BEFORE THE VIDYUT OMBUDSMAN
Andhra Pradesh :: Hyderabad

:: Present ::

C. Ramakrishna

Date: 16-02-2016

Appeal No. 24 of 2015

Between

Sri. S. Muneer Ahmed, %. Royal Industries D.No. 73/1-B2-B3, Pasupula Village, Kurnool Mandal, Kurnool District

... Appellant

And

1. The AAO/ERO/APSPDCL/Kurnool Rural
2. The AE/Operation/APSPDCL/Kurnool Rural
3. The ADE/Operation/APSPDCL/Kurnool
4. The DE/Operation/APSPDCL/Kurnool

… Respondents

The above appeal filed on 02-11-2015 has come up for final hearing before the Vidyut Ombudsman on 06-02-2016 at Hyderabad. The appellant, as well as respondents 1 and 3 above were present. Having considered the appeal, the written and oral submissions made by the appellant and the respondents, the Vidyut Ombudsman passed the following:

AWARD

2. The appeal arose out of the complaint of the consumer about recategorization of his service connection incorrectly. In spite of the CGRF giving an order broadly in

his favour, the appellant preferred this appeal as he was not happy with the CGRF's order directing that the recategorization be done w.e.f 07-03-2015 and not from July, 2013.

3. The appellant stated in his appeal that he is the proprietor of Royal Industries, Pasupula bearing service connection number 898 which was released on 03-07-2011 under Category III; that on 03-04-2013, the AE, DPE, Kurnool inspected the service and back billed it under Category II w.e.f July, 2013; that on approaching the CGRF, Tirupati it held that the recategorization done is wrong and ordered that the incorrect recategorization be reversed w.e.f 07-03-2015 i.e., the date of his approaching the CGRF with the complaint; and that therefore he is seeking reversal of the recategorization done w.e.f July, 2013. He enclosed a copy of the account statement and an order of the CGRF in support of his appeal.

4. Notices were issued for hearing the matter. The respondent AAO submitted his written submission stating that the category of the service connection of the appellant was changed from II to III in accordance with the order issued by the CGRF and that an amount of Rs. 25,128/- was also credited to his account through a reverse journal entry in the books of the DISCOM.

5. During the course of the hearing, the appellant and the respondents confirmed what they stated in writing. The key points that arose for consideration in this appeal are:

- Whether or not the appellant is entitled for seeking reversal of his category from II to III w.e.f July, 2013; and

- Whether or not the CGRF's order needs to be interfered with in this regard.

6. It is seen from the record that the appellant is engaged in the business of packaging drinking water and selling it. The unit of the appellant is a small scale industry and is recognized as such by the Government authorities -- the Industries Department. It is based on such recognition that the DISCOM had released the service under Category III initially at the time of releasing the service on 03-07-2011. But somewhere along the line, the thinking of the DISCOM (then APCPDCL) changed and instructions were issued to their DPE wing and the field offices to change the category of such units from III to II. Accordingly, in some cases the DPE wing booked cases and sought to change the category from III to II and in some cases, the field officers themselves did so. In the present instance also, upon an inspection carried out by the DPE wing, the category of the service was changed from III to II w.e.f July, 2013. Such recategorization merely based on a change in the thinking of the DISCOM is not at all correct. This was held already in a number of cases by this authority earlier too. No new material was there before the DISCOM to justify its change in thinking that the appellant's unit should be categorized as LT II instead of LT III. It is the Hon'ble Commission which takes up the categorization of the service connections through its tariff orders every year. Without there being any mention in the tariff order about such units being categorized under LT II, the DISCOM undertaking such a recategorization is not at all correct and such an act needs to be reversed. The CGRF had correctly held that the category cannot be LT II and that it needs to be LT III only. But the CGRF by applying a very strange logic had ordered that the reversal of the recategorization be done only with effect from the date of making complaint to it. This is not at all correct. The reversal of the incorrect recategorization done by the

DISCOM needs to be done w.e.f the original date of such incorrect recategorization. Hence the first issue is held in favour of the appellant.

7. Coming to the second issue, even though the CGRF had correctly held the issue in so far as the categorization is concerned, the strange logic it applied to restrict the benefit only from the date of the complaint before it, is not at all supportable. Hence to this extent, the order of the Forum is held to be incorrect.

8. Therefore, it is hereby ordered that

- the order of the CGRF is modified to the extent that the reversal of the wrong recategorization done from July, 2013 needs to be reversed from July, 2013 itself and not from any date thereafter; and
- the respondents shall give effect to this order within 15 days from the date of receipt of this order and report compliance within 15 days from thereafter.

9. This order is corrected and signed on this 16th day of February, 2016.

10. A digitally signed copy of this order is made available at www.vidyutombudsman.ap.gov.in.

VIDYUT OMBUDSMAN

To

1. Sri. S. Muneer Ahmed, %. Royal Industries D.No. 73/1-B2-B3, Pasupula

Village, Kurnool Mandal, Kurnool District

2. The Assistant Accounts Officer, ERO, APSPDCL, Kurnool Rural, Opp. K V R College, Power House Compound, Kurnool - 518 001
3. The Assistant Engineer, Operation, APSPDCL, kurnool Rural, Opp. K V R College, Power House Compound, Kurnool - 518 001
4. The Assistant Divisional Engineer, Operation, APSPDCL, Opp. K V R College, Power House Compound, Kurnool - 518 001
5. The Divisional Engineer, Operation, APSPDCL, Power House Compound, Opp. K V R College, Kurnool - 518 001

Copy to:

6. The Chairman, C.G.R.F., APSPDCL,19/13/65/A, Sreenivasapuram, Near 132 kV Substation, Tiruchanoor Road, Tirupati - 517 503
7. The Secretary, APERC, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004