

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

On this the 28th day of December' 2022

C.G.No.66 /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

**Smt.P.Swarna Latha,
C/o.M/s.Lakshmi Hospital,
12-3-895,
Vidhyuth Nagar,
Anantapur.**

Complainant

AND

- 1.Asst.Accounts Officer/ERO/ AnanthapurTown
- 2.Deputy Executive Engineer/O/Anantapur-I
- 3.Executive Engineer/O/Anantapur
4. Executive Engineer/Assessments/Tirupati
5. Superintending Engineer/Assessments/Tirupati

Respondents

ORDER

1. The case of the complainant is that she has applied for 2 No's service connections for their newly constructed building, one for domestic purpose i.e. for residence vide SC.No. 7112301189872, the other one for commercial i.e. for hospital purpose vide SC.No. 7112301189921. On 04.02.2022 the department personnel by mistake erroneously fixed domestic meter to non-domestic and non-domestic to domestic. The complainant stated that they are not utilizing the supply as they were not yet completely shifted to the new building. Meanwhile DPE wing conducted inspection during May'2022 and booked a theft case and issued two notices to pay 1) Rs. 4,04,996/- (malpractice case) and 2) Rs.18,795/- (Additional load case) though there is no fault on their side. The fact was already intimated to Hon'ble Chairperson/CGRF and Chief General Manager/ (O&M)/Tirupati, there is no response from them.

She further submitted that the amount was also included in CC charges bills issued for October'2022 to be paid before 19.10.2022. The theft amount included in CC charges bills were withdrawn previously and the same was again included in the month of October'2022. Hence, she is requesting the forum to do needful in the matter at the earliest.

2. The case was registered as C.G. No.66/2022-23/Ananthapur Circle and sent to Respondents for written submissions.
3. Respondent.No.3 has submitted written submission stating that in regard to the C.G.No.66/2022-23/Anantapuram Circle, the complainant Smt. P.Swarnalatha, C/o. M/s. Lakshmi Hospitals has approached the Consumer Grievances Redressal Forum on 13th October'2022 regarding the malpractice case issued for the SC.No.7112301189872, Category-1 Service vide case No: DPE/ATP/ATP/24358/22 in D4 Section of Town-1 Sub-Division in Anantapuram Town Division. After receiving of the complaint, the Deputy Executive Engineer/Town-1/Anantapur has submitted the detailed report in co-ordination with Assistant Accounts Officer/ERO/Town/Anantapur stating that the complainant Smt.P.Swarnalatha has applied for two services, 1 No for Domestic purpose with contracted load of 20KW and 1 No for Commercial purpose(Hospital) with contracted load of 35KW in the same building and the services were released on 2nd February 2022 with service No's :

- 1) 7112301189872 Cat-1 service,
- 2) 7112301189921 Cat-2 Service.

Also reported that during the release of services by Assistant Executive Engineer/D4/ATP, the meter particulars of Cat-1 Service was entered for Cat-2 service and the meter particulars of Cat-2 Service was entered for Cat-1 service by oversight by the operator in the EBS. It was also stated that during the spot billing it was observed that only one meter was recording the Consumption and the other meter was kept idle. On observation it was noticed that, only hospital was running and domestic house was not occupied but the consumption consumed for hospital purpose was recorded under Cat-1 service due to interchange of meter particulars.

The above discrepancy was intimated to Assistant Executive Engineer/CT Meters and Deputy Executive Engineer/DPE/Anantapuram for rectifying the mistake happened by over

sightand recommended to back bill the consumption consumed for non-domestic purpose under Cat-2 KVAH consumption where as the aforementioned consumption was billed under Cat-1 KWH consumption.

The Deputy Executive Engineer/DPE/Anantapuram has inspected services on 27.4.2022 inthe presence of Deputy Executive Engineer/Town-1/Anantapuram and Assistant Executive Engineer/D4/Anantapuram and registered Malpractice case vide CaseNo.DPE/ATP/ATP/24358/22 against SC.No.7112301189872 and additional load case vide case No.DPE/ATP/ATP/24357/22 against SC.No.7112301189921 and later on the billing was done in appropriate categories till to date. It was reported by the Deputy Executive Engineer/Town-1/Anantapur that the consumer has not paid the case amounts (both Malpractice and development charges) stating that they have no intention to malpractice. Later, on 3.9.2022 the Executive Engineer /Assessments/Tirupathi has issued FAO for case No. DPE/ATP/ATP/24358/22 with an assessed amount of Rs.4,04,996/- the FAO was served to the consumer and intimated the consumer to appeal before SE/Assessments/Tirupati.The consumer has approached the Consumer Grievances Redressal Forum.The Deputy Executive Engineer/Town-1/Anantapur has submitted the proposals recommending to revise the Assessment made againstMalpractice case with Case No.DPE/ATP/ATP/24358/22 to back bill the KVAH consumptionunder Cat-2 tariff instead of malpractice case to the appellate authority.TheSE/Assessments/Tirupathi is the revision authority lies at appellate authority.

5. Respondent.No. 4 has submitted written submission stating that, Sri K. Ramanjaneyulu Reddy, Dy.EE/DPE-I, Ananthapur inspected the service No.7112301189872 on 27-04-2022 and noticed that using electrical power supply for other than the sanctioned purpose and filed a malpractice case with case No. DPE/ATP/ATP/24358/22. The Deputy Executive Engineer, Operation, Ananthapur assessed the loss sustained by the APSPDCL and issued a provisional assessment notice on the malpractice case No. DPE/ATP/ATP/24358/22. In accordance with the Section. 126 & 127 of the I.E Act 2003, the Executive Engineer/Assessments/ APSPDCL, Tirupati issued a show cause notice and given sufficient time for submitting any appeal in above case. Later after completion of stipulated time period, the final assessment order was issued vide malpractice case No.DPE/ATP/ATP/24358/ 22 as per departmental procedure in vogue. The consumer has

not paid 50% initial assessment also and not appealed in stipulated time.Hence requested to close the case.

6. Respondent. No.5 has submitted written submission on 07.12.2022 stating that Sri.K.Ramanjaneyulu Reddy, Dy.EE/DPE-1/Ananthapur inspected the service No.7112301189872 on 27.04.2022 and noticed that the consumer is using electrical power supply for other than the sanctioned purpose and filed a malpractice case No. DPE/ATP/ATP/24358/22. In the reference 1st cited, the Deputy Executive Engineer, Operation Anantapur assessed the loss sustained by the APSPDCL issued a provisional assessment notice on the malpractice Case No.DPE/ATP/ATP/24358/22. In accordance with Section. 126 & 127 of the I.E. Act, 2003 , the Executive Engineer/ Assessments/ ASPPDCL/ Tirupati in the reference 2nd cited issued a show cause notice and given sufficient time for submitting the appeal in above case. Later after completion of stipulated time in the 3rd reference cited the final assessment order was issued vide malpractice case No.DPE/ATP/ATP/24358/22 as per departmental procedure in vogue. The consumer has not paid 50% assessment amount also and not appealed to the SE/Assessments/Tirupati.

On verifying the contents given by the respondents No. 4&5 it is observed that the contents given by both the respondents are one and the same.

7. Meanwhile, the Respondent. No.5 served a memo to the field officers with a copy submitted to this forum stating that, the respondent.No.4 issued direction to the Dy.EE/Town-1/Ananthapur to withdraw the said malpractice case No DPE/ATP/ATP/24358/22, and further stated that he will arrange back billing for KVAH units consumption under Category-2 tariff, instead of twice the tariff, as the Deputy Executive Engineer has submitted that at the time of releasing of services (1) 7112301189872, Category-1 service and (2) 7112301189921, Category-2 service the meter particulars entered in EBS by oversight vice versa.

The Respondent.No.5 has also directed the Executive Engineer /O/Ananthapur to issue back billing notice to the consumer from the date of supply, and also informed to realize the amount and stated to submit compliance report to the SE/Assessments/Tirupati for taking further action regarding the said case.

8. Personal hearing through video conferencing was conducted on 13.12.2022. Complainant's husband D.Bhaskar Reddy present. AE/Assessments, Dy.EE/Town-I/Anantapur and EE/Assessments present. Heard both sides.

The complainant's husband stated that on 4.2.2022 the said services have been released. The services were released from Category- I to II and vice versa i.e., by over sight released (1) 7112301189872 under Category-1 service and (2) 7112301189921 under Category-2 service by the department. The complainant also stated that, already 4 more services are existing in the same premises. The service Number details are as follows:-

- 1) SCNo.7112301104961 under Category- I ,
- 2) SCNo. 7112301017702 under Category- I ,
- 3) SCNo. 7112301013870 under Category- II&
- 4) SCNo.7112301038013 under Category- I .

The complainant' husband also requested that they are ready to pay the Back billing notice amount for the SCNo. 7112301189872 under Category-II which is already billed under category-I from the date of release of the supply by the department. The complainant requested to withdraw the notice issued towards Malpractice for the SCNo. 7112301189872 stating that they are utilising the said service for other than sanctioned purpose, as they did not committed any mistake in usage of energy and the two service meters were interchanged and provided by the department by oversight.

9. Point for determination is whether issuing of Malpractice case notice to the complainant bearing SCNo. 7112301189872 may be withdrawn or not?

As directions were already issued by the Respondent.No.5 to the field officers to withdraw the said malpractice case No DPE/ATP/ATP/24358/22, and also directed to issue back billing notice for SCNo. 7112301189872 for KVAH units consumption under Category -2 tariff, instead of twice the tariff, as the Deputy Executive Engineer has submitted that at the time of releasing of services (1) 7112301189872, Category-1 service and (2) 7112301189921, Category-2 service the meter particulars entered in EBS by oversight vice versa. The complainant's husband Mr. D.Bhaskar Reddy also accepted and stated that they will pay the Back billing notice amount from the date of release of supply (04.02.2022) for Sc No.7112301189872.

As per the Respondent.No.5 the Respondents.No. 2&3 are directed to issue Back billing notice for the service ScNo.7112301189872 under Category II for KVAH billing from the date of release of the service duly deducting the amount already paid by the complainant for SC No.7112301189872 billed already under Category-I.

The complainant's husband Mr.D.Bhaskar Reddyhimself agreed that in the same premises earlier there are 4 more services existing. The respondents also stated that 1No.Domestic service is under live status remaining 3 services are under status 99 i.e. bill stopped.

The respondents are also directed to inspect the premises and club the remaining one domestic service SC No.7112301104961, under Category- I into SC No.7112301189872 duly following the departmental procedure in vogue. Now the premises is provided with CT meters, one for domestic purpose and another for non-domestic purpose.The point answered accordingly.

The respondents are directed to submit the compliance report after clubbing of multiple services in the same premises within one month from the date of receipt of this order.

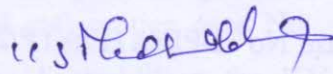
10. The complaint is disposed off accordingly for C.G.No.66/2022-23/Ananthapur Circle.

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 28th 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.