



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

:: Present ::

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

Date: 21-03-2022

Representation No.48 of 2021-22

Between

Y. Nagaraju, M/s. Sudha Lahari Water Plant, Nandikotkur, Kurnool Dt.
.... Complainant

A N D

1. Assistant Accounts Officer / ERO / Nandikotkur
2. Deputy Executive Engineer / O / Nandikotkur
3. Executive Engineer/O/Kurnool (R)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 21-03-2022. 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 submitted by the complainant after the ***Forum for Redressal of Grievances of the Consumers in Southern Power Distribution Company of A.P Limited, Tirupati, determined*** the complaint on ***16th day of November, 2021 in C.G.No.46/2021-22/Kurnool Circle, setting aside the provisional assessment order dated 19-08-2021 issued by the second respondent to the complainant for service No.8532213017865 of Nandikotkur and directing the respondents to issue notice to the complainant as per the provisions of Clause 3.4.1 of GTCS and pass a reasoned order after hearing the objections of the complainant, if any.***

2. The narration of facts in this case, in detail, is not so necessary. This is a case of grievance of the complainant-consumer, a water plant, against the alleged provisional assessment order for back billing passed by the second respondent on behalf of the licensee revising the current consumption bills of the above consumer with respect to energy charges from May, 2021 to 10-08-2021 and claiming the difference amount of Rs.1,08,910/- by alleging that the consumer was wrongly billed under LT Category-III (A) instead of LT Category-II as per the advisory of the Hon'ble APERC and that as the consumer was selling cooled mineral water without any agreement with local bodies contra to the advisory, and as such, the existing classification of the consumer category, [LT Category-III (A)] is to be re-classified as LT Category-II.

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 submitted this representation. No oral or documentary evidence has been adduced even before this authority.

4. It is submitted on behalf of the complainant that the provisional assessment order like in this case has been given only at Nandikotkur in the entire Andhra Pradesh and that the complainant submitted its objections to the notice issued by the second respondent as per the order of the Forum and no action has been taken on the said objections so far. The second respondent submitted that the previous order was issued as per the advisory of the Hon'ble APERC and that the present notice has been given as per the order of the Forum.

5. The following point is framed for consideration:

Whether the representation can be upheld?

6. **Point:** In this case, the Forum relied upon the Clause No.3.4.1 of GTCS- 2006, set aside the provisional assessment notice issued by the second respondent for short billing and directed the respondents to give notice to the complainant as contemplated under the clause 3.4.1 of GTCS of 2006. This representation is filed thereafter.

7. This is a case of re-classification of consumer category and there is no dispute that the clause 3.4.1 of GTCS-2006 is to be followed with respect to this case and the above clause is not followed in this case. The complainant has no grievance against the first part of the order. I am unable to allow this representation as the Forum did not pass any final order affecting the rights of the complainant and as the second respondent issued a show cause notice to the complainant as per the orders of the Forum. The complainant gave a reply by way of objections to the notice issued by the second respondent, as per the order of the Forum, as per the clause 3.4.1 of GTCS-2006. No action is taken so far on the above objections. If the complainant is aggrieved after taking action by the second respondent on the above objections, it can again approach the Forum and has an opportunity to get orders on merits from the Forum. However, as the Forum did not pass any order affecting the rights of the complainant, I am of the opinion that there is no need to go into the merits of this case at this stage. For the above reasons, I am of the view that the representation cannot be upheld. This point is, thus, answered.

8. In the result, I dismiss the representation with an observation that the complainant may approach the Forum if the complainant is aggrieved on the action to be taken by the second respondent on its objections. Considering the circumstances of this case, I direct both parties to bear their respective costs.

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

This order is corrected and signed on this the 21st day of March, 2022.

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

To

1. Y. Nagaraju, M/s.Sudha Lahari Water Plant, Nandikotkur, Kurnool Dt.
2. Assistant Accounts Officer / ERO / Nandikotkur
3. Deputy Executive Engineer / O / Nandikotkur
4. Executive Engineer/O/Kurnool (R)

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.