



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

:: Present ::

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

Date: 24 -03 -2020

Appeal No. 38 of 2019-20

Between

Sri. V. Santhosh Kumar, Sri Satya Sai Modern Rice Mill, Siddigam (V), Mandasa (M),
Srikakulam Dist.

... Appellant

And

- 1) The Assistant Engineer/Operation/**MANDASA**/APEPDCL, Operation Section,
Mandasa, Srikakulam Dist - 532242.
- 2) The Assistant Accounts Officer/ **ERO-KASIBUGGA**/ APEPDCL, Kasibugga,
Srikakulam District - 532 222.
- 3) The Assistant Divisional Engineer/Operation/**PALASA**/ APEPDCL/Sub-Division,
Palasa, Srikakulam Dist. - 532221.
- 4) The Divisional Engineer/Operation/**TEKKALI**/APEPDCL, Operation Division
Tekkali, Srikakulam - 532 201.
- 5) The Divisional Engineer /DPE/Srikakulam.
- 6) The Assistant Divisional Engineer /DPE/SD-DPE-II/Visakhapatnam.

....Respondents

ORDER

The above appeal- representation came up for final hearing before the Vidyut Ombudsman on 16-03-2020 at Vijayawada. The complainant, as well as the

respondents 1 to 5, was present. Having considered the appeal-representation and the submissions made by both parties through video conference, the Vidyut Ombudsman passed the following:

1. This appeal has been preferred by the appellant-complainant against the order **dated.06-11-2019 in C.G.No:186/2019/Visakhapatnam**, passed by the **Forum for Redressal of Consumer Grievances in Eastern Power Distribution Company of A.P Limited,Visakhapatnam**, whereby and where under the above Forum directed the complainant to pay the shortfall raised as per the letter of the 2nd respondent dated : 15-05-2019 for Rs. 52,213/- against the subject matter of the service for the period from March, 2019 to April, 2019, and ordered that the complainant is also liable to pay the short fall raised for the billing months 05/19 & 06/19 accordingly, while directing the respondents to regularize the additional load detected as per re-inspection dated: 21-06-2019 and update the same in EPCCB consumer history of the subject matter of the service to avoid further raising of the shortfall and adjust the second time payment made by the consumer to regularize the additional load of 24 HP in pursuance of the final order dated : 17-09-2019 issued by the fourth respondent.

2. The dispute is with respect to change of connected load above LT limits. Almost all the facts are not in dispute, and they are that the complainant applied for an electrical service connection to his above stated rice mill located at Siddigam village, Mandasa Mandalam of Srikakulam district from the opposite party, and the opposite party provided with an electrical connection No. E745 / 000074, LT category-III for 74 HP. On 22-10-2011, the above service was inspected, and an additional load of 23.5HP was detected. According to the complainant, he paid

required charges for regularization of additional load, but it was not regularized. On 29-03-2019, the above premises was inspected again, and an additional connected load of 18.561 KW (31.42 HP) was detected. Notices were issued as per the clauses 3.4.1. and 12.3.3.2 of the GTCS-2006. The difference shortfall amounts were included in the CC bills up to July, 2019. Therefore, the complainant prayed to waive the short fall amounts raised.

3. After filing the complaint, the above premises was inspected on 21.6.2019 at the request of the complainant, and it was found that the connected load was 73.47 HP on 21.06.2019. Ex-A1 & A2, the copies of inspection reports dated 29.3.2019 and 21.6.2019, were marked. After considering the material available on record, the Forum passed the order as stated supra. Not satisfied with above order, the complainant preferred this representation .

4. **No additional evidence has been adduced.** The appellant submitted that on 24-04-2019, he addressed a letter to R-3 stating that he was disconnecting the additional load, but the premises was inspected on 21-06-2019 and as such, he is not liable to pay the shortfall amount raised for May & June, 2019. The 4th respondent submitted that the meter readers go to record meter readings between 4th and 10th of every month, that the inspection report dated: 21-06-2019, Ex.A2, shows that the additional load was reduced on that day itself, and it does not contain any words to indicate that the additional load was removed on 24-04-2019 or before 21.06.2019 . The appellant in his reply submitted that in his letter dated. 24-04-2019, he requested the third respondent to re-inspect the premises, and it is not written in it that the additional load was removed and that his grievance is against the claim with respect the bill for the months of May &

June, 2019. He further submitted that even if the case of respondent is accepted, he is liable for only three months from 29.3.2019 to 21-6-2019 and that as he already paid the amount for two months, he is liable to pay the amount for only one month.

5. The following point is framed for consideration:

Whether the finding of the Forum that the appellant complainant is liable to pay the shortfall raised for the billing months from March, 2019 to June, 2019, is not legal and correct?

6. **Point:** The relevant clause touching the dispute in this case is 12.3.3.3. of the GTCS-2006, and the said clause says that the service is to be billed from the consumption month in which the unauthorised additional is detected till such additional load is removed and got inspected by the designated officer of the company. The phrase 'the consumption month in which' or 'the date of' after the word 'till' is not incorporated in the above clause as in the beginning of that clause, and as such, the view favorable to the consumer is to be taken. From the above clause, we can understand that the relevant factor to settle this appeal representation is the consumption month in which the additional load is detected besides the date of inspection by the designated officer of the company observing the removal of additional load. On the basis of Exs.A1 and A2 coupled with the above clause, I hold that the service in this case is to be billed from the consumption month of March,2019 till 21.06.2019 and that the appellant complainant is liable to pay the arrears for the consumption months of March ,April and May,2019 besides the part of the consumption month of June, ie, up to 21.6.2019. As the appellant paid the charges for the consumption

months of March and April,2019, he has to pay the charges for the consumption month of May,2019 besides the part of the consumption month of June,2019 I e, up to 21.6.2019.The finding of the Forum is to be modified to that extent. This point is thus answered.

7.In the result, I hold that the service in this case is to be billed under the above stated clause from the consumption month of March,2019 till 21.06.2019, the date of removal of additional load, and the appellant complainant is liable to pay arrears for the consumption months of March, April and May,2019 besides a part of the consumption month of June, i.e, up to 21.6.2019, and that the respondents are entitled to recover arrears from the appellant complainant for the consumption month of May,2019 besides the part of the consumption month of June,2019 i.e., up to 21.6.2019. I, partly, allow the appeal-representation with the above modification as to the period of claim of the distribution licensee, and confirm the order of the Forum on the other aspects. No costs.

8. A copy of this order is made available at www.vidyutombudsman.ap.gov.in

Sd/- N.Basavaiah

VIDYUT OMBUDSMAN

To

- 1) The Assistant Engineer/Operation/MANDASA/APEPDCL, Operation Section, Mandasa, Srikakulam Dist - 532242.
- 2) The Assistant Accounts Officer/ ERO-KASIBUGGA/ APEPDCL, Kasibugga, Srikakulam District - 532 222.
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Srikakulam - 532 201.

- 5) The Divisional Engineer /DPE/Srikakulam.
- 6) The Assistant Divisional Engineer /DPE/SD-DPE-II/Visakhapatnam.

Copy To:

- 7) The Chairman, C.G.R.F., APEPDCL, P & T Colony, Seethammadhara, Near Gurudwara Junction, Visakhapatnam – 530 013.
- 8) The Secretary, APERC, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills, 1 Hyderabad - 500 004