

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

Present

**K.Sanjeeva Rao Naidu**  
Vidyut Ombudsman

**Dated: 06-06-2012**

**Appeal No. 30 of 2012**

Between

Sri. M. Bhanumurthy,  
Manginapudi,  
A/ W Chilakalapudi – 521 002.  
Krishna Dist

**... Appellant**

**And**

1. Assistant Accounts Officer / ERO / APSPDCL / Machilipatnam
2. Senior Accounts Officer / APSPDCL / Vijayawada
3. Chief General Manager / Finance / CO / APSPDCL / Tirupati

**....Respondents**

The appeal / representation dated 09.02.2012 received by this authority on 13.02.2012 against the CGRF order of APSPDCL in C.G. No. 242 / 2011-12 Vijayawada Circle Dt.13.01.2012. The same has come up for final hearing before the Vidyut Ombudsman on 31.05.2012. Sri. Sudhakar and Sri. Pinakapani, Advocate for appellant present. Sri. P. Madhu Mohan Prasad, AAO / ERO / Machilipatnam and Sri. K. Ramakrishna, AE / O / Rural / Machilipatnam on behalf of respondents present. Heard both the parties and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

**AWARD**

The petitioner filed a complaint before the CGRF against the Respondents for Redressal of his Grievances. In the complaint he has mentioned about his grievances as hereunder:

1. *There is one electrical connection bearing service No:7 for his house at Manginapudi.*

2. *The extra departmental post office is running in his house.*
3. *It is usual that the above post office is to function in the residence of "Grameena dock sevak".*
4. *The above office works from 11:00 AM to 1:00 PM only.*
5. *Based on the above the officials treating his residence as central government post office changed the category of service from LT-I to II and issued bill to that effect.*
6. *Had he been informed in advance about the said change of category he could have given proper explanation in the matter.*
7. *But the departmental officials took decision unilaterally and changed the category of service resulting in unbearable financial burden on him.*
8. *When he contacted the local AE/Rural/Machilipatnam, he later replied that change was done by higher authorities.*
9. *When the matter was taken to the notice of postal officials they addressed the local officers and sent a letter on 27-6-2011 to that effect for converting the service from category-II to category-I LT.*
10. *But the department had not taken any action.*
11. *The post offices existing in rural areas does not belongs to the postal department and are not paid any rent towards accommodation.*
12. *Requested for recategorization of his service above from category-II to category-I and revise the bills to that effect.*

2. The respondent-3 i.e. the Chief General Manager/Finance/C.O/Tirupati in his written submission dt:07-9-2011 and received in this office on dt:08-09-2011 stated that:

1. *The complaint is to be redressed by the AAE/Opn concerned and the CGM/Finance is no way concerned and not responsible.*
2. *Requested to drop the CGM/Finance as the respondent.*

3. The respondent-1 i.e. the Assistant Accounts Officer/ERO/Machilipatnam in his written submission dt:16-9-2011 and received in this office on dt:17-09-2011 stated that:

1. *The AE/Opn/Rural/Machilipatnam in his letter dt: 11-4-2011 sent a proposal to change the category of the service number 6222334000007 from I to II with effect from 7/2010.*
2. *As per the letter above, the category of the service was changed with effect from 7/2010.*
3. *In the letter above, it was intimated that the service was inspected during the intensive inspection held on 7-4-2011 at rural section and noticed that the consumer was utilizing supply for post office purpose and recommended to change the category as II.*
4. *The complainant himself stated that he had extra departmental post office at his domestic premises which is working from 11:00 AM to 1:00 PM as per which it is clear that the consumer is utilizing supply for commercial activity which is to be classified as category-II.*

5. *It was also intimated by the complainant that he is not receiving any rent from the department and the post office does not pertain to postal department.*
6. *The categorization will be decided as per the purpose of the utilization of the supply, but not on the basis of the rent received etc.*
7. *The complainant on one side stating that it is a post office and on the other side, he states that it does not belong to postal department which is contra.*

4. After hearing both sides and after considering the material on record, the Forum passed the following order.

*The complainant is advised to separate the wiring for his post office room from the main house and obtain a new service separately for the post office under category-II if he desires to continue the post office in his house.*

*Accordingly the case is allowed in full and disposed off.*

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the appellant is running village doc in his house and it is only in between 11 am to 1 pm and no power would be there in the village. It is urged that in fact power was not required for the said office, but it was changed from category I to II, though the Divisional Postal Superintendent recommended for domestic category only and that they are not paying any rent nor any salary to him but the Forum has failed to observe these aspects and passed the impugned order and the impugned order is liable to be set aside.

6. Now the point for consideration is, whether the impugned order is liable to be set aside? If so on what grounds?

7. Sri. N. Sudhakar nephew of the appellant and Sri. Pinakapani, Advocate on behalf of the appellant present and represented that the service rendered by him is only a free service and no rent is paid to the building and the very changing of the category I to ii is against to procedure, since no commercial activity is entertained by the appellant.

8. Sri. P. Madhumohan Prasad AAO, Machilipatnam and K. Ramakrishna AE, operation rural section Machilipatnam appeared before the authority and

categorically stated that the appellant's residence is used as Grameena Dock Sevak and it is purely commercial activity and the appeal preferred by the appellant is liable to be dismissed.

9. It is an admitted fact, that Garmeena Dock Seva is located in the house of the appellant it is also an admitted fact that the office hours of dock seva is 11 am to 1 pm i.e. strictly for 3 hours in day time. It is represented that no commercial activity is entertained . No rent is paid o the premises nor remuneration is paid for his services. If any one of the above said aspects is established, no doubt it can be treated as a commercial activity for which another service connection is required under category II. In this case, none of the above said two conditions are available.

10. Therefore, it cannot be said that it is a commercial activity and it requires service connection under category II. This aspect has been lost sight of by the Forum and the impugned order is liable to be set aside.

11. In the result, the appeal is allowed. The impugned order of the Forum is here by set aside. The respondents are hereby directed to change the category II to category I immediately. The compliance shall be reported to this authority within a fortnight.

This order is corrected and signed on this day of 6<sup>th</sup> June, 2012

**Sd/-**  
**VIDYUT OMBUDSMAN**