

CONSUMER GRIEVANCES REDRESSALFORUM
SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED, TIRUPATI

This the 27th day of October' 2023

C.G.No.19/2023-24/Ananthapur Circle

CHAIRPERSON

Sri. V. Srinivasa Anjaneya Murthy
Former Principal District Judge

Members Present

Sri. K. Ramamohan Rao	Member (Finance)
Sri. S.L. Anjani Kumar	Member (Technical)
Smt. G. Eswaramma	Member (Independent)

Between

Motupalli Manohar, H.No.1/35, Rayalacheruvu (V)
Yadiki (M), Ananthapur District.

Complainant

AND

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

Respondents

This complaint came up for final hearing before this Forum through video conferencing on 11.10.2023 in the presence of the complainant and respondents and having considered the complaint and submissions of both the parties, this Forum passed the following:

ORDER

1. The case of the complainant is that he is a resident of Rayalacheruvu (V), that he is having one electrical service connection under domestic purpose bearing SC.No.7231430003186, that he was paying monthly CC bills from time to time and while so, he received August'23 CC bill at Rs.2,376/- with

additional amount of Rs.74,055/-in totaling Rs.76,431/-, that he did not receive any prior notice for the alleged amount of Rs.74,431/- before adding that amount in Aug'2023 CC bill, that he paid only CC charges of Rs.2,376/-, that he filed a representation to the Dy.Executive Engineer/O/Tadipatri for deletion of the additional amount of Rs.74,431/- from Aug'2023 CC bill, but there was no response and in the meanwhile the respondents disconnected his service on 26.09.2023 without any intimation and hence he filed this complaint requesting to order for deletion of additional amount of Rs.74,431/- from Aug'2023 CC bill and to direct the respondents to restore his service.

2. The said complaint was registered as C.G.No.19/2023-24 and notices were issued to the respondents calling for their response. The respondents submitted their response stating that the complainant is having total 15 service connections including the service connection No.7231430003186 which is under dispute in his name, that out of the said 15 service connections of the complainant, one service connection bearing No.7231430002793 was bill stopped with having arrears of Rs.72,055/-, that according to Regulation-05 of 2004 of Clause.No.4.8 bill stopped arrears of Rs.74,055/- has been transferred on 31.08.2023 to the other live service connection No.7231430003186 (Disputed service connection) which belongs to the residence of the complainant after issuing notice to him, that the said amount of Rs.74,055/- was shown in CC bill of SC. No.

7231430003186 for the month of Sep'2023, that the complainant had knowledge of about outstanding dues against his bill stopped service No.7231430002793, that the complainant made several complaints before this Forum earlier but his complaints were rejected, that the complainant is liable to pay the above stated bill and due to non-payment of the bill amount the SC.No.7231430003186 was disconnected on 26.09.2023. The complainant was utilizing supply for building construction purpose non domestic from Cat-I service 7231430002793 and as such malpractice case under Sec.126 (5) and (6) of Electricity Act was registered against him and shortfall of back billing was assessed at Rs.56,362/- vide PAO Notice No. DPE/GTY/TDPO/8849/2019, that the complainant did not pay that amount and also did not approach the appellate authority and hence the appellate authority confirmed the back billing of Rs.56,362/-, that the complainant filed a complaint before this Forum vide ID No. 4732020/2020-21 but this Forum rejected his complaint and then the respondents issued a notice to the complainant for payment of the dues against SC.No.7231430002793 but the complainant instead of making payment of the dues filed an appeal before the Hon'ble Vidyut Ombudsman vide Appeal No. 27 of 2020-21. While allowing the appeal, the Hon'ble Vidyut Ombudsman directed the Executive Engineer/O/Gooty to pass a fresh final order of assessment of electricity charges payable by the complainant after affording a reasonable opportunity of hearing to him and accordingly notice was issued to the

complainant for reassessment of the fine amount but the complainant did not attend for hearing and hence the EE/Assessment again confirmed the FAO order for Rs.56,362/- on 13.05.2022 but the complainant did not pay that amount and hence the supply was disconnected in May'2022 and bill stopped in June' 2022 with dues of Rs.74,055/-. Hence, the complainant is liable to pay the bill stopped dues amount of Rs.74,055/- against SC.No.7231430002793 as per FAO and old CGRF case order. The respondents followed the regulations and taken action for recovery of the dues in accordance with the rules and Regulations under the Electricity Act.

3. Now the point for determination is:

Whether the respondents are entitled to disconnect SC.No.7231430003186 for non-payment of the electricity consumption charges pertaining to SC.No.7231430002793 of the complainant?

4. No documents are marked for the complainant. Exhibits. R1 to R4 are marked for the respondents. Heard both the parties through video conferencing.
5. **POINT:** According to the complainant, the respondents are not entitled to disconnect SC.No.7231430003186 for non-payment of electricity consumption charges pertaining to SC.No.7231430002793. On the other hand, it is the contention of the respondents that as per Reg.No.05 of 2004 of Clause No.4.8, they are entitled to disconnect the service

No.7231430003186 of the complainant for non-payment of electricity consumption charges pertaining to Sc.No.7231430002793. They have produced the copy of the order of this Tribunal vide ID No.4732020/2020-21/Anantapur Circle Dt: 30.11.2020 which is marked as Ex. R1. When the respondents issued provisional assessment order against SC. No.7231430002793, he challenged the same by filing complaint before this Forum in which Ex. R1 order was passed by this Tribunal holding that the order passed by DE/Assessments cannot be interfered. The complainant herein against Ex.R1 order of this Forum, preferred an Appeal No.27 of 2020-21 before the Hon'ble Vidyut Ombudsman which was allowed as per orders Dt: 19.01.2021 and the copy of the order is marked as Ex.R2. Under Ex.R2 order, the Hon'ble Vidyut Ombudsman set aside the order of the forum under Ex.R1 as well as the order of final assessment by the respondents and directed the respondents to pass a fresh order of assessment after affording reasonable opportunity of hearing to the complainant herein. It seems that as per Ex.R2 order, the respondents conducted fresh enquiry and afforded an opportunity of hearing to the complainant, but he did not attend the enquiry and hence in the appeal the respondents confirmed the assessment order directing the complainant to pay the final assessment amount. The complainant filed C.G.No.74/2021-22/Anantapur Circle before this Forum stating that the respondents refused to release new service connection to his house on the ground that he did not



pay the penalty amount relating to his other service connection No. 7231430002793 and the same was dismissed by this Forum on 28.03.2022 and a copy of the said order was marked as Ex.R3. Against the said order of this Forum under Ex.R3, the complainant preferred an appeal vide representation No.7 of 2022-23 before the Hon'ble Vidyut Ombudsman and the same was allowed vide Ex.R4 order directing the respondents to issue new service connection to the complainant as prayed for. However, in the said order the Hon'ble Vidyut Ombudsman permitted the respondents to take action for recovery of the arrears of consumption charges as laid down under paragraph 3 of Cl.4.8.1 of Regulation.No.5 of 2004 after giving new connection to the duplex premises of the complainant. Following the order of the Hon'ble Vidyut Ombudsman under Ex.R4, the respondents released new service connection to the complainant and demanded him for clearing the penalty amount relating to SC.No.7231430002793, but the complainant did not pay. Hence, the respondents by following paragraph 3 of Clause 4.8.1 of Regulation. No. 05 of 2004, included the said penalty amount of Rs.74,055/- in the bill relating to service connection No.7231430003186 and demanded the complainant to pay the same, but he did not pay the same.

6. Regulation No.5 of 2004 of Clause No.4.8.1 reads as follows:

“Disconnection of Service:

4.8.1 Disconnection due to non-payment: Where a consumer neglects to pay any consumption charge for

electricity or any other sum due from him to a Licensee, by the due date mentioned in the bill, in respect of supply of energy to him, the licensee may, after giving not less than fifteen (15) clear days' notice in writing to such person and without prejudice to his rights to recover such charge, cut off supply of electricity and for that purpose disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity has been supplied, and may discontinue the supply until such, charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply are paid.

In cases of all supply connections, where disconnection date for non-payment of electricity charges is mentioned in the bill, a separate disconnection notice is not required.

Where any consumer defaults in payments of Charges for the supply of electricity, and / or any other sums payable to the Company under the contract of supply agreement, the Company, may, without prejudice to its other rights cause to disconnect all or any of the other services of the consumer within the area of supply of the Licensee, though such services be distinct and are governed by separate agreements and though no default occurred in respect thereof.

In case of default on customer charges payable by agricultural consumers, other category of services of such agricultural consumers shall not be disconnected.

7. Here, in the case on hand also the complainant failed to pay arrears of Rs.72,055/- pertaining to his other service connection No.7231430002793 inspite of several notices issued to him and inspite of the fact that his complaints with regard to that issue were dismissed by this Tribunal and inspite of the order of the Hon'ble Vidyut Ombudsman under Ex.R4 and

hence, the respondents following the orders of the Hon'ble Vidyut Ombudsman under Ex.R4 and by exercising their right/power under Clause No.4.8.1 of Regulation No.05 of 2004 rightly disconnected the other service connection No.7231430003186 of the complainant. The complainant suppressing the real facts and the previous orders of this Forum and the Hon'ble Vidyut Ombudsman under Exs.R1 to R4, filed this complaint misrepresenting the facts. Considering the circumstances, this Forum opine that the complainant did not come with clean hands and the complaint is devoid of merits and is liable to be dismissed. Accordingly, the point is answered.

8. ***In the result***, the complaint is dismissed. There is no order as to costs.
9. The complainant is informed that if he is aggrieved by the order of the forum, he may approach the Hon'ble Vidyut Ombudsman, 3rd Floor, Plot No.38, Adjacent to Kesineni Admin Office, Sriramachandra Nagar, Mahanadu Road, Vijayawada- 08 in terms of Clause 13 of Reg.No.3 of 2016 of Hon'ble APERC within 30 days from the date of receipt of this order and the prescribed format is available in the website vidyutombudsman.ap.gov.in.

Typed to dictation by the computer operator-2 corrected and pronounced in the open Forum on this 27th day of October'2023.

Venky 27/10/2023
CHAIRPERSON

K. Suresh Babu
Member (Finance)
27/10/2023

H. S. S. S. 27/10/2023
Member (Technical)

G. Eswaram
Member (Independent)

Documents marked

For the complainant: Nil

For the respondents:

Exhibit No.	Description of the document
R1	Copy of the order of CGRF, Tirupati Dt: 30.11.2020 in ID No.4732020/2020-21/Anantapur Circle.
R2	Order of the Hon'ble Vidyut Ombudsman Dt: 19.01.2021 in Appeal No.27 of 2020-21.
R3	Copy of the order of CGRF, Tirupati Dt: 28.03.2022 in C.G No.74/2021-22/Anantapur Circle.
R4	Order of the Hon'ble Vidyut Ombudsman Dt: 08.06.2022 in Representation No.07 of 2022-23.

Copy to the

Complainant and All the Respondents

Copy Submitted to

The Chairman & Managing Director/Corporate Office/APSPDCL/ Tirupati.

The Hon'ble Vidyut Ombudsman, 3rd Floor, Plot No.38, Sriramachandra Nagar, Vijayawada-08.

The Secretary/Hon'ble APERC/Hyderabad-04.

The Stock file.

