

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: 06-12-2012

Appeal No. 68 of 2012

Between

Sri. B. Shyamala Rao,
Kotrenipadu (Village), Masunur Mandal, Krishna Dist

... Appellant

And

1. Asst. Engineer / Operation / APSPDCL / Hanuman Junction / Krishna Dist
2. Asst. Divisional Engineer/ Operation/ APSPDCL/ Hanuman Junction/ Krishna Dist
3. Asst. Accounts Officer /ERO / APSPDCL / Hanuman Junction / Krishna Dist
4. Asst. Accounts Officer /ERO / APSPDCL / Guduwada / Krishna Dist

.....Respondents

The appeal / representation received by this authority on 31.07.2012 against the CGRF order of APSPDCL C.G. No. 238 / 2010-11 Vijayawada Circle dated 10.06.2011. The same has come up for final hearing before the Vidyut Ombudsman on 05.12.2012 at Hyderabad. Sri. B. Syamala Rao, appellant present. Sri. S.K. Adam Shafee AAE / O / APSPDCL / Hanuman Junction on behalf of the respondents present. Heard the arguments of 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, the appellant has mentioned about the grievances as hereunder:

i The Complainant name is Bommakanti Syamala Rao, S/O Chandra Maheswara Rao.

- ii *He is representing on behalf of Bommakanti Bhramaramba, W/O Chandra Sekhar Rao and Amudalapalli Nagamani , W/O Sinishkiran.*
- iii *During 2004 year, 3 nos Agl services were refered in the name of Bommakanti Bramaramba and 2 Agl services in the name of Amudalapalli Nagamani under five category against SDR No:178/2003-04.*
- iv *The service numbers are*
 191600831
 191600832
 191600833
 191600834
 191600835
- v *After 3 years of release of the above services bills were received for C.C.Charges in 'J' category.*
- vi *Officials of Electricity were collecting minimum C.C.Charges against undertaking that they are non-income tax assessors.*
- vii *They have requested several times for change of category from paid to free category.*
- viii *From days back, the Assistant Engineer/Electrical served demand notices for Rs 4,50,000/- and disconnected their services.*
- ix *Their maize crops failed due to lack of water.*
- x *They are of dry land cultivators.*
- xi *They are not income tax assesses.*
- xii *Requested for change of category from paid to free.*

2. The 1st respondent replied as follows :

- i *Earlier, the Medichrla village was under the control of Mirjapuram section, and recently about one year back, the distribution was transferred to H.Junction section.*
- ii *The complainant, B.Syamala rao, never approached the section officer for the alleged change of category.*
- iii *No representation is pending at the H.Junction section in connection with their matter.*
- iv *On 23-12-2010 only after reporting to the Forum, the complainant approached his officer and submitted the relevant papers.*
- v *On 18-12-2010 and 23-12-2010, he had submitted all the 5 nos. documents to the Assistant Divisional Engineer/Operation/H.Junction for charging the said services to class A (Dry and free).*

3. The respondent-III, the Assistant Accounts Officer/ERO/Rurals/ Gudiwada in his reply dt:15-12-2010 stated that

- i *The service No:6144212000831 to 6144212000835 of Medicherla distribution were released during 2004 for Agricultural purpose under (Class J).*
- ii *Since then bills were generated under corporate class and appended the data sheets.*
- iii *No Proposal is pending in the ERO for the said change of category.*
- iv *Category change will be effeted after receipt of proposals at his office.*

4. After careful consideration, the Forum passed the following order :

The consumer is advised to submit the four documents mentioning at his item 5 above as demanded by the Additional Assistant Engineer / Operation /

H.Junction for effecting the change of category of the Agl. Services 6144212000831 to 835 from paid to free category.

The respondents are directed to effect the change of category of the Agl. Services above within 7 days after receipt of the necessary documents and report compliance.

5. Aggrieved by the above said order, the appellant preferred this appeal questioning the impugned order by projecting the following grounds:

- i) He has taken five agricultural service connections in the village Madecherla with SC no.s 831 to 835 2003-04 under free category.*
- ii) All of a sudden to his surprise after one year, he received the electrical bills in which he has put in 'J' category.*
- iii) Later the said Madecherla village was fallen in the jurisdiction of Hanuman Junction and the AE asked him to pay the 'J' category bills and disconnected the service. He approached the grievances cell, Tirupathi which directed him to produce the documents and he submitted all the documents, even then, he is receiving the bills in 'J' category.*
- iv) Again he approached the forum grievances cell, which directed him to produce four documents and on the production of the same directed to change the category.*

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

7. The appellant Sri. B.Shymala Rao appeared before this authority and submitted the same grounds mentioned in the grounds of appeal.

8. The respondents are represented by Sri. S.K.Adam Shafee, AAE, Hanuman Junction and stated that the appellant is shown under J category on the ground that they are income tax assessee and they are not entitled for free connection.

9. It is an admitted fact that three agricultural connection were in the name of Bommakanti. Brahmaramba and two agricultural connections were in the name Amudala Palli Nagamalli under category-V. The appellant is representing both the owners of the above said service connections. The grounds mentioned by the

respondents were that the bills were issued treating them under corporate class and they were not entitled for free service connection. No material is placed before this authority to show as to how they are classified as corporate class or income tax assesses. No doubt, an income tax assessee is not entitled for free service connection. It is the respondent who has classified the consumers as income tax assesses, the burden is heavily on them to establish the same. In the absence of any material, there is no option except to hold that the classification is wrongly made. The only duty cast upon the respondents is to issue a notice to produce the income tax bills or income tax assessment orders etc., enabling them to classify under corporate class. If they are not income assesses, the department have to obtain an affidavit from the consumer duly attested by a notary or by a competent authority to the effect that they are not income tax assesses. The respondents have no power to classify them as corporate class suo moto that too without any material. The appellant is not the consumer. His status is not relevant. The relevant aspect to be looked into by the respondents is the status of the consumers, namely Bommakonti. Brahmaramba and Amudalapalli. Nagamalli but not the status of B. Shyamala Rao, the appellant herein. Hence, the classification made by them is not in accordance with the procedure contemplated and the impugned order is liable to be modified.

10. In the result the appeal is allowed modifying the impugned order as here under:

11. The respondents are directed to reclassify the same soon after production of the affidavit as stated supra. If they have already filed the affidavit change the category of service connection into free service connection forthwith.

12. No order as to costs.

This order is corrected and signed on this 6th day of December, 2012.

Sd/-
VIDYUT OMBUDSMAN