



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

:: Present ::

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

Date: 20-11-2017

Appeal No. 44 of 2017

Between

M/s. Laxmi Ganapathi Images, Mgp. Sri. M.V.V. Nagabhushana Rao, D.No.2-40-156,  
Alcot Gardens, Opp: Railway Station, Rajahmundry.

**...Appellant/ Complainant**

**And**

1. The ADE/Operation/APEPDCL/Rajahmundry-T1/East Godavari
2. The DE/Operation/APEPDCL/Rajahmundry/East Godavari
3. The DE/DPE-Division/Eluru Division/West Godavari

**... Respondents**

The above appeal- representation filed on 12-10-2017 has come up for final hearing before the Vidyut Ombudsman on 13-11-2017 at Rajahmundry. The complainant, as well as the respondents 1 to 3 above was present. Having considered the appeal-representation and the submissions made on behalf of the complainant and the respondents, the Vidyut Ombudsman passed the following:

**ORDER**

1. This appeal has been preferred by the appellant-complainant against the order **dated.14-06-2017 in C.G.No:151/2017/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:

“In the result, the provisional assessment for short billing notice vide Lr.No.ADE/O/Town.1/RJM/Sub.Er/F.BB/Doc.No 21/16, D.No.251/2016, Dt:06-02-2017 and consequential Final assessment order vide order No.DEE/O/RJY/AAE/TechI/F.Doc.No.18/D.No.129/2017, Dt:01.03.2017 are hereby set aside as null and void.

That the ADE/O/T-1/Rajahmundry is hereby directed to issue the statutory notice to the consumer as contemplated under Clause 3.4.1 of GTCS considering the back period up to 16.11.2016 and that after considering the objection if any filed by the consumer, issue revised provisional assessment notice for short billing accordingly.

- Accordingly, the C.G.No. 151/2017 is disposed off”.

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 small scale Industry) against the licensee revising the current consumption bills of the consumer for a period of 3 years and 8 months and claiming difference amount from the consumer on the ground that the classification of the consumer category was not correct from 01.05.2013 to 13.12.2016 and that category is to be reclassified and that the consumer was wrongly billed under LT Category-3(A) Commercial/Non-domestic instead of LT-Category-2 as per the relevant Tariff Orders of the above period.

3. No oral or documentary evidence was adduced before the Forum. After considering the material available on the record, the Forum passed the above order stated supra. Not satisfied with the above order, the complainant preferred this representation. No oral or documentary evidence is adduced even before this authority.

4. It is submitted on behalf of the complainant that it has no grievance against the first part of the order of the Forum, but, notice, as per the second part of the above order of the Forum, with the same facts stated in the earlier notice, had been received by the complainant. The respondents submitted that the facts of this case are similar to that of the case in Appeal NO.13/2017 and the same order passed in that case is to be passed in this case. No submission, contra to the above submission made on behalf of the respondents, is made on behalf of the complainant.

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 Assistant Divisional Engineer (operation), Rajahmundry for short billing and directed the ADE(O) to give statutory notice to the complainant as contemplated under the clause 3.4.1. GTCS of 2006. This representation is filed against the above order.

7. I am unable to uphold or allow this representation as the Forum did not pass any final order affecting the rights of the complainant. The grievances stated in the complaint can be raised by the complainant as objections by way of a reply to the notice to be issued by the Assistant Divisional Engineer, as per the order of the Forum as per the clause 3.4.1 of GTCS-2006. Thereafter, the complainant has an opportunity to get orders on merits from the Forum. 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. Considering the submission made by the respondents, the same order passed in Appeal No.13/17 is to be passed and is being passed in this case.

8. In the result, I dismiss the representation confirming the order of the Forum with an observation that the complainant is entitled to raise all its grievances stated in the complaint as objections by way of reply to the notice to be given by the Assistant Divisional Engineer (o), Rajahmundry. Considering the circumstances of this case, I direct both parties to bear their respective costs.

9. This order is corrected and signed on this 20<sup>th</sup> day of November, 2017.

10. A signed copy of this order is made available at  
[www.vidyutombudsman.ap.gov.in](http://www.vidyutombudsman.ap.gov.in).

**Sd/-N.BASAVIAH  
VIDYUT OMBUDSMAN**

**To**

1. M/s. Laxmi Ganapathi Images, Mgp. Sri. M.V.V. Nagabhushana Rao, D.No.2-40-156, Alcot Gardens, Opp: Railway Station, Rajahmundry, East Godavari District - 533 101.
2. The Assistant Divisional Engineer, Operation, APEPDCL, Rajahmundry, Town-I, APEPDCL, Operation Sub-Division, Jampeta, Rajahmundry East Godavari - 533 101.
3. The Divisional Engineer, Operation, APEPDCL, Rajahmundry, APEPDCL, Circle Office, Ullithota Street, Near Godavari bund, Rajahmundry, East Godavari District - 533 101
4. The Divisional Engineer, DPE-Division, Eluru Circle, West Godavari 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.