



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

:: Present ::

**N. Basavaiah, B.Sc, B.L.**

Date: 04 -11-2020

Appeal No.18 of 2020-21

**Between**

M/s Ambika Foods, represented by its proprietrix, Smt K.V.S.N.Jyothi, Plot No.2, Road No2, APICC Industrial Development Area, Kondapalli, Krishna District

... Appellant/Complainant

**And**

1. Assistant Accounts Officer / ERO/**Ibrahimpattam**/ APCPDCL
2. Assistant Executive Engineer /**Kondapalli**/APCPDCL
3. Deputy Executive Engineer /O/ **Ibrahimpattam**/ APCPDCL
4. Executive Engineer / Operation /**Vijayawada Rural**/APCPDCL

....Respondents.

**ORDER**

The above appeal- representation came up for final hearing, by way of Video Conferencing, before me at the office of the Vidyut Ombudsman Vijayawada on 02-11-2020. Sri. Poluri Bhaskar, the advocate for the appellant, and the respondents were present. Having considered the appeal-representation and submissions of the above parties present, the Vidyut Ombudsman passed the

following:

1. This appeal-representation has been preferred by the appellant-complainant against the order **dated.25-03-2019 in C.G.No.180/2018-19 /Vijayawad Circle & I.A.No.3/2018-19/Vijayawada circle** passed by the **Forum for Redressal of Consumer Grievances in Southern Power Distribution Company of A.P Limited, Tirupati**, whereby and where under the above Forum dismissed the complaint of the complainant and granted 15 equal monthly installments to the complainant to pay the shortfall amount of Rs.8,67,792/- as demanded in the notice dated. 19-12-2017.
2. The narration of facts, in this case in detail, is not so necessary. This is a case of grievance of the complainant-consumer against the licensee revising the current consumption bills of the consumer for a period of 2 years 9 months and claiming the above amount as difference on the ground that the complainant-consumer was wrongly classified under the category of Aquaculture instead of Industry(General).
3. No oral or documentary evidence was adduced before the Forum. After considering the material available on the record, the Forum passed the order stated supra. Not satisfied with the above order, the complainant preferred this representation. No oral or documentary evidence is adduced even before this authority.
4. The advocate for the appellant submitted that no notice prior to reclassification of consumer category as per the clause 3.4.1 of the GTCS had been given to the consumer appellant in this case and that therefore, the appeal may be allowed. The respondents admitted that no prior notice before

reclassification of consumer category had been given to the appellant in this case.

5. The following point is framed for consideration:

**Whether the representation can be upheld?**

6.Point: At out the set, I would like to say that this is a case of re-classification of consumer sub-category, but I find no provision of law that category includes sub-category or does not include sub-category for the purpose of clause 3.4.1 of the GTCS. So, the benefit in that regard goes to the consumer. Apart from it, Clause 21.5 of the Regulation No.3/2016 says that subject to the specific provisions of that regulation, this authority shall be guided by the principles of justice, equity and good conscience. Hence, I am proceeding on the assumption that the category includes sub-category. Clause 3.4.1 of the GTCS-2006 runs a follows:

*"Where a consumer has been classified under a particular category and is billed accordingly and it is subsequently found that the classification is not correct (subject to the condition that the consumer does not alter the category/purpose of usage of the premises without prior intimation to the Designated Officer of the Company), the consumer will be informed through a notice, of the proposed reclassification, duly giving him an opportunity to file any objection within a period of 15 days. The Company after due consideration of the consumer's reply if any, may alter the classification and suitably revise the bills if necessary, even with retrospective effect, the assessment shall be made for the entire period during which such reclassification is needed, however, the period during which such reclassification is needed cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection."*

It is not the case of the respondents that the complainant altered the category/purpose of usage of the premises. It is clear that the submission made by the counsel for the appellant is made before me for the first time. However, I am inclined to consider the above submission as it is a pure question of law and as the Forum also quoted the above clause in its order. The above clause clearly states that where a consumer has been classified under a particular category and is billed

accordingly and it is subsequently found that the classification is not correct, the consumer will be informed through a notice, of the proposed reclassification, duly giving him an opportunity to file any objection and that the company after due consideration of the consumer's reply, may alter the classification and suitably revise the bills. As per the above clause, it is clear that the company cannot revise bills without notice to the consumer and without giving an opportunity to file objections of the consumer. There is no dispute that no notice prior to revision of bills as per the above clause was given, that the notice given is not in accordance with the above clause and that the above clause is not followed in this case. Therefore, I am of the view that notice dated.19-12-2017 issued for short billing to the complainant in this case is not in accordance with law. The above aspect is not considered by the Forum though the above clause is quoted in its order. The licensee must comply with the procedure given in the above Clause No.3.4.1 of the GTCS-2006, and notice under the clause 3.4.1 of the GTCS to the consumer, before re-classification of consumer's category and revising the bills, is necessarily to be issued. I find merit in the submission of the counsel for the appellant-complainant. For the above reasons, I am of the opinion that the representation can be upheld and is upheld. This point is thus answered.

7. In the result, I allow the appeal representation, set aside the demand notice for short billing dated.19.12.2017 besides the order of the Forum, and direct the respondents to give a notice to *the* consumer/appellant/complainant in writing informing him to state his objections against the re-classification of consumer category/sub-category as stated in the clause.3.4.1 of the GTCS-2006 and then proceed in accordance with the above clause of the GTCS stated supra. Considering the facts and circumstances of this case, I direct both parties to bear their respective costs.

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

This order is corrected and signed on 4th November,2020.

S/d. N.Basavaiah  
**VIDYUT OMBUDSMAN**

**To**

1. Smt K.V.S.N.Jyothi, Proprietor, M/s Ambika Foods, Plot No.2, Road No2, APICC Industrial Development Area, Kondapalli, Krishna District
2. Assistant Accounts Officer / ERO/**Ibrahimpattam**/ APCPDCL
3. Assistant Executive Engineer /**Kondapalli**/APCPDCL
4. Deputy Executive Engineer /O/ **Ibrahimpattam**/ APCPDCL
5. Executive Engineer / Operation /**Vijayawada Rural**/APCPDCL

**Copy To:**

6. The Chairman, C.G.R.F., APSPDCL, 19/13/65/A, Srinivasapuram, 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 .