



BEFORE THE VIDYUT OMBUDSMAN
Andhra Pradesh :: Amaravati

:: Present ::

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

Date: 19-10-2021

Representation No.22 of 2021-22

Between:

C. Rama Krishna, M/s. S.S. Granites, Chukkulur Road, Tadipatri, Ananthapur Dt
... **Complainant**

And

1. Assistant Accounts Officer/ ERO / Tadipatri CCO
 2. Deputy Executive Engineer/CCO/Tadipatri
 3. Executive Engineer/O /Gooty
- ... **Respondents**

ORDER

The above representation came up for final hearing, by way of Video Conferencing, before me at the office of the Vidhut Ombudsman, Vijayawada on 12-10-2021. The complainant and the respondents 1 and 2 were present. Having considered the representation and submissions of the above parties present, the Vidhut Ombudsman passed the following:

1. This representation has been preferred by the complainant after an ex-parte conditional interlocutory order **dated 27th day of September, 2021 in C.G.No:43/2021-22/Ananthapur Circle, I.A.No.2/2021-22/Ananthapur Circle was**

passed by the **Forum for Redressal of Consumer Grievances in Southern Power Distribution Company of A.P Limited, Tirupati**, directing the complainant to deposit Rs.35,320/- being 1/4th of the disputed amount of Rs.1,41,280/- within 7 days from the date of receipt of the order and further directing the respondents not to disconnect the electrical supply during the pendency of the case if the above amount is deposited.

2. Having received a notice dated 27-05-2021 on 26-07-2021 from the 1st respondent demanding to pay Rs.1,41,280/- towards Additional Consumption Deposit (ACD), the complainant filed the complaint dated 09-09-2021 alleging that he has been an LT Category-3 (Industry) consumer of the licensee, that the industry was stopped from September, 2019 to November, 2020 due to Covid-19 and as he could not pay CC bills for minimum charges from March, 2020 to August, 2020, the 1st respondent appropriated Rs.35,982/- from the existing deposit towards minimum charges for the above 6 months period and disconnected the service from September, 2020 to November, 2020, that thereafter, the 1st respondent collected Rs.19,521/- for 3 months and reconnected the service, that though the industry unit was stopped for one year and Rs.2,42,977/- was in the ACD account, giving the above notice is not correct and that therefore, he prays to set aside the above notice. An application for an interlocutory order was made by the complainant. The Forum passed the order as stated supra. Not satisfied with above order, the complainant submitted this representation.

3. Submitting the above facts stated in the complaint, the complainant has further submitted that he is not in a position to pay any amount to the respondents at

present and will pay the amount if his complaint is dismissed and that therefore, the order of the Forum may be set aside. The 1st respondent has submitted that one Rambabu is the consumer to whom notice was given, but Sri Ramakrishna, the alleged complainant, who filed the complaint, has no right to file either the complaint or this representation, that the notice was given as per the APERC Regulation No.6/2004 and that monthly CC bills are being issued for more than Rs.1.5 lakh and as the consumption deposit of the consumer in this case is insufficient, the notice was given to the consumer and that they are entitled to demand the above entire amount from the complainant. It is also submitted by him that response was filed on behalf of the respondents before the Forum. The complainant in his reply submitted that Rambabu and he are partners, and the said Rambabu gave him an authorisation letter to file the complainant and that the Forum accepted the said authorisation letter.

4. The following point is framed for consideration:

Whether the representation can be upheld?

5.Point: This representation has been submitted after an ex-parte interlocutory order had been passed by the Forum. There are no specific guidelines given in the Regulation No.3/2016 as to passing interlocutory orders either by the Forum or this authority. There is no specific provision in the above regulation barring this authority from entertaining representations after passing interim orders by the Forum. The clause 21.5 of the above Regulation says "Subject to the specific provisions of this Regulation, the Vidyut Ombudsman shall be guided by the principles of justice, equity and good conscience and may regulate his own procedure". A xerox copy of the notice dated 27-05-2021 is filed along with the

complaint, and it runs as follows: "Under the provisions of the Electricity Supply Act and conditions of supply notified by the Board and the Indian Electricity Act 1910 consumers electricity are required to furnish sufficient security equivalent to Three(3) (Bi-monthly/ Two(2) (Monthly) Months C.C.Charges which is to be deposited with us. The Required C.C. Bill on the average units for the period from 01/04/2020 to 31/03/2021 works out to Rs.192938. The existing consumption deposit available with us is only Rs.51659. An additional consumption deposit has become necessary. I, therefore, request you to pay the sum of Rs.141280 towards additional consumption deposit within Thirty(30) days from the date of this notice by Cash/DD drawn on any local Scheduled Bank." Now, the complainant is challenging the above notice, and it appears the dispute is with respect to the 'Additional Security Deposit (ASD)'. It appears the repealed Act, 1910 has been mentioned in the above notice without mentioning the APERC Regulation No.6/2004. Calculation is necessary to decide this case. The genuineness or otherwise of the supporting calculations sent by the 1st respondent to the consumer is the main point to be decided in the main complaint. Supporting calculations that are sent through whatsapp by the 1st respondent after hearing are not produced on behalf of the complainant, but he produced some statement showing details. There is some variation between parties on the above aspect. So, it is neither possible nor proper to consider the above submissions of both parties at this stage. Expressing any opinion on the notice at this stage will amount to pre-determination of the result of the main case. It is submitted by the respondents that response was filed before the Forum. So, the complaint being filed about 40 days back is ripe for enquiry. Therefore, the Forum can determine the complaint on merits. It is the case of the complainant that the industry was

stopped from September, 2019 to November, 2020 due to Covid-19 including the period covered by the above notice. Considering the facts and circumstances of this case, I feel passing an order directing the complainant to deposit Rs.20,000/- with the 1st respondent within 7 days from the date of receipt of the order and further directing the respondents not to disconnect the electrical supply during the pendency of the case if the above amount is deposited, will meet the ends of justice. This point is, thus, answered.

6. In the result, I direct the complainant to deposit Rs.20,000/- with the 1st respondent within 7 days from the date of receipt of the order and further direct the respondents not to disconnect the electrical supply during the pendency of the case before the Forum if the above amount is deposited by the complainant, as ordered supra. This representation is, thus, disposed of. No costs.

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

This order is corrected and signed on this the 19th day of October, 2021

Sd/- N. Basavaiah
VIDYUT OMBUDSMAN, AP

To:

1. C. Rama Krishna, M/s. S.S. Granites, Chukkukur Road, Tadipatri, Ananthapur Dt - 515 415
2. Assistant Accounts Officer/ ERO / Tadipatri CCO
3. Deputy Executive Engineer/CCO/Tadipatri
4. Executive Engineer/O /Gooty

Copy To:

5. The Chairperson, C.G.R.F., APSPDCL, 19-13-65/A, Srinivasapuram, Near 132 kV Sub-station, Tirchanoor Road, Tirupati- 517 503.
6. The Secretary, APERC, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.