

VIDYUT OMBUDSMAN
O/o: ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4th Floor, Singareni Bhavan, Red Hills, Hyderabad – 500 004

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated 08 - 12 - 2011

Appeal No. 73 of 2011

Between

Sri.B.M.G. Moinuddin
C/o: Balaji Chicken Centre,
Shop No. 20/427, Chinna Market Road,
Adoni, Kurnool District

..... Appellant

And

1. Assistant Engineer/Operation/D-1/Adoni/CPDCL/Kurnool District
2. Assistant Divisional Engineer/Operation/Distribution, Adoni (Town)/CPDCL/Kurnool
3. Assistant Accounts Officer/ERO/Adoni/CPDCL/Kurnool District
4. Divisional Engineer/Operation/Adoni /CPDCL/Kurnool District

..... Respondents

The appeal / representation is received on 14-10-2011 against the CGRF order of APCPDCL (in CG No.KNL - 58/dt: 04-07-2011/Kurnool Circle dated 16-08-2011). The same has come up for hearing before the Vidyut Ombudsman on 16-11-2011. Sri.B.M.G. Moinuddin, absent and Sri N.Narendra Kumar, DE/O/Adoni, Sri S.Lakshmayya, AAO/ERO/Adoni and Sri D.S.Maddilety, AAE/D1/Adoni on behalf of respondents present, heard and having stood over for consideration till this day, the Vidyut Ombudsman passed/issued the following:

AWARD

The appellant filed a complaint before the Forum alleging that:

"he availed power supply from 27-06-2000. He applied for connection under Cat-II. But the departmental people raised monthly bills under Cat-I. Twenty months later there was an inspection and a case of malpractice was booked against him and back billing for 20 months was made under Cat-II. He paid Rs.1,571/- as part payment and got the supply reconnected. Now they again disconnected the service on 06-01-2011".

2. The third Respondent, AAO, ERO, Adoni, furnished written submission to the above said notice wherein he stated that the Assistant Engineer, Operation, D – I, Adoni, had pointed out in his letter No. AE/D/Adoni/F.No.33, D.No.882/02 dated 24-02-2002 that the service was released under Cat-I by oversight. The consumer had paid Development charges and Security Deposit under Cat-II. Therefore, he requested to revise the bill from July, 2000 to March, 2002. It was done and a demand for Rs.1,353/- was raised in March, 2002. The Adoni Assistant Engineer wanted the bill for April, 2002 and May 2002 and have the records in the ERO Office changed from Cat-I to Cat-II. In May, 2002 the category was changed to II. In the malpractice case, the ADE/Op/Adoni/SBE/F.Doc/ D.No.563/02, Dt.11-3-2002 gave the final assessment as Rs.6,368/- and hence the amount was included in the bill.

3. The Forum examined the complainant and also examined respondents, while conducting enquiry. After hearing both sides and after considering the material placed before the Forum, the Forum passed the impugned order as here under:

“In view of the above, it is clear that consumer has not committed any mistake and not indulged in malpractice. Whether the ADEs, AEs, EROs, AAOs are holding office or getting transferred, it is the primary duties of the incumbent officials to verify the records and rectify the problem. That they have failed in this since 2002 speaks about their callous attitude.

The Respondents are directed to withdraw the back billing amount shown in the Final Assessment Order including surcharge. The ¼th amount has already paid should be adjusted in future bills.

The complaint is disposed off accordingly.”

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the respondents have not connected supply inspite of the payment made by him on many occasions and he sustained great loss and he is entitled for recovery of loss sustained by him.

5. Now, the point for consideration is, “whether the respondents have complied the order of the Forum” ?

6. The appellant failed to attend before this authority. Whereas Sri N.Narendra Kumar, DE/O/Adoni, Sri S.Lakshmayya, AAO/ERO/Adoni and Sri D.S.Maddilety, AAE/D1/Adoni for respondents present and stated that they have complied the order of the Forum by

withdrawing back billing amount and also restored the service connection and 1/4th amount paid by the appellant is also adjusted in his future bills and requested this authority to drop the proceedings.

7. In view of the above said representation and in the absence of representation made by the appellant, this authority is of the opinion that the order of the Forum is complied with and the appeal is disposed accordingly. So far as awarding compensation for the loss of business is concerned, the same is not within the purview of this authority. He has to approach the competent civil court, provided the cause of action survives.
8. If the appellant still feels that there is an irregularity in implementing the order, he can represent to this authority by sending a representation of his grievance. No order as to costs.

This order is corrected and signed on this day of 8th December 2011

VIDYUT OMBUDSMAN