



BEFORE THE VIDYUT OMBUDSMAN
Andhra Pradesh :: Hyderabad

:: Present ::

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

Date: 11-08-2017

Appeal No. 14 of 2017

Between

Sri. Dwarampudi Bapireddy, M/s. Kumari Offset Printers, 3-159, Main Road,
Rayavaram, East Godavari District.

...Appellant/ Complainant

And

1. The AE/Operation/APEPDCL/Rayavaram/East Godavari District
2. The ADE/Operation/APEPDCL/Anaparthi/East Godavari District
3. The DE/Operation/APEPDCL/R.C.Puram/East Godavari District
4. The DE/DPE-Division/APEPDCL/Circle Office/Rajahmundry

... Respondents

The above appeal- representation filed on 08-06-2017 has come up for final hearing before the Viduyut Ombudsman on 29-07-2017 at Rajahmundry. The complainant, as well as the respondents 1 to 4 above was present. Having considered the appeal and the submissions made on behalf of the complainant and the respondents, the Viduyut Ombudsman passed the following:

ORDER

1. This appeal has been preferred by the appellant-complainant against the order dated.08-04-2017 in C.G.No:68/2017, 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/APT/Sub.Eng/F.Doc.SB/D.No.60/2017, Dt:11-01-2017 is hereby set aside as null and void.



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That the ADE/O/Anaparthi/ is hereby directed to issue the statutory notice to the consumer as contemplated under Clause 3.4.1 of GTCS and that after considering the objections if any filed by the consumer, issue revised provisional assessment notice for short billing accordingly.

- Accordingly, the C.G.No. 68/2017 is disposed off”.

2. The facts, not in dispute, leading to file this representation are as follows:

The Low-Tension Service Connection No. 1441220508002090, Category-III(A) had been released by the licensee in the name of the complainant for the purpose of News Paper printing in the year 2011. The ADE/DPE/Rajahmundry inspected the above Service connection on 09-12-2006 and observed that the above service was being billed under LT-Cat - III(A) instead of category-II from 2011 - 12 on-wards, contra to the tariff orders issued by the Hon'ble APERC during the FY 2011-2012 as in the above premises, he noticed that the activity of printing other than the printing of News Paper was being made. Hence, on the above basis, the ADE/O/Anaparthi, after changing the classification, issued a provisional Assessment notice dated: 11-01-2017 for short billing for an amount of Rs.1,38,062/- The complainant received the above notice, raised objections and preferred an appeal to the DE/O/Ramachandra Puram. Now, the appeal is pending before the DE/O/Ramachandra Puram and the complainant filed this complainant questioning the provisional notice issued and praying the Forum to keep the above service connection under LT Category-III(A) without making any change in the classification.

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.



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4. The complainant submitted that the above service connection relates to a small scale industry and the licensee cannot convert the category of the above service connection pertaining to a small scale industry of the complainant to another category and that back -billing for five years is not proper and correct.

5. The respondents submitted that power is also being utilized by the complainant in the premises of the above service connection for flex printing and as such, there are no merits in this case.

6. *The following point is framed for consideration:*

Whether the representation can be upheld?

7. 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 Additional Divisional Engineer(operation), Anaparthi 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.

8. The complainant except his oral assertion did not place any acceptable material supporting his main submission that the licensee cannot convert or re-classify the consumer categories. There is some considerable force as to the second submission of the complainant that back billing for five years cannot be made as we can find answer to it in the clause 3.4.1. stated supra. The finding on the above first submission will decide the result of this representation. However, though I find some merit in the second submission, considering the first submission of the complainant, I am unable to allow this representation granting the relief sought for in the complaint. 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 to him 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



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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.

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

10. This order is corrected and signed on this 11th day of August, 2017.

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

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VIDYUT OMBUDSMAN

To

1. Sri. Dwarampudi Bapireddy, M/s. Kumarri Offset Printers, 3-159, Main Road, Rayavaram, East Godavari District -
2. The Assistant Divisional Engineer, Operation, Rayavaram, APEPDCL, Operation Section, D.No.1-57, Komaripalem Road, Rayavaram, East Godavari District - 533 346.
3. The Assistant Divisional Engineer, Operation, Anaparthi, D.No. 6-119, Near Narayana Reddy Eye Hospital, Near SBI, Anaparthi, East Godavari District - 533 342.
4. The Divisional Engineer, Operation, R.C.Puram, APEPDCL, D.No.26-1-145, Sri Sai Srinivasa Complex, S. Savaram Road, R.C.Puram, East Godavari District - 533 255.
5. The Divisional Engineer, DPE-Division, APEPDCL, Circle Office, 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, SingareniBhavan, Red Hills, Hyderabad - 500 004.

VIDYUT OMBUDSMAN A.P.