



**BEFORE THE VIDYUT OMBUDSMAN  
Andhra Pradesh :: Hyderabad**

:: Present ::

**C. Ramakrishna**

Date: 16-02-2016

Appeal No. 27 of 2015

Between

Dr. George Joseph, D.No. 33-125/1, Trust Residence, Sishu Seva Nagar, Palamaner  
Chittoor District.

**... Appellant**

**And**

1. AE/Operation/APSPDCL/Palamaner/Chittoor District
2. ADE/Operation/APSPDCL/Palamaner/Chittoor District
3. DE/Operation/APSPDCL/Chittoor Rural/Chittoor/Chittoor District

**... Respondents**

The above appeal filed on 30-11-2015 has come up for final hearing before the Vidyut Ombudsman on 03-02-2016 at Tirupati. The appellant, as well as respondents 1 to 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 categorization of his service connection. In spite of the CGRF holding the issue broadly in his favour, the appellant still preferred this appeal seeking a clarification as to whether the DISCOM

can disconnect his power supply without disposing of his written representations in the matter.

3. The appellant stated in his appeal that the order of the CGRF failed to address all the issues that are raised by him in his complaint before it; that the supply to four of his service connections was stopped from August 2, 2015 to September 2, 2015 for nonpayment of the charges demanded of him without disposing of his representations dated 4th, 5th and 19th of August, 2015; that the recategorization of service as ordered by the CGRF was not done till date in spite of his submitting all the relevant documents by 04-11-2015; that his premises has a connected load of only 3.26 kW, but that the respondent AE had incorrectly assessed the connected load as 25.31 kW without conducting any inspection; and that his requests for joint inspection of the premises went unheeded. He therefore prayed for a clarification as to whether the DISCOM can disconnect his power supply when his representations are pending before the authorities. He also sought directions to the DISCOM to effect category change from II to VII and conduct a joint inspection to determine his connected load. He enclosed copies of his representation to the CGRF and the order issued by the CGRF.

4. Notices were issued for hearing the matter. The respondent ADE in his written submission had stated that the appellat has four service connections located in a single premises under Category I; that on July 2, 2015 the then AE had inspected the premises in the presence of the appellant and found that the connected load of all the services had exceeded the contracted load; that therefore, he had booked additional load cases and served notices on July 17, 2015 seeking payment of deposit for additional load; that in spite of giving the consumer ample opportunity to pay the amounts sought for, the consumer did not come forward to pay the amounts, and

hence the supply to the services was stopped on 25-08-2015; that it is only after approaching all the higher authorities, that the consumer had ultimately paid the demands on 02-09-2015 and thereupon the supply was restored on the very same day; that the recategorization of services to Cat VII was done based on the clarification received from the SE/Tirupati from the date of clarificatory order; that the inspection by the then AE, Palamaner was done in the presence of the appellant only; that a joint inspection of the premises was again done 23-11-2015 and it was found that the results of the inspection done on 02-07-2015 hold good; that the consumer actually is well aware that he has been enjoying the service connections under domestic category in spite of his being aware that he is carrying out activities whose nature is other than domestic; that despite being aware of his additional load also, he never approached the DISCOM's authorities seeking regularization of additional load; that he had approached the DISCOM's authorities only subsequent to the inspection done by the AE; and that he has been unnecessarily raising the bogey of injustice only to cover up his misdemeanours. He enclosed some documents buttressing his submissions.

5. During the course of hearing on 22-12-2015, it was evident that the appellant has been harbouring some hard feelings against the respondents because of the way in which they approached the whole issue and went about ordering stoppage of supply to his service connections. He was sour that his repeated pleas for restoration of power supply, without paying the demand raised on him, fell on deaf ears. Having noticed this bitterness, this authority felt it fit to order a joint inspection of the connected load particulars afresh. At the same time, it was also noticed that the appellant is not at all an ignoramus by any means and being a well educated person, he ought to be aware of certain basic tenets of responsible citizenship. It was noticed that he has been having four service connections under domestic category in a premises which

carries out non-domestic activities -- basically charitable work -- be it educating students, teaching them some vocational skills, housing them in hostels etc. The Trust of which the appellant is the Chief Functionary, is also having some agricultural lands on which crops are admittedly grown to feed the enrolled students. The respondents, for their part, also complained that the appellant is high handed in his behaviour -- to the extent of expecting them to wait on him, before he finishes his work to engage with them on official work. They complained that neither does he give easy access nor does he make somebody available for easy interaction to finalize issues. Having noticed all these, the matter was adjourned to 03-02-2016 directing the respondents to file the report of joint inspection to be conducted.

6. On resuming the hearing on 03-02-2016, the respondent ADE filed his inspection report stating that the inspection was carried out jointly on 30-01-2016 and it was found that the connected load on all the four services is found to be 12.76 kW in excess of the regularized load; that the consumer is having three agricultural service connections under Category V and that the consumer, being an income tax assessee is not entitled to enjoy free power under Category V; that the consumer is also utilizing the service connections for purposes other than agriculture; that the four services bearing numbers 918, 1082, 1083 & 1084 being utilized by him under Category I in the same premises need to be clubbed as it is resulting in deflation of his actual bills; and that the agricultural services bearing number 946 & 948 are being used for Trust needs -- i.e., other than agricultural purpose -- and therefore need to be recategorized as Category VII and Category II respectively and back billing done to safeguard the DISCOM's revenue.

7. During the course of the hearing on 03-02-2016, the appellant confirmed that

the inspection on 30-01-2016 was jointly conducted as ordered by this authority. The respondents, for their part, confirmed what they stated in writing and reiterated that the appellant, being aware of all the defects in his behaviour and demeanour, is hiding behind the bogey of justice and is unnecessarily accusing them of wrongdoing. Therefore, this authority finds that the following issues require to be determined to dispose of the case:

- a. Whether or not the respondents acted within the limits of law in stopping power supply when the appellant did not pay the amounts assessed;
- b. Whether or not the appellant's grievance about his being meted out a raw deal in so far booking of additional load cases is valid and holds water;
- c. Whether or not the respondents had behaved above board with regard to the recategorization of his services to Category VII as ordered by the CGRF;
- d. Whether or not the appellant is entitled to Category V connections for his agricultural lands; and
- e. Whether or not there is any need to interfere with the CGRF's order.

8. Coming to the first issue that is framed, it is seen from the record that the appellant has secured seven service connections in all for the premises connected with the present appeal, three of them being Category V agricultural connections and four of them being Category I connections. During the course of the hearings, he found fault with the DISCOM's authorities for releasing these many connections by arguing that they did not advise him properly. It is on an inspection of his premises that the

respondent AE found that the appellant had connected more load than what he has contracted for besides being wrongly categorized. Therefore, he had put the appellant on notice for payment of additional deposit for regularizing his additional load and also assessed him for back billing for being wrongly categorized. It was for not paying these amounts that the respondents had stopped the supply to the appellant's premises on 25-08-2015. The supply was restored ultimately on 02-09-2015 after the appellant paid the dues. On a perusal of the correspondence that is made available during the course of the hearings, it is evident that the notices for additional load were issued by the respondent ADE on 09-07-2015 and were ultimately served on the appellant on 17-07-2015 (although in his correspondence he admits to having received them on 13-07-2015). During the course of hearings, the respondents repeatedly submitted that the appellant is quite slippery and it is not easy interacting with him or serving notices on him. This authority has every reason to believe these submissions of the respondents inasmuch as the notice of hearing despatched by this authority under Registered Post Acknowledgement Due promptly came back without being served by the Postal Department. Be that as it may, having received the notices on 17-07-2015, the appellant kept on writing letters to the respondent ADE on the issue on 04-08-2015, 05-08-2015, 19-08-2015, 27-08-2015 and 01-09-2015. Besides this correspondence, the appellant also had addressed a host of functionaries of the DISCOM through email and the CMD of the DISCOM on 10-09-2015. The labour of all his representations was that he is carrying out charitable work; that his Trust caters to disadvantaged sections of the society like disabled and/or orphaned children; and that the requirement of additional deposits based on connected loads is not correct as the actual utilization is very meagre etc. What has caught the attention of this authority is the fact that the appellant, despite being quite educated and well read, wants this authority to believe that he is unaware of the proper legal position and / or that he is

unaware of the proper channel of appeal. Mere shooting of letters to the respondent ADE and assuming that the threatened punitive action will not befall him is not at all understandable. As it appears from the record, the appellant had been contacting a host of functionaries in the DISCOM and it is not believable that he is unaware of the consequences of his non-compliance with the notices issued. It is also not believable that he did not know the proper authority to approach in the matter. Ultimately he did approach the CGRF and agitated the issue there. The respondents had, after waiting for the notice period, acted on their threat of punitive action by stopping the power supply to enforce payment of the assessed amounts. In the light of all this, this authority holds that the feeling of the appellant that he has been meted out wrong treatment is not well founded. Nothing prevented the appellant from approaching the CGRF well before the expiry date of the notices and agitating the issue there. The CGRF would have given a suitable order after assessing the situation. Without approaching the proper authority in the first place, the appellant assuming that the respondents had overstepped the limits of law is unfounded. On this count, this authority finds nothing wrong with the behaviour of the respondents.

9. Coming to the second issue, the inspection carried out on 30-01-2016 also brought out clearly that there is still an additional load that is to be regularized in the premises. In fact, this authority is quite surprised that the appellant had been enjoying lower bills under domestic category i.e. Category I all along incorrectly. The appellant is the Chief Functionary of Centre for Social Action Trust. The activities carried out by the Trust make the Trust eligible to be classified under Category VII. Instead of this, the Trust's service connections had been wrongly categorized under Category I and Category V all along. This is not at all correct. The respondents are found wanting on this score. Moreover, the appellant also had obtained four service

connections for a single premises. This also has resulted in the DISCOM losing out on revenue. The necessity of applying for four service connections and releasing them as they are applied for, had not been satisfactorily explained by the appellant and the respondents respectively. Despite all this, when the respondent ADE had issued notices for regularizing the additional load found on inspection, the appellant felt that he had been meted out a raw deal. This is all unfounded and unwarranted. All the inspections carried out thus far, proved only one point -- that the appellant had been having more connected load than what has been sanctioned. Hence this authority finds no substance in the submissions of the appellant in this regard and holds it against him.

10. Coming to the recategorization of the services, the CGRF had already held that the recategorization done and the back billing assessment thereof are bad in law. The Forum had ordered that the recategorization shall be taken up in accordance with law after duly collecting all the documentary evidence and examining the same. Admittedly, the appellant had met the requirement of document submission by 04-11-2015. Instead of carrying out the order of the CGRF properly, the respondent DE addresses a letter to the SE, Tirupati on 21-11-2015 and the SE, Tirupati finally issues an 'approval' for recategorization on 15-12-2015. A perusal of the correspondence made available speaks volumes about the way the SE, Tirupati and respondent DE are functioning. The DE himself was a respondent before the CGRF. By 04-11-2015, he is fully aware that the CGRF had ordered that the recategorization of the appellant had to be done in accordance with law under Category VII. A reading of the designated officers notification (extracted below) of the DISCOM shows that while the ADE is the competent authority to issue the notice for recategorization, the DE shall deal with the objections, if any.



**1.3 Officers designated to re-classify a service in case of wrong classification at the time of release of supply (3.4.1).**

Category	Officer designated to issue notice	Officer to whom objection if any is to be filed
All LT Categories	ADE / Operation	DE / Operation
ALL HT Categories	DE / Operation	SE / Operation

In a case where the CGRF had already ordered that the consumer be categorized under Category VII duly following the procedure, there is no necessity for the DE to address the SE and the SE sitting in judgement over the same again and issuing an 'approval' for the same. SE is no superior authority over the CGRF and cannot again confer an 'approval' for what has already been ordered by the CGRF. In fact, SE has no role in so far as recategorization of LT consumers is concerned. Instead of guiding the DE and his subordinates properly, the SE also acted mechanically and in the process had unnecessarily caused delay in the recategorization of the service causing two types of revenue loss to the DISCOM -- one by way of delay in the proper recategorization and two by way of making the DISCOM liable for payment of compensation for delay in rendering service. Revenue loss aside, had the SE guided his subordinates properly, the issue would not have escalated to the Ombudsman and the appellant would have been satisfied and stopped with approaching the CGRF. It is the improper handling of the order issued by the CGRF and feigning ignorance / ignoring the order of the CGRF that had unnecessarily caused delay. At lower levels, this might have been pardonable. But this sort of thing occurring at the level of an SE and the DE bodes ill for the DISCOM and cannot be countenanced. Therefore, the SE and the DE shall be liable for payment of compensation for causing this unwarranted delay in the recategorization of the services of the appellant as laid down in the SoP regulation

(extracted below)

X Transfer of ownership and conversion of services				
i	Title transfer of ownership	Within 7 days along-with necessary documents and prescribed fee, if any	Rs.100 for each day of default	Not Applicable
ii	Change of category	Within 7 days along-with necessary documents and prescribed fee, if any		
iii	Conversion from LT 1-ph to LT 3-ph and vice-versa	Within 30 days of payment of charges by the consumer		
iv	Conversion from LT to HT and vice-versa	Within 60 days of payment of charges by the consumer	Rs.200 for each day of default	

The appellant had admittedly complied with the requirement of filing all the relevant documentation by 04-11-2015. The change of category ought to have happened by 11-11-2015. But it happened only w.e.f 15-12-2015, the date of SE's communication of 'approval', a delay of 33 days. Therefore, this authority holds that the respondent officers -- especially the DE, and the SE, Tirupati had not behaved above board with regard to the recategorization of the services of the appellant.

11. Coming to the issue of Category V connections of the appellant, it is seen that the appellant wants to avail the connections on the ground that he is carrying out charitable work and that the water is being used primarily for agricultural land. But the inspection carried out on 30-01-2016, had clearly revealed that the appellant had been using the water for furthering his Trust's activities -- a purpose other than that for which the connections were primarily obtained. This constitutes unauthorized use of the service connections and makes the appellant liable for action u/s 126 of the Electricity Act, 2003. Besides, even if the appellant is entitled to seek Category V connections -- whether it be one or more than one, they shall be charged as per Tariff Order rates, as the appellant is an income tax assessee. In other words, he is not entitled to seek free power agriculture connections.

12. Coming to the last issue, this authority finds that the CGRF had correctly ordered on the issues of recategorization and assessment of back billing. Hence there is no necessity to interfere with the order issued by the CGRF.

13. Therefore, it is hereby ordered that:

- the respondents shall credit the account of the appellant with Rs. 3,300/- by way a journal entry for the delay in recategorizing his services within 15 days from the date of receipt of this order and report compliance within 15 days from thereafter;
- the CMD of the DISCOM, to whom a copy of this order is being marked, shall cause necessary enquiry to be carried out within three months from the date of receipt of this order, to fix responsibility for causing the delay in the recategorization of the services of the appellant and take necessary action against those found responsible as the consumers of the State cannot be penalized for the laxity on the part of the DISCOM's officers in earning the revenue the DISCOM ought to have earned;
- the SE, Tirupati to whom a copy of this order is being marked, shall ensure henceforth that the orders of the CGRF are followed promptly and properly by the officers in his circle; and
- the order of the CGRF is upheld.

14. It is also made clear to the respondents that they are free to take the next logical steps in pursuing the unauthorized use case against the appellant and conclude

the proceedings as per law.

15. This order is corrected and signed on this 16<sup>th</sup> day of February, 2016.

16. A digitally signed copy of this order is made available at [www.vidyutombudsman.ap.gov.in](http://www.vidyutombudsman.ap.gov.in).

### **VIDYUT OMBUDSMAN**

#### **To**

1. Dr. George Joseph, D.No. 33-125/1, Trust Residence, Sishu Seva Nagar, Palamaner, Chittoor District
2. Assistant Engineer, Operation, APSPDCL, Palamaner, Chittoor District - 517 408
3. Assistant Divisional Engineer, Operation, APSPDCL, Palamaner, Chittoor District - 517 408
4. Divisional Engineer, Operation, APSPDCL, Chittoor Rural, Chittoor, Chittoor District - 517 001

#### **Copy to:**

5. The Superintending Engineer, Operation, APSPDCL, Behind Srinivasa Kalyana Mandapam, Kesavayana Gutta, Tirupathi - 517 502
6. The Chairman & Managing Director, APSPDCL, Behind Sreenivasa Kalyana Mandapam, Kesavayanagunta, Tirupati - 517 501.
7. The Chairman, C.G.R.F., APSPDCL, 19/13/65/A, Sreenivasapuram, Near

132 kV Substation, Tiruchanoor Road, Tirupati - 517 503

8. The Secretary, APERC, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills,  
Hyderabad - 500 004