AAO/ ERO/Tadipatri, there is no response. Hence filed this complaint requesting to verify CC bills statement from May' 2021 to April'2022 and revise the bills.
2. Complainant also filed an application for interim stay from not disconnecting the service connection for non payment of disputed bills and notice was ordered on it.

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3. Respondents filed written submissions stating that service No.HSC.No. 7241106000193 was released for the staff watch quarters Aswartham, Chinna Pappur (V& M) on 30.12.2006 with 3 KW. The premises is having 6 No's shelter rooms and maintaining community functional activities (marriages etc.,) and Arya Vysya Anna Sathram. All the electrical supply connections through this service only. At the time of functions, power consumption would be more. Due to the above said reason monthly consumption was varied based on events conducted in the premises. CC bills were issued with IRDA mode through spot billing machinery every month. In the month of October' 2021 and November'2021 it has been billed in non IRDA modes. The non IRDA mode issued bills of Oct'2021 and November '2021 have been revised based on the field officers recommendation and given credit withdrawal amounts of ₹4,503 and ₹2,120. The bills issued for the remaining months holds good and consumer is liable to pay . Consumer is not paying CC bills from November' 21 and service is under live status and the amount of ₹6,063 is outstanding balance of CC charges.
4. The matter was posted for personal hearing through video conferencing on 08.06.2022. Complainant was absent.Hence it was re-posted to 05.07.2022.
5. Meanwhile complainant filed another application dt:14.06.2022 stating that service was disconnected even though it was represented that complaint is pending before the forum and requested to restore the service connection. Hence the matter was posted to hearing on 15.06.2022 through video conferencing. Heard both the president of the complainant and respondents on the main case itself. After hearing the parties service was ordered to be restored on payment of ₹5,000 out of disputed amount of ₹15,103 and the service shall not be disconnected during the pendency of the complaint for non payment of disputed amount in IA.No. 03/2022-23 dt:16.06.2022.

6. Complainant requested 10 days time to submit written arguments and also represented, he may be exempted from attending personal hearing on 05.07.2022. Subsequently written arguments filed.
7. The point for determination is whether there are any grounds to revise CC bills issued from the month of May'2021 to April'2022 ?

During the personal hearing, respondents informed that the service was inspected by Dy.EE in June 2021 and found that the service is utilised for the purposes other than the domestic purpose. Hence the service was changed to Cat-II from Cat-I. Respondent No.2 also admitted that no notice was issued on the inspection on the ground that nobody including watchman was present at the time of inspection . So according to respondent.No.2, he conducted an exparte inspection and basing on that inspection, the category was changed from domestic to commercial category without notice.

Complainant in his written arguments admitted that there are 6 rooms in the premisies. But according to the complainant those rooms are small and they are used for distributing free meals in the afternoons for the disabled who came to visit Lord Aswartha Narayana Swamy and they have not used electricity and if they really used electricity for motors, the consumption would have more. But the average monthly consumption is only 180 units from September'21 to April'22. Complainant also further stated that dates of functions were not mentioned and the rooms are not at all used for functions and if functions are held the consumption will be more.

The other contention of the complainant is that changing the category unilaterally from domestic to commercial is arbitrary, illegal and liable to be set aside. President of the Complainant himself admitted that the average consumption for the service is only 180 units between September' 21 to April'22 and if the service is used for functions the consumption would be more. The consumption pattern from Mar' 2020 to Mar' 2022 shows that the consumption varies from month to month.The highest consumption was in September' 2021

for 437 units and lowest was in November'21 for 21 units. The consumption between May'21 to April'2022 is 53,66,70,116,437,41,21,416,74,40,393 and 40 units respectively. Only in September' 21 , December' 21 and in March'22, it was between 393 and 437 except in these 3 months and in August'2021 the consumption in other months is less than 100 units. Complainant neither in the complaint nor in the written arguments stated that the recording of alleged high consumption during the disputed period is due to malfunctioning of the meter. If the complainant suspected the healthiness of the meter, he would have certainly applied for meter test by paying challenge fees. But complainant did not take any steps for testing the healthiness of the meter. Respondents also stated that the readings were taken in the October '21 and November'21 through non IRDA mode and they are revised and they have asserted that meter is healthy and bills are issued basing on the consumption only. Since the consumption varies from month to month and as the respondents asserted that meter is healthy and as the complainant did not dispute the healthiness of the meter and has not taken steps for testing the meter, it has to be presumed that meter is healthy and recording consumption of units properly and correctly.

Complainant himself admitted in the complaint that the service was obtained for watchman room. Complainant admitted in the written arguments about existence of 6 rooms but did not specifically deny that they have not extended power supply to those 6 rooms from the service obtained to watchman room.

Subsequently respondent No. 2 filed copy of the inspection report for this service.No.7241106000193 dt :16.07.2022. The report shows that the service was inspected by Respondent.No. 2 in the presence of T. Ramanjaneyulu, watchman and he also subscribed his signature in the inspection report. According to inspection report, there are 19 tube lights, 8 LED bulbs of 9 Watts each, 2 LED bulbs of 18 watts each, 2 CFL bulbs of 15 watts each, 19 fans of 60 watts each , Half ($\frac{1}{2}$) HP motor and 2 HP submercible motor and the

total connected load is 3922 watts. Respondent.No. 2 specifically stated that the service is utilised for function hall besides the watchman room by extending the black service wire having 8 rooms and dining hall. Function hall utilising for marriage events.

Though the inspection report is subsequent to the hearing of the case, the same can be considered to ascertain for what purpose the domestic service obtained for watchman room is being utilised. The inspection report also shows the existence of several electric apparatus and supply was being extended through black wire from the connection given to watchman room.

The service obtained for watchman room should not be extended to other rooms used by the complainant for serving free meals. If the complainant wants power supply to those rooms, he could have applied a separate service under Category-IV (B), Charitable purpose by submitting necessary and relevant documents to the respondents. Complainant is not expected to utilise power supply for the 6 rooms used for the purpose other than the purpose for which the domestic service was obtained. Using power supply for the purpose other than the purpose for which the service is released amounts to an unauthorised use of electricity and liable for penalty u/s.126 of Electricity Act, 2003. Respondents are empowered to impose penalty for a period of one year apart from changing the category as per Clause. 9.3.2.9 of GTCS. But respondents simply converted the service from Cat-I to Cat-II without registering the case. When the intention of respondents is only to convert the service from Cat-I to Cat-II on the ground that the service is utilised for the purposes other than the sanctioned purpose, Respondents ought to have issued a notice to the complainant before changing the category. This is only an irregularity while converting the service from Cat-I to Cat-II. Merely because respondent No.2 did not follow the procedure while converting the category of the service from domestic to non-domestic is itself is not a ground to re-categorise the service to Cat-I and order to revise CC bills, when the complainant is utilising the power by extending it to other rooms for

