



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

:: Present ::

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

Date: 27-06-2017

Appeal No. 41 of 2013

Between

Sri. Veera Venkata Satyanarayana Modern Rice Mill, Prop: V.V.V. Satyanarayana,
Maddi Village, Padmanabham Mandal, Visakhapatnam.

...Appellant/ Complainant

And

1. The AE/Operation/APEPDCL/Padmanabham/Visakhapatnam
2. The ADE/Operation/APEPDCL/Bhimili/Visakhapatnam
3. The AAO/ERO-East/APEPDCL/Visakhapatnam/Visakhapatnam
4. The DE/Operation/APEPDCL/Zone-III/Visakhapatnam

... Respondents

The above appeal- representation filed on 05-03-2013 has come up for final hearing before the Vidut Ombudsman on 15-06-2017 at Visakhapatnam. One G.Sagar claiming to be the grandson of the complainant, as well as the respondents 1 to 4 above was present. Having considered the appeal, the submissions made on behalf of the complainant and the respondents, the Vidut Ombudsman passed the following:

ORDER

1. This appeal has been preferred by the appellant-complainant against the order dated.10-01-2013 in C.G.No:526/2012-13/Visakhapatnam Circle, 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 passed the order as follows:

"After through verification of all records, written submissions, personal hearings and physical inspection against Sc.No. 821 IIIA Maddi Village, Padmanabham Mandalam, Visakhapatnam District, the following order is



N. Basavaiah

herewith passed for implementation.

- Though it is a clear-cut negligence of the then and present respondents, the complainant is liable to pay the unbilled 50% consumption recorded due to MF wrong supra for which the final order of 4th respondent towards back billing for the period from May/2009 to October/2012 is in order.
- This is clear cut procedural lapse while updating wrong MF (Instead of MF2, MF1 being continued) into LMPEX Spot billing version for high value service utilized at that time at in house billing center, corporate office for which a detailed enquiry is needed.
- The superintending Engineer/Operation/Visakhapatnam is therefore directed that the above issue (due to wrong MF causing heavy revenue loss) should be enquired in detail duly appointing a suitable enquiry officer immediately for knowing above lapses and for taking discipline actions against erring officers and for indecent behavior of Present 2nd respondent while issuing Provisional Assessment notice mentioned in the complainant.
- The above back billing amount shall be collected within 60 days from receipt of this order without surcharge as a special case under natural justice.
- A compliance report should be submitted to FORUM within 15 days from receipt of this order without surcharge as special case under natural justice.
- With the above direction, C.G.No. 526/2012-13 is disposed off".

2. The undisputed facts leading to file this appeal- representation are that the complainant was under billed owing to the application of a wrong MF (multiplying factor) "1" instead of "2" from May 2009 to October 2012 against the Service No. 824 of the complainant-consumer with Category-III of Maddi village, Padmanabham mandal, Visakhapatnam and that after the above mistake was detected, a demand notice(revised bill) for the above period was given to the complainant and therefore, the complainant filed a complaint before the Forum on 16-Nov-2012 against the above revised



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notice. After considering the material available on record, the Forum passed the order stated supra. Not satisfied with the above order of the Forum, this representation had been filed by the complainant.

3. My learned predecessor on 23-04-2014 passed the docket order “ during the hearings it has come to light that W.P. No. 8880 / 2013 is pending before the APHC, filed by the appellants. Hence decided not to hear the case till the W.P.is disposed of.”

4. Since no stay is granted by the Hon'ble APHC in the said Writ Petition and since there is time limit for disposal of this case, I felt that there is no need to keep this matter pending till the disposal of the Writ Petition and ordered notices to both parties to appear before me at Visakhapatnam informing them to get ready for disposal of this case on 18.4.2017. One subba Rao claiming to be the son of the complainant submitted on 18.4.2017 that their advocate sought further time to advance arguments in this case and hence, the case was adjourned to 21.6.2017. On 21.6.2017, one G.Sagar claiming to be the grandson of the complainant submitted that the writ petition is still pending before the Hon'ble High Court with regard to the same issue. The respondents did not make any submission.

5. This case was filed prior to the Regulation No. 03/2016 came into force and as such, the Regulation No. 01/2004 is to followed with regard to this case. There is no dispute as to the pendency of the writ petition before the Hon'ble High court with regard to the same issue.

6. The following point is framed for consideration:

Whether the compliant is fit and proper for being considered?

7.Point:- At the outset, I would like to say that this authority cannot entertain or consider this representation as per the clause (8) (1)(a) of the Regulation No. 1/2004, which runs as follows :

“The Vidyut Ombudsman may receive and consider all representation filed by the Complainant for non-redressal of the grievance by the Forum under Sub-Section (5) of Section 42 of the Act. Notwithstanding the above



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the Vidyut Ombudsman shall not entertain any representation in regard to matter which are subject matters of existing or proposed proceedings before the Commission or before any other authority including under part X, XI, XIV, and XV of the Act." Therefore, I am of the view that this complaint is neither fit nor proper for being considered. This point is thus answered.

8. In the result, I hold that clause 8 (1) (a) of the Regulation No. 1 of 2004 is bar to entertain or consider this representation, and as such, this representation is not considered and is left undecided. In the circumstances of this case, there is no order as to costs. This appeal-representation is thus disposed of.

9. This order is corrected and signed on this 27th day of June, 2017.

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

V. Basavaraj
VIDYUT OMBUDSMAN 27/6/17

To

1. Sri. Veera Venkata Satyanarayana Modern Rice Mill, Prop: VVV Satyanarayana, Maddi Village, Padmanabham Mandal, Visakhapatnam District - .
2. The Assistant Engineer, Operation, Padmanabham Mandal, Visakhapatnam District - .
3. The Assistant Divisional Engineer, Operation, APEPDCL, Bhimili, Visakhapatnam District - .
4. The Divisional Engineer, Operation, Zone-II, Visakhapatnam District



Copy to:

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

VIDYUT OMBUDSMAN A.P.