



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

:: Present ::

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

Date: 10-12-2019

Appeal No. 06 of 2019-20

Between

M/s. Yash Vegetable Oils Pvt.Ltd., T.Venkateswarlu, General Manager, Plot. No. 5A/7, IDA Vakalapudi, Thammavaram(V), Near light House, Kakinada-533007.

... Appellant

And

1. Assistant Divisional Engineer/operation/**Kakinada-Town-II.**
2. Divisional Engineer/operation/**Kakinada.**
3. Senior Accounts Officer/operation/**Rajahmundry.**
4. Superintending Engineer/operation/ **Rajahmundry.**

....Respondents

ORDER

The above appeal- representation has come up for final hearing before the Vidyut Ombudsman on 06th-December-2019 at Rajahmundry. The complainant, as well as the respondents 1 and 3, was present. Having considered the appeal-representation and the submissions made by the above persons present, the Vidyut Ombudsman passed the following:

1. This appeal has been preferred by the appellant-complainant against the order **dated.11-03-2019 in C.G.No:369/2018/Rajahmundry 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 dismissed the complaint filed by the complainant seeking redressal of grievance against the distribution licensee issuing a notice dated.16.11.2017 and demanding him to pay Rs.16,54,864/ towards unconnected monthly minimum charges from 13.09.2016 to 12.09.2017 as per clause 5.9.2 of the GTCS-2006.

2. The facts leading to file this appeal-representation are that after an application was submitted by the complainant to the distribution licensee of the respondents to supply electricity with a contracted load of 400 KVA with connected load of 950 HP under HT category -I: a small scale Industry, for the premises of the complainant at Tammavaram village of East Godavari District, and after the complainant following all formalities, the licensee issued a notice dated.13.06.2016 to the complainant stating that it had been ready to provide supply, but the consumer failed to avail supply within three months notice period that thereafter, the licensee issued notice to the complainant to pay monthly minimum charges and that thereafter ,the bill was revised on the basis of the instructions of the CGM of the licensee following the representation of the complainant. The complaint alleges that as the A P State Government decided to put edible oil industries in the negative list for sanctioning incentives in the value added tax reimbursement, the complainant stopped further work of the industry and was unable to avail supply.

3. No oral evidence was adduced by both parties before the Forum. The Forum, after considering the material available on record, determined the complaint as stated supra. Not satisfied with the above order, the complainant preferred this appeal-representation.

4. It is submitted on behalf of the complainant that the complainant is a small industry and is not in a position to pay the arrear amount in lump sum and as such, the complainant may be granted 10 monthly installments to pay the amount due to the Distribution Licensee commencing from 15th December, 2019 and that a direction may be given to the respondents to give electricity connection immediately on payment of the first installment amount. It is submitted on behalf of the respondents that they have no power to give consent for the above proposal made on behalf of the complainant.

5. The following point is framed for consideration :

Whether the appellant complainant can be granted installments to pay the un-connected minimum charges claimed by the Distribution Licensee as submitted by it?

6. The amount claimed by the Distribution Licensee from the complainant towards un-connected minimum charges is around 17 lakh. The Forum, on 11th March, passed orders granting five equal monthly installments to pay the above amount. The respondents did not show me any provision of law barring this authority to grant installments to a consumer like in this case. The respondents did not, by way of writ, challenge the order of the Forum granting five installments to the appellant complainant. Though the order was passed in the month of March, 2019, yet the appellant complainant did not pay any amount

towards the arrear amount payable by it till now. Since I did not find any provision of law made in the Act or the Regulation made by the Hon'ble APERC barring this authority to grant the installments to the consumer to pay the arrear amount or pass an order as prayed for on behalf of the complainant and since the complainant did not make any effort to pay any amount till now from the date of the order of the Forum, I am inclined to grant seven equal monthly installments commencing from 15th December,2019. This point is, thus, answered.

7. In the result, I confirm the order of the Forum, permit the appellant complainant to pay the arrear amount due to the Distribution Licensee in seven monthly equal installments commencing from 15th December,2019 and direct the respondents to give supply of electricity to the complainant immediately on payment of the first installment by 15th December,2019. It is needless to mention that after giving electricity supply, the respondents are at liberty to disconnect the electricity supply if the complainant commits default in payment of any one of the subsequent installments. This representation is, thus , disposed of. No costs.

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

This order is corrected and signed on 10th December,2019

s/d. N.Basavaiah
VIDYUT OMBUDSMAN

To

1. M/s. Yash Vegetable Oils Pvt.Ltd., T.Venkateswarlu, General Manager, Plot. No. 5A/7, IDA Vakalapudi, Thammavaram(V), Near light House, Kakinada-533007.

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5. Superintending Engineer/operation/ **Rajahmundry.**

Copy To:

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

//CERTIFIED :: TRUE COPY//

//FORWARDED :: BY ORDER //