

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 24 -05-2010

Appeal No. 10 of 2010

Between

Sri. D.V. Ramanaiah
Superintendent of Post Offices,
Cuddapah Division, Cuddapah . 516 001.

... Appellant

And

1. Asst. Engineer / Operation / APSPDCL / South Section / Kadapa
2. Asst. Divisional Engineer / Operation / APSPDCL / Town / Kadapa
3. Asst. Accounts Officer / ERO / APSPDCL / Rurals / Kadapa
4. Divisional Engineer / Operation / APSPDCL / Kadapa

....Respondents

The appeal / representation dated 05.05. 2010 (received on 06.05.2010) of the appellant has come up for final hearing before the Vidyut Ombudsman on 22.05.2010 at Hyderabad in the presence of Sri P.Ravinder Reddy, Advocate for appellant, Sri K.Nageswara Rao, ASPO of appellant present and Sri G.Tirumeludaru, AAE/O/South/Kadapa and Sri S.Ramachandraiah, AAO/ERO/Kadapa present for respondents and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The appellant Sri DV Ramanaiah filed a complaint before the Forum alleging that the complainant is having one HSC No. 10481 of Kadapa for the purpose of water supply to the postal quarters with different capacity of motors. Put together with 13HP released in 1986. Since then, no demand notices for

consumption of electricity were issued by the respondents. Abruptly in June 2008, respondents issued CC bills for Rs.30950/- to pay the same immediately to avoid disconnection and after disconnections, the demanded amount was paid on 28.06.2008. Again, in the month of February 2009 another CC bill for Rs.31321/- was issued and demanded for payment. But on verification, the CC bill was issued with SC No.087151 instead of 10481. Again respondents issued CC bill for Rs.199962/- in the month of February 2009 for 274 months with the total consumption recorded shown in the meter from that day onwards, respondents are issuing CC bill with improper readings and tried to disconnect the service, for realization of arrears. In the meanwhile, respondents disconnected the service and faced lot of difficulties, by the occupants and when the same was represented to the SE /Op/Kadapa, restored with a condition to pay the arrears within 15 days. The complainant addressed several times to furnish the details of CC bill amount, but the respondents did not turn up to furnish the details of CC bills and without any intimation, the supply was disconnected on 29.01.2010. Finally, the complainant appealed to examine the issue and settle and also requested to issue necessary instructions to the concerned staff to restore power supply to avoid hardship to the occupants.

2. The respondents have submitted their remarks as hereunder:

(i) It is true that CC bill to the SC No. 10481/South Kadapa, P&T water works to the residential quarters was issued for Rs.272236/- for the consumption of 56226 units right from the date of supply to 26.11.2009 under category III based on the inspection report of the ADE/O/Kadapa in Lr.No.2283 dt.15.02.2010.

(ii) Based on the appeal of the complainant and after thorough verification of all the records and after deduction of the amounts paid by the complainant in earlier period, the CC bill already issued is revised to Rs.201363/- and the same is also intimated to the complainant.

They have also stated in Lr.No.369 dt.02.03.2010 that the complainant raised objections on the CC bill issued in 02/10 regarding levy of customer charges, electricity duty and change of category. The objections have been clarified as per the Terms & Conditions and revised the CC bill to Rs.172554/- duly taking the additional load for the last 2 years detected at the time of inspection. This included the development charges and security deposit payable by the complainant for the unauthorized load detected during inspection.

3. After hearing and considering the material placed before the Forum, the Forum observed that the action of the respondents in issuing the CC bill is sustained and the complainant is advised to pay the CC bill as demanded. Accordingly, the complaint is disallowed.

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that all of a sudden during the month of November 2009 demand note for Rs.242236/- was received noting the consumption from 0 to 56226. The department has been paying huge amounts for all post offices whenever bills are received without any delay. This amount is fallen arrears due to non-serving of monthly consumption bills regularly from the date of connection i.e, 24.05.1986. If monthly consumption bills are given, they would have paid the same and all of a sudden they have demanded Rs.172554/- which is huge amount and the department is unable to pay the huge amount.

5. Now, the point for consideration is, whether the impugned order dt.20.03.2010, is liable to be set aside? if so, on what grounds?+

6. The department has already submitted a proposal for granting installments and the Forum rejected to grant the installments as requested. The Counsel for the appellant Sri P.Ravinder Reddy submitted that the amount as claimed is heavy amount and the same may be ordered to be paid by installments without any interest. Whereas, the respondents have submitted that no provision is

incorporated to pay the amounts on installment basis and the appeal is liable to be dismissed.

7. It is clear from the record that right from the beginning issue of connection till November 2009 no demand is made. Infact, the respondents have no right to demand the amount exceeding more than 2 years as per clause 4.8.2 of Regulation No. 5 of 2004 of APERC. The said clause reads as follows:

Cl.4.8.2

“Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after a period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied and the licensee sha11not cut off the supply of the electricity.”

8. However, the department has paid some amounts acknowledging the debt liable to be paid. If the amount is not paid, the department is precluded from collecting the said amounts on the ground that the same is barred by time. It appears that they paid an amount of Rs.30950/- on 30.05.2008, Rs.255/- on 26.12.2009. After deducting the said amounts, the balance is shown as Rs.172554/-. Had they been paid at the earliest point of time without paying sum questioning the claim barred by time. Having paid the amounts, the liability is acknowledged and the petitioner is bound to pay the same. Furthermore, as per Para 256 of Tariff order 2008-09 and the same is being continued for the subsequent years also. If the amount is ordered to be paid by way of installments, it shall carry interest at 18% p.a. The appellant has requested to order payment of amount by way of installments without interest. Hence, the same cannot be acceded to.

9. In the light of the above said circumstances, it is proper and reasonable to grant some time to the appellant to pay the amount as they have to obtain the sanction from higher authorities.

10. In the result, the appeal is dismissed, but the appellant is granted time for four months to pay the arrears of amounts. No order as to costs.

This order is corrected and signed on this day of 24th May 2010

VIDYUT OMBUDSMAN