

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

Present

Nagaraj Naram
Vidyut Ombudsman

Dated: 22-07-2013

Appeal No. 52 of 2012

Between

Smt.J.Jaya
W/o.J.Prasad Babu, Advocate
Door No.7-24, Near Joseph Hospital
Prathipadu Main Road,
Prathipadu (V), (M)
East Godavari Dist – 533432.

... Appellant

And

1. Assistant Engineer / Operation / APEPDCL/ Prathipadu / E. G. Dist
2. Asst. Divisional Engineer / Operation / APEPDCL / Prathipadu / E.G. Dist
3. Asst. Accounts Officer / Operation / APEPDCL / Jaggampeta / E.G. Dist
4. Divisional Engineer / Operation / APEPDCL / Jaggampeta / E.G. Dist
- 5 Superintending Engineer / Operation / APEPDCL / Rajahmundry / E.G. Dist

.....Respondents

The appeal / representation received by this authority on 16-07-2012 against the CGRF order of APEPDCL 594 / 2011-12 of East Godavari District Dt. 18-05-2012. The same has been listed hearing on several dates initially on 07-08-2012 and finally on 12-07-2012 before the Vidyut Ombudsman. There is no representation on behalf of the appellant. On behalf of the respondents Sri L.Satish Naik, AE/O/Prathipadu present. Heard the representative of the respondent and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

ORDER

The appeal filed by the above named consumer is against the order of the CGRF/APEPDCL in CG No.594/2011-12 of E.G.Dist dated 18-05-2012.

2. The case of the complainant is that the consumer has been paying the bills for service connection No. 0304003077 regularly ranging between Rs.1500/- to Rs.2000/- up to the year February 2010. She had received a bill for Rs.40,690/- in the month of March 2010 even though the service is in category - I. She made a representation to the Asst. Engineer and Accounts Officer but to no avail as there is no fault on their part. However, no action was taken instead she was harassed for payment.

3. She stated that upon her complaint the CGRF the concerned officers have filed statements with false and incorrect information to escape from the regular duties. It was alleged that she was not allowing the officers to take reading between February 2009 to January 2010, even though bills were paid by the complainant which is not denied.

4. She further stated that she is belonging to Schedule Caste and the department is harassing in various ways. The CGRF did not appreciate the case of the complainant. It also did not award compensation and on the other hand directed payment of Rs.87,551/- to the department. The complainant is willing to pay the bills and has been doing so without fail by paying the necessary charges to replace the meter which is burnt. Therefore, she requests that the matter may be enquired into and justice done to the poor schedule caste complainant by directing the department not to insist on payment of the amount directed by the CGRF, else disconnection to be effected.

5. Initially, this authority had issued notice on 27-07-2012 requiring the complainant and the opposite parties to appear before it on 07-08-2012. The opposite parties appeared but the complainant failed to appear or make representation through a representative. Since the consumer was not present for

the hearing further notices were issued on 22-06-2012 to appear on 05-09-2012, 25-09-2012 to appear on 15-10-2012, 29-10-2012 to appear on 04-12-2012, 22-02-2013 to appear on 22-04-2013. All these notices sent to the complainant returned undelivered for various reasons.

6. Noticing that the service of notice being effected by post is being returned, a fresh notice has been sent to the complainant through the concerned officers of the department, duly instructing them to take acknowledgement of service of notice on the consumer and file the same before this authority.

7. Even after such notice there was no appearance or representation, much less any communication on behalf of the consumer. Therefore, this authority is constrained to dispose of the appeal in her absence on merits.

8. On the date of hearing, the concerned Asst.Engineer appeared before this authority and filed a statement the contents of which are as follows:

"The consumer of SC No.0304 003077 at Prathipadu(V) has paid necessary CC bills from 02/2009 to 01/2010 in time and from 03/2010 to 03/2012 the consumer not paying the CC bill except one paid vide Pr.No.26822, Dt.02-03-2012, Amt:5000/- and the amount accumulated against SC No.0304 003077 for an amount of Rs.1,08,560/-.

The consumer has made suit over electrical department regarding withdrawal of excess CC bill issued for the month of 03/2010 for an amount of Rs.40,690/- but the court of Junior Civil Judge, Prathipadu vide OS No.21/2010, IA No.130/2010 given direction to pay the arrear amount.

The consumer of SC No.0304 003077 has not permitting to allow inside his house for taking meter readings from 02/2009 to 01/2010 and the spot biller issued average units of 250 units per bill and the then ADE, Operation, Prathipadu & Sub-Engineer inspected the service on 08-03-2010 and found excess units are there in the existing meter and issued demand notice for the months of 03/2010 for an amount of Rs.40,690/- (consumer utilised the supply previously and billing has not made). The connected load of existing service is 2KW.

And also from 03/2010 to 01/2013, the consumer not allowing inside his house for taking meter readings and the spot biller issued demand notice by taking 500 units per bill and from 02/2013 to till date spot biller issued exact reading since meter was shifted from inside his premises to outside."

9. A perusal of the above extracted report clearly demonstrates that the consumer is seeking to litigate on an issue which has been rightly decided by the CGRF. Inasmuch as the consumer is bound by the demand raised by the department and should have honoured the bills before agitating on the same. It is also seen that the complainant through his relation (husband) is seeking to threaten the lawful duty being performed by the officers of the department by instituting various litigation, more particularly a suit in O.S.No.21/2010 in the court of Senior Civil Judge, Prathipadu.

10. From the record filed before this authority, it has been noticed that the consumer has been incurring heavy consumption on an average of more than Rs.1500/-. Keeping this in view, the demand raised by the department appears to be appropriate and the consumer is liable to pay the same.

11. Further, it is seen from the order passed by the CGRF that the consumer has not been paying the consumption charges for about a period of two years resulting in accumulation of arrears. Therefore, it gave a finding that the consumer has to pay the amount due and quantified by the department and any further arrears due subsequent to the disposal of the grievance by the CGRF.

12. From the report filed by the officer of the department, it is noticed that the consumer has a load of 2 KW and has been utilising the supply without paying the bills properly. Instead the consumer has chosen to pay only part amount taking advantage of the meter being inside the premises for the period prior to 01 / 2013. After shifting of meter regular bills have been raised and the same are being paid by the consumer. Even then the consumer number figures in the disconnection list for all the period up to 05/2013 with an amount due of Rs.1,04,724/-.

13. From the facts recorded by this authority above, it can be safely construed that the consumer is inclined to consume power without paying the necessary charges due to the department. It also appears that the consumer is harassing the department officials by not allowing them to discharge their duties in accordance with rules and regulations, as the same is visible due to non-payment of the amount due and not allowing the meter reader to take the readings for proper billing.

14. This authority is constrained to reject the appeal as well as complaint filed by the consumer and direct the department to take necessary steps for recovery of the amounts due. The order of the CGRF is upheld and the concerned officers who are parties to this appeal are directed to take action for recovery of the amounts and file a report with the CGRF as well as this authority within a period of one month.

15. Before parting with the appeal this authority is of the opinion that steps should be taken by the department to recover such arrears without delay by initiating proper proceedings in accordance with applicable Acts, Rules and Regulations. For this purpose the department can invoke the provisions of the Electricity Act, 2003 or if the same is not available steps can be taken by the mode of Revenue Recovery Act. As stated above action may be initiated and compliance report shall be filed with this authority.

16. With the above observations, the appeal is dismissed.

This order is corrected and signed on this day 22nd July, 2013

Sd/-

VIDYUT OMBUDSMAN