

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

This the 07th day of February' 2024

C.G.No.35/2023-24/Tirupati 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

Smt. C. Reddy Bee, Kalikiri (V) & (M),
Annamaiah District.

Complainant

AND

- | | |
|---|-------------|
| 1. Dy. Executive Engineer/O/Kalikiri | |
| 2. Executive Engineer/O/Piler | |
| 3. Executive Engineer/Construction/Tirupati | Respondents |

This complaint came up for final hearing before this Forum through video conferencing on 02.02.2024 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

01. The complainant filed the complaint during Vidyut Adalat conducted at Piler on 17.10.2023 stating that the respondents constructed a new sub-station in the land of Smt. T. Indiramma, Kalikiri during the year 2005 in an extent of Ac.1.90 Cents but the respondents while constructing the sub-



station in that land, they encroached her (Complainant) site of Ac.0.12 Cents area also to which they have not paid compensation to her.

02. The said complaint was registered as C.G.No.35/2023-24 and notices were issued to the respondents calling for their response. The respondents submitted their response stating that they have asked the complainant to produce any documents with regard to encroachment of her site for ascertaining whether her site was taken by the department or not, to consider payment of compensation, if any.
03. Heard both the parties through video conferencing.
04. Now the Point for determination is:

“Whether the complainant is a consumer and whether the complaint is maintainable”?

05. The word ‘consumer’ is defined under Section 2 (15) of the Electricity Act. It is as follows:

“Consumer” means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of licensee, the Government or such other person, as the case may be”.




06. The complainant does not fall within the ambit of the said definition furnished to the consumer under the Act, since she is not getting any power supply from the DISCOM authorities.
07. However, under Regulation No.3 of 2016 under which, the CGRF is established to redress the grievances of the persons who fall within the definition of the 'complainant' as is defined under the said Regulation.
08. Thus, the person who can approach the CGRF is enlarged under this Regulation No.3 of 2016.
09. Act does not define the word 'complainant' or grievance. GTCS do not contemplate any other definition for the word 'consumer'. It does not define the 'grievance' or 'complainant'.
10. But, the Regulation No. 3 of 2016 under Clause 2.4 defines as follows:
"Complainant means and includes the following who have a grievance as defined in the Regulation (a) A consumer as defined under Clause (15) of Section 2 of the Act; (b) An applicant for a new electricity connection; (c) Any registered consumer association; (d) Any unregistered association or group of consumers, where the consumers have common or similar interests and (e) An occupier of a premises to which electricity is or has been supplied by a Licensee, (f) In the case of death of a consumer, his/her legal heir(s) or representative(s)".



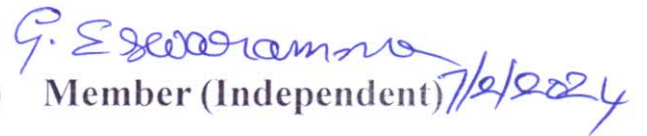
11. The complainant herein is not a consumer under Clause 2.4 of the Regulation No.3 of 2016 and the complaint filed by her is not relating to any type of deficiency of service on the part of the respondents. The complainant has to approach any competent Civil Court concerned for redressal of her grievance relating to non-payment of compensation by the department and the complaint before this Forum is not maintainable under Law and it is liable to be dismissed. Accordingly, the point is answered.
12. For the aforesaid discussion, the complaint is dismissed. No order as to costs.
13. The complainant is informed that if she is aggrieved by the order of the Forum, she 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 Regulation.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 07th day of February'2024.


CHAIRPERSON


Member (Finance)

Member (Technical)


Member (Independent)

Documents marked

For the complainant: Nil

For the respondents: Nil

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.

