



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

:: Present ::

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

Date: 20 -02 -2020

Appeal No. 45 of 2019-20

Between

M/s. Coastal Techno Links, Prop. Lakshmi Kumari, RC No. 145, Kovvada Annavaram,
Bhimavaram – 2, West Godavari (Dist).

... Appellant

And

1. The Assistant Engineer/Operation/BHIMAVARAM-D3/ APEPDCL, Opp. Judicial Court, Bhimavaram, W.G.Dist - 534 201.
2. The Assistant Accounts Officer/ERO-BHIMAVARAM/APEPDCL/ Bhimavaram Industrial Estate, West Godavari District - 534201
3. The Assistant Divisional Engineer/Operation/BHIMAVARAM/APEPDCL, opp. 132/33/11KV Sub-station, Bhimavaram Ind. Estate, W.G. District-534204.
4. The Divisional Engineer/Operation/BHIMAVARAM/APEPDCL, Beside 132/33/11KV Sub-station, Bhimavaram Indl. Estate, W.G. District - 534201.
5. The Divisional Engineer /DPE/Eluru/ Circle Office, APEPDCL, Visakhapatnam.
6. The Divisional Engineer /Assessments/Corporate Office, Visakhapatnam

....Respondents

ORDER

The above appeal- representation has come up for final hearing before the Vidyut Ombudsman on 15th February, 2020 at Eluru. The authorised representative of the complainant, as well as the respondents, except the

respondents 4 to 6, was present. Having considered the appeal-representation and submissions made by the above persons present, the Vidyut Ombudsman passed the following:

1. This appeal has been preferred by the appellant-complainant against the order **dated.11-11-2019 in C.G.No:261/2019/Visakhapatnam,** passed by the **Forum for Redressal of Consumer Grievances in Eastern Power Distribution Company of A.P Limited,Visakhapatnam,** whereby where under the above Forum set aside the provisional assessment and final assessment orders dated.6.12.2018 and 10.01.2019, passed by the third respondent and the SE assessments, Vizag, respectively, under section 126 of the Electricity Act,2003 as devoid of merits, and directed the respondents to issue revised assessment by considering the unauthorized load, i.e. items 6, and 8 to 10 mentioned in Ex-A1 inspection report dated : 27-11-2018 of the subject matter of service connection No : 000566.

2. The facts leading to file this appeal representation are that the service connection No: 4203/000566 with a contracted load of 10 HP was released under LT category III: LT Industry(General) for wheel balancing workshop in the name of Smt P.Laxmi Kumari, Proprietor M/s Coastal Techno Links, Kovvada on 25-03-2004, that on 27-11-2018, the DE/DPE/Eluru, the 5th respondent inspected the above service connection and found the consumer utilizing electrical supply for wheel alignment tyre shop and also for Bridge stone office purpose, that the order of provisional assessment dated. 06-12-2018, for Rs. 83,298/- was served upon the consumer, and the SE/Assessment/Visakhapatnam, passed the final order of assessment dt: 10-01-2019 for Rs. 83,313/-and that thereafter, the

complainant filed the complaint before the Forum challenging the above orders of assessments.

3. Ex-A1 to A4, copy of the inspection report dated: 27-11-2018, copy of the provisional assessment order dated: 06-12-2018, copy of the letter 03-0-2011 issued by Department of Industries, and copy of MSME certificate 31-12-2018, respectively, were marked by consent before the Forum. The Forum, after considering the material available on record, passed orders as stated supra. Not satisfied with above order, the complainant preferred this appeal-representation.

4. It is submitted on behalf of the appellant complainant that the complainant has a work shop besides an office for clients and visitors, that the above office is a part of the consumer industry, and there is no separate office for bridge stone and that the consumer never indulged unauthorised use of electricity, and therefore, the appeal representation may be allowed. It is submitted by the respondents present that the assessments were made as per the relevant tariff order, that the final assessment was made again on 13-12-2019 for Rs.32,528/ as per the orders of the Forum, and 50% of it was paid by the consumer, that there are no merits in this case, and that the appellant complainant approached the Forum directly without preferring an appeal to the appellate authority, CGM/ Operation & CS/APEPDCL/Visakhaptnam, as per section 127 of the Electricity Act.

5. The complainant, without preferring an appeal to the appellate authority, directly approached the Forum. There is a time limit of 30 days from the date of the final order to prefer an appeal, and the period of 30 days is over. It is for the concerned person to decide whether an appeal is to be preferred or not. We

cannot dismiss the appeal representation on that ground as already the Forum admitted the complaint for hearing and passed order on merits, and as the finding of the Forum against the respondents has become final.

6. The following point is framed for consideration

Whether the finding of the Forum that the consumer-industry indulged in unauthorised use of electricity is not correct?

7.Point: The case of the appellant is that the office is meant for the customers of Wheel Alignment services. It is clear that the electricity was being used for office purpose also. There is no dispute that the service connection to the complainant was released under Category-III:LT industry(General). Under Chapter XI at page 294 of the relevant tariff order (FY 2018-19), it is stated that the industrial purpose shall mean, supply for purpose of manufacturing, processing and/or preserving goods for sale, but shall not include shops, business houses, offices, etc. From the above, it is clear that usage of electricity to office purpose cannot be treated as usage of electricity for industrial purpose, and they are different purposes, as per the relevant Tariff Order. The Forum also relied upon the above clause. It is nothing, but the usage of electricity for the purpose other than for which the usage of electricity was authorized, within the meaning of 'unauthorised use of electricity' given under explanation (b) of sec.126 of the Electricity Act. Therefore, I am unable to accept the submission made by the representative of the appellant, and I see there is no illegality in the order of the Forum. For the above reasons, I am of the view that the order of the Forum is correct, and this appeal representation has no merit and cannot be upheld. This point is, thus, answered.

8. In the result, I dismiss the appeal-representation confirming the order of the Forum. It is needless to mention that the appellant -complainant may again approach the Forum if the final assessment, as per the orders dated.11.11.2019, is not correctly made. There is no order as to costs.

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

This order is corrected and signed on 20th day of February, 2020.

S/d. N.Basavaiah
VIDYUT OMBUDSMAN

To

1. M/s. Coastal Techno Links, Prop. Lakshmi Kumari, RC No. 145, Kovvada Annavaram, Bhimavaram – 2, West Godavari (Dist).
2. The Assistant Engineer/Operation/BHIMAVARAM-D3/ APEPDCL, Opp.Judicial Court, Bhimavaram, W.G.Dist - 534 201.
3. The Assistant Accounts Officer/ERO-BHIMAVARAM/APEPDCL/ Bhimavaram Industrial Estate, West Godavari District – 534201
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7. The Divisional Engineer /Assessments/Corporate Office, Visakhapatnam

Copy To:

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