



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

:: Present ::

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

Date: 21-12-2021

Representation No.32 of 2021-22

Between

A. Venkata Adi Narayana Reddy, 13-3-464, Gowri Talkies Road, Mylavaram,  
Anantapur ... Complainant

A N D

1. Assistant Accounts Officer / Anantapur Town
2. Assistant Executive Engineer/O/Anantapur D6
3. Deputy Executive Engineer/Anantapur Town-II
4. Executive Engineer/O/Anantapur ....Respondents

**ORDER**

The above representation came up for final hearing, by way of Video Conferencing, before me at the office of the Vidyut Ombudsman, Vijayawada on 13-12-2021. Sri B.V. Krishna Reddy, advocate for the complainant, and the respondents were present. Having considered the representation and submissions of the parties present, the Vidyut Ombudsman passed the following:

1. This representation has been filed by the complainant against the dismissal order dated 29-06-2021 passed by the ***Forum for Redressal of Grievances of the Consumers in Southern Power Distribution Company of A.P Limited, Tirupati in C.G.No.159/2019-20/Anantapur Circle.***

2. The undisputed facts are that in Anantapur Town, the complainant has a building with four floors, besides a ground floor, and he, on 14-05-2018, obtained three commercial service connections bearing service numbers: 711301-166291,

711301-166293 & 711301-166294 to the ground, first and second floors, respectively, for running a lodge / convention Hall, besides a domestic service connection bearing No.711301-166292 with a contracted load of 15 KW to a duplex house in the third and fourth floors, of the above building and that the house warming, with respect to the above building, was held on 16-06-2018.

3. Having received the order of provisional assessment and the final order of assessment under sub-sections 2 and 3 of section 126 of the Electricity Act, respectively, and having got an adverse order in the appeal preferred to appellate authority against the above final order under section 127 of the Act, the complainant filed the complaint alleging that he never indulged in unauthorised use of electricity and that the above domestic service connection No.711301-166292 was never used for any commercial purpose. He prayed to pass orders withdrawing the alleged malpractice case booked against him. The case of the respondents is that on 05-03-2019 at 10:30 AM, the second respondent inspected the premises of the above domestic service connection of the complainant and found that the electricity supply from the above domestic service connection was being utilized for an air water heat pump motor of the lodge and also, for building construction purpose of the third and fourth floors.

4. Evidence by way of affidavits was adduced on behalf of both parties. No documentary evidence was adduced by both parties. After considering the material available on record, the Forum dismissed the complaint as stated supra. No satisfied with the above order, the complainant filed this representation.

5. The advocate for the complainant submitted that after house warming ceremony, the complainant took-up work for modification in the premises for VAASTU purpose and as such, it is purely a domestic work and is not at all a

commercial purpose; that the Forum, without properly appreciating the evidence on affidavits, dismissed the complaint, that the order of the Forum is one sided and that as the complainant or his son was not there at the time of the inspection, the inspection report has to be discarded. The second respondent submitted that the air water heating pump was connected to domestic service connection and the water from it was being utilized for lodge purpose, that the electricity supply from the above domestic service connection was connected for hand grinding machine and hand cutting machine in the third and fourth floors and thus, the complainant used electricity from domestic connection for commercial purpose, that the son of the complainant by name Sri A. Akhil Reddy was present at the time of inspection and signed the inspection report prepared and that the complainant indulged in unauthorized use of electricity.

6. The following point is framed for consideration:

**Whether the representation can be upheld?**

7. **Point:** I find no merit in any one of the submissions made on behalf of the complainant. The complainant did not make any submission as to the order of provisional assessment or the final order of assessment or the order of the appellate authority. The complainant denied that he indulged in unauthorised use of electricity. So, the only question to be seen in this case is whether the complainant indulged in unauthorized use of electricity. Evidence by affidavits of two persons, Sri Akhil Reddy and one Sri Lingaraju, son and an employee of the complainant, respectively, on behalf of the complainant while the affidavit of the inspecting officer, Sri A. Veeranjaneya Reddy, second respondent, on behalf of the respondents, were filed before the Forum. They were not cross examined. The above persons who filed affidavits are not independent witnesses. It is difficult to

appreciate the evidence of the above three persons. The counsel for the complainant did not dispute the fact as to the inspection of the premises of the complainant by the second respondent. Apart from it, the advocate for the complainant did not make any submission why the inspecting officer made a false statement by affidavit before the Forum, particularly against the complainant regarding his unauthorised use of electricity. So, I prefer the evidence of the inspecting officer to the evidence produced on behalf of the complainant. We have to consider the important submission made by the advocate at the time of hearing that after house warming ceremony, the complainant took-up work for modification in the premises for VAASTU purpose and as such, it is purely a domestic work and is not at all a commercial purpose. The above submission gives an indication that the complainant admitted that he committed the act alleged by the respondents to some extent. So, it is for the complainant to submit legal position on the above admitted aspect to escape his liability, but his advocate did not place any authority to support his submission that using electricity for modification work in the premises for VAASTU purpose shall be deemed to be use for domestic purpose. The meaning of the phrase 'Unauthorised use of electricity' is given under the explanation (b) of section 126 of the Electricity Act and is as follows:

*“Explanation:-* For the purposes of this section,--

- b. "unauthorised use of electricity" means the usage of electricity—
  - i. by any artificial means; or
  - ii. by a means not authorised by the concerned person or authority or licensee; or
  - iii. through a tampered meter; or
  - iv. for the purpose other than for which the usage of electricity was Authorized; or

- v. for the premises or areas other than those for which the supply of electricity was authorised”.

The 'unauthorised use of electricity' means the usage of electricity by the means and for the reasons stated in sub-clauses (i) to (v) of clause (b) of the Explanation to section 126 of the Act. It appears the above sub-clause (iv) attracts to this case. Explanation (b) (iv), 'unauthorised use of electricity' means if the electricity was used for a purpose other than for which the usage of electricity was authorised. The usage of electricity authorised to the complainant in this case is for domestic purpose. The electricity used by the complainant is for modification in the premises for VAASTU purpose. So, we can say from it that the electricity was used by the complainant for construction purpose. Can we say that the electricity used for construction purpose is used for domestic purpose? In my view, using electricity for modification or construction work in the premises for VAASTU purpose shall not be deemed to be used for domestic purpose. Having taken the above view, I feel there is no need to demonstrate the remaining submissions made on behalf of the complainant. For the above reasons, I am of the opinion that the complainant indulged in unauthorised use of electricity and that the representation cannot be upheld and is liable to be dismissed. This point is, thus, answered.

8. In the result, I dismiss the representation. There is no order as to costs.

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 this the 21<sup>st</sup> day of December, 2021.

**Sd/- N. Basavaiah**  
**VIDYUT OMBUDSMAN, AP**

**To**

1. A. Venkata Adi Narayana Reddy, 13-3-464, Gowri Talkies Road, Mylavaram, Anantapur
2. Assistant Accounts Officer / Anantapur Town
3. Assistant Executive Engineer/O/Anantapur D6
4. Deputy Executive Engineer/Anantapur Town-II
5. Executive Engineer/O/Anantapur

**Copy To:**

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